Revised Vegetation Management Plan
Final Environmental Impact Report






SCH No. 2019110002

CITY OF
Oakland

Oakland Fire Department
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May 2024

City of Oakland

Revised Vegetation Management Plan

Final Environmental Impact Report

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Acronyms and Abbreviations

A	
ADA	Americans with Disabilities Act
B	
BMP	best management practice
C	
CAL FIRE	California Department of Forestry and Fire Protection
CAL-IPC	California Invasive Plant Council
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNDDB	California Natural Diversity Database
CWA	Clean Water Act
CWHR	California Wildlife Habitat Relationships
D	
DEIR	Draft Environmental Impact Report
E	
EBRPD	East Bay Regional Park District
EIR	environmental impact report
EIS	environmental impact statement
ESA	Endangered Species Act
F	
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
G	
GHG	greenhouse gas
H	
HCN	Hills Conservation Network
I	
IPM	Integrated Pest Management

M

MMRP	Mitigation Monitoring and Reporting Plan

N

NOA	Notice of Availability
NOA	naturally occurring asbestos
NOP	Notice of Preparation of an EIR
NPPA	Native Plant Protection Act

O

OFD	Oakland Fire Department

S

SAF	California Society of American Foresters

U

UC Berkeley	University of California at Berkeley
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

V

VHFHSZ	Very High Fire Hazard Severity Zone
VMP	Vegetation Management Plan

W

WHO	World Health Organization
WPAD	Wildfire Prevention Assessment District
WUI	wildland urban interface

Chapter 1
INTRODUCTION

The City of Oakland (City) has prepared this Final Environmental Impact Report (FEIR) to provide responsible agencies and the public with information about the potential environmental effects of the Oakland Vegetation Management Plan (VMP or Proposed Project). The document has been prepared by the City as lead agency in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended) and the CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.). Together with the prior 2020 Draft Environmental Impact Report (DEIR), referred to herein as the prior 2020 DEIR, and the Recirculated Draft EIR (Recirculated DEIR), this document constitutes the FEIR for the Proposed Project.

1.1 CONTEXT OF THE PROPOSED PROJECT AND EIR

The City has developed the Revised VMP that describes the actions that the Oakland Fire Department (OFD) would conduct over the plan's 10-year timeframe to reduce fire hazard on 1,924 acres of City-owned land and along 308 miles of roadways in the City's designated Very High Fire Hazard Severity Zone (VHFHSZ). The Revised VMP has been developed to meet the City's stated goals to reduce wildfire hazard on City-owned land and along critical access/egress routes, reduce the likelihood of ignitions and extreme fire behavior to enhance public and firefighter safety, avoid or minimize impacts to natural resources, and contribute to regional efforts to reduce wildfire hazard in the Oakland Hills.

1.2 SUMMARY OF PUBLIC PARTICIPATION

1.2.1 Notice of Preparation and Public Scoping

A Notice of Preparation of an EIR (NOP) for the Draft VMP was prepared in accordance with the CEQA Guidelines Section 15082 and was circulated to the Office of Planning and Research's State Clearinghouse on November 1, 2019. The original scoping period, which ended on December 2, 2019, was extended to December 12, 2019, for a total of 41 days. The NOP is included in Appendix B of the prior 2020 DEIR.

To provide the public, as well as responsible and trustee agencies, an opportunity to ask questions and submit comments on the Draft VMP and the scope of the DEIR, the City held a scoping meeting on Wednesday, November 20, 2019. Notices of the scoping meeting were mailed to interested parties; in addition, scoping meeting information was published on the City's VMP web page. The City accepted verbal and written comments at the scoping meeting. Both written and electronic (via email) comments were accepted during the 41-day scoping period. Comments received during the public scoping period were considered in this CEQA evaluation and are summarized in Appendix B of the prior 2020 DEIR.

1.2.2 Notice of Availability of the Prior 2020 DEIR and Public Review

Prior 2020 DEIR

The prior 2020 DEIR was released for a 45-day public review and comment period on November 24, 2020. The public review period allowed the public an opportunity to provide input to the lead agency on the prior 2020 DEIR. On December 16, 2020, the City Planning Commission agreed to extend the public comment period by 15 days from January 7, 2021, to January 22, 2021, for a total of 60 days. The City also conducted a public meeting on the prior 2020 DEIR on December 16, 2020.

As a result of comments received on the prior 2020 DEIR, the City revised the Draft VMP. The prior 2020 DEIR was then revised to evaluate changes to the Proposed Project.

Recirculated DEIR

The City prepared the Recirculated DEIR to disclose environmental impacts associated with the changes to the Draft VMP. The City published the Recirculated DEIR on September 20, 2023, for a 45-day public comment period that ended on November 4, 2023. The City hosted one public meeting during this period at which oral comments were received.

1.3 FEIR REVIEW AND CERTIFICATION

CEQA requires the lead agency to prepare an FEIR that addresses all substantive comments received on the DEIR before approving a project that could have significant impacts on the environment. The FEIR must include a list of all individuals, organizations, and agencies that provided comments on the DEIR and must contain copies of all substantive comments received during the public review period along with the lead agency's responses. In addition, the FEIR should include a mitigation monitoring and reporting plan (MMRP) showing the measures that would be implemented to reduce significant impacts to a less-than-significant level and the parties responsible for ensuring their completion. The MMRP for the Revised VMP is provided in **Appendix A** of this FEIR.

The FEIR will be distributed to public agencies that provided comments at least 10 days prior to certifying the FEIR. At the close of the 10-day public agency review period, City staff will provide a recommendation to the City Council whether to certify the FEIR. The City Council will then review the FEIR, consider staff recommendations and public testimony, and decide whether to certify the FEIR.

For significant impacts identified in the EIR that cannot be mitigated, findings of fact and a statement of overriding considerations must be included in the administrative record of the Proposed Project and, if the City Council chooses to certify the EIR and approve the Proposed Project, mentioned in the Notice of Determination (NOD) to be filed with OPR and at the office of the Alameda County Clerk (14 CCR Section 15093[c]).

1.4 ORGANIZATION AND CONTENT OF THE FEIR

This FEIR contains the following chapters:

Chapter 1, *Introduction*. This chapter describes the context and development of the Proposed Project and EIR, summarizes the public participation process, and describes the steps of FEIR review.

Chapter 2, *Background and Summary of Project Development*. This chapter summarizes the development process of the Revised VMP.

Chapter 3, *DEIR Comments and Responses*. This chapter identifies all commenters who provided comments on the prior 2020 DEIR and the Recirculated DEIR, along with the City's responses to those comments.

Chapter 4, *Revisions to the Revised VMP and Recirculated DEIR*. This chapter identifies revisions incorporated into the Recirculated DEIR as a result of public comments.

Chapter 5, *Report Preparation*. This chapter identifies staff from the City, OFD, Montrose Environmental, and Dudek who assisted in preparing this FEIR.

Chapter 6, *References*. This chapter provides a bibliography of printed references, websites, and personal communications used in preparing this FEIR.

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Chapter 2
Background and Summary of Project Development

2.1 General Background

The Oakland Hills is the location of one of the State's most destructive historic wildfires, the 1991 Tunnel Fire, which destroyed 2,900 structures, injured more than 150 people, and killed 25 people. The Oakland Hills represents a complex wildfire environment that presents a significant risk to public and firefighter safety and to the built and natural environment due to local extreme wind and weather conditions (including Diablo wind events), steep and varied terrain, and a wide range of different vegetation types. Of the variables that comprise the wildland fire environment (weather, terrain, and fuels or vegetation), vegetation is the only variable that can be managed. Lessons learned from the 1991 Tunnel Fire and other more recent, devasting wildfires in Northern California highlight the importance of managing vegetation to reduce wildfire hazard.

The City, in close coordination with the Oakland Fire Department (OFD), developed the Revised VMP to reduce fire hazards on City-owned land and critical access/egress routes in City-designated Very High Fire Hazard Severity Zone (VHFHSZ) areas, reduce the likelihood of ignitions and extreme fire behavior to enhance public and firefighter safety, avoid or minimize impacts to natural resources, and contribute to regional efforts to reduce wildfire hazard in the Oakland Hills. The Revised VMP includes descriptions of City-owned parcels and roadsides located within the City's VHFHSZ, natural resources at these locations, vegetation management techniques to reduce fire hazards, maintenance standards for the different types of treatment areas, and practices to avoid and minimize potential environmental impacts when conducting vegetation management work. The Revised VMP is the "Project" for this CEQA analysis.

2.2 VMP Background

OFD has been actively managing vegetation on City-owned property since 2003 to minimize wildfire hazard in the VMP area, utilizing various techniques, including grazing, hand crews, and limited mechanical treatments. Goats have been used in large treatment areas, on City park land and open space where manual labor is cost prohibitive or areas are inaccessible to mowing equipment or too steep for hand crews. OFD has historically used hand labor to manage vegetation on urban and residential parcels, roadsides, and small treatment areas within larger parks or open space areas. Mechanical equipment has also been used, typically to grade or disk fire trails, reduce ladder fuels (e.g., removing small trees), control highly flammable/rapidly spreading species, reduce surface fuels (e.g., mowing grasses), chip and spread trimmings and down material, thin vegetation, and maintain reduced or target fuel loads.

Between 2004 and 2017, OFD conducted vegetation management activities throughout the Wildfire Prevention Assessment District (WPAD), a City-funded special assessment district that coincides with the City's VHFHSZ. This district financed the costs and expenses related to

vegetation management, yard waste disposal, wildfire prevention education, and fire patrols in the Oakland Hills. The WPAD was disbanded in June 2017. Although OFD has continued to conduct vegetation management activities on City-owned properties and along roads since 2017, due to funding constraints, these have been conducted to a lesser degree than when the WPAD was in place.

2.3 SUMMARY OF PROJECT DEVELOPMENT

Development of the Revised Draft VMP included a detailed field assessment of wildfire hazard, which was used to identify and classify existing vegetation community and land cover types into fuel models, and map areas with high ignition potential or where extreme wildfire behavior would be expected given current terrain and fuel conditions. Revised VMP development also included assessment and processing of geographic information system (GIS) datasets for variables influencing wildfire hazard in the VMP area, coordination with OFD personnel, fire behavior modeling, and significant public and stakeholder outreach to better understand current vegetation management activities in the VMP area.

2.3.1 Public and Stakeholder Input

Several public and stakeholder engagement meetings were conducted to support development of the VMP and Revised VMP. Six workshops/meetings were conducted during development of the Draft VMP, as well as a status update at the Oakland City Council, Public Safety Committee. At the direction of the Public Safety Committee, two additional public meetings were held in November 2018.

Volunteers and stakeholder groups that provided input during the VMP development process are identified in Appendix K of the Revised VMP. In addition to the identified stewardship groups in Appendix K, the Oakland Wildland Stewards (OWLS) is a coalition of stewardship groups operating in the VMP area, and individual members provided input during the stakeholder meetings.

A DEIR (referred to herein as the “prior 2020 DEIR”) was prepared and circulated for public review in November 2020. In addition to comments received from the public during the prior 2020 DEIR public review period, OFD received additional comments on the initial Draft VMP from City representatives and the public. As a result, OFD revised the Draft VMP further to address this additional guidance. The resulting Revised VMP and Recirculated DEIR were prepared and circulated for public review in September 2023. Additional public comments were received on the Recirculated DEIR. Comments on both the prior 2020 DEIR and the Recirculated DEIR are addressed in this FEIR.

2.3.2 Development of Vegetation Treatment Projects

The Revised VMP area encompasses City-owned parcels and areas within 30 feet of the edge of roadsides located within the City’s VHFHSZ, as designated by the California Department of Forestry and Fire Protection (CAL FIRE) and defined in Section 4904.3 of the Oakland Fire Code (Oakland Municipal Code Chapter 15.12). The Revised VMP area also encompasses the area within 30-100 feet of the edge of roadsides in the City’s VHFHSZ where dead and dying trees (as

determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property and could strike the road if they fell. As described in Section 9 of the Revised VMP, the goal of fuel treatment is to alter the structure, composition, and spacing of retained vegetation to moderate potential fire behavior. Retained vegetation can reduce wind exposure, retain soil and surface fuel moisture, and reduce the potential for soil erosion.

Based on coordination with OFD personnel, fire behavior modeling, and public input received throughout the Revised VMP development process, vegetation treatment projects were identified and prioritized based on proximity to structures, roads, ridgelines, and park access gates within the Revised VMP area where fire behavior is anticipated to be extreme (high flame lengths and/or crown fires), and where continuation of the City's goat grazing program would effectively maintain lower fuel loads. Identified priority projects comprise 1,366 acres within the VMP area's 1,924 total acres. The Revised VMP also prioritizes vegetation management along 30 miles of primary access/ egress routes in the Revised VMP area and removal of hazard trees on City-owned properties where could strike adjacent roads if they fell.

City parks, recreational and open space areas considered in the Revised VMP include Beaconsfield Canyon, Garber Park, Dimond Canyon Park, Shepherd Canyon Park, Leona Heights Park, North Oakland Regional Sports Complex, Grizzly Peak Open Space, City Stables, Sheffield Village Open Space, Knowland Park and Arboretum, King Estate Open Space Park, Joaquin Miller Park, Tunnel Road Open Space, Marjorie Saunders Park, and Oak Knoll. The vegetation treatment projects are provided in Section 9.2 of the Revised VMP.

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Chapter 3
DEIR Comments and Responses

3.1 Introduction

CEQA requires the lead agency to prepare a Final EIR (FEIR) addressing all substantive comments received on the DEIR. The FEIR must include a list of all individuals, organizations, and agencies that provided comments on the DEIR and must contain copies of all comments received during the public review period, along with the lead agency's responses. These requirements apply to a recirculated FEIR as well (CEQA Guidelines Section 15088.5[f]).

More specifically, in responding to comments for a recirculated EIR, CEQA Guidelines Section 15088.5[f](2) states:

> When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to the chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

For the Recirculated DEIR, in accordance with CEQA Guidelines Section 15088.5[f](2) as shown above, the City requested that reviewers limit their comments to the revised portions of the DEIR. After reviewing the comments provided in 2023, the City has prepared an FEIR that responds to both (a) comments received during the circulation period for the prior 2020 DEIR and (b) comments received on the Recirculated DEIR.

This chapter provides a list of comments received on both the prior 2020 DEIR and the Recirculated DEIR, a set of master responses that apply to multiple comments on the same topic, copies of the individual comment submittals, and responses to those comments that address environmental issues.

3.2 List of Comments Received

The City received 57 comment submittals during the public review period on the prior 2020 DEIR. Those submittals included letters, emails, and the oral comments provided at the public meeting.

The City received 36 comment submittals during the public review period on the Recirculated DEIR. Those submittals included letters, emails, and the oral comments provided at the public meeting.

Table 2-1 lists the alphabetical identifier for each submittal, as well as the name and affiliation of the submitter.

Table 3-1. List of Comment Submittals Received During the Prior 2020 DEIR Public Review Period

Submittal	Name	Organization
A (Oral comments)	Lin Barron, Carolyn Burgess, Anastasia Glikshtern, Jeff Kahn, Martin Martaresse, Mary McAllister, Gordon Piper, Dale Risden, Elizabeth Stage, Nicolas Vigilante, Stan Weisner, Isis Feral, Sue Piper	
B	Lin Barron	
C	Lin Barron	
D	Kate Bernier	
E	Carolyn Burgess	
F	Jim Hanson	Conservation Chair, California Native Plant Society
G	David Bakke	Chair, Bay Area Chapter of the California Society of American Foresters
H	Terri Compost	
I	Megan Crum	
J	Soula Culver	
K	Robin Dolan	
L	Maxina Ventura	East Bay Pesticide Alert
M	Maxina Ventura	East Bay Pesticide Alert
N	Aileen Theile	Fire Chief, East Bay Regional Park District
O	Reva Fabrikant	
P	Isis Feral	
Q	Julie Long Gallegos	
R	Linda Giannoni	
S	Anastasia Glikshtern	
T	No Name Provided	Hills Conservation Network
U	Denise Hodges	
V	Ralph Kanz	
W	Richard Kauffman	Volunteer Coordinator, Beaconsfield Canyon
Y	Maire Lanigan	
Z	Miri Malmquist	

Submittal	Name	Organization
AA	Melissa Mandel	
AB	Tamia Marg	
AC	Howard Matis	
AD	Howard Matis	
AE	Sherri Maurin	
AF	Mary McAllister	
AG	Mary McAllister	
AH	Mary McAllister	
AI	Mary McAllister	
AJ	Mary McAllister	
AK	Marvin Moss	
AL	Sonia Nosratinia	
AM	K O	
AN	Sue Piper, Barbara Goldenberg, Ken Benson, et al.	Oakland Firesafe Council
AO	Meave O'Connor	
AP	Susan Oehser	
AQ	Kate O'Rose	
AR	Gordon Piper	Chair, Oakland Landscape Committee
AS	Susan Piper	Chair, Oakland Firesafe Council
AT	Jeremy Potash	
AU	Catherine Robyns	
AV	Lucy Rudolph	
AW	Anastasia Glikshtern	Treasurer, San Francisco Forest Alliance
AX	Tanya Smith	
AY	Teri Smith	
AZ	Janette Sperber	
BA	Mike Vandeman	
BB	Mike Vandeman	
BC	Bev Von Dohre	
BD	Isis Feral	

Table 3-2. List of Comment Submittals Received During the Recirculated DEIR Public Review Period

Submittal	Name	Organization
BE	Karen Asbelle	Friends of Knowland Park
BF	Ken Benson	President, Oakland Firesafe Council
BG	Joseph Boyle	
BH	Erin Chapell	Regional Manager, Bay Delta Region, Department of Fish and Wildlife
BI	Sandra Cormier	
BJ	Lynn Derderian	Chair, Oakmore Homes Public Safety Committee
BK	Isis Feral	
BL	Gretchen Garlinghouse	
BM	Anastasia Glikshtern	
BN	Jim Hanson	Conservation Chair, California Native Plant Society
BO	G. Marshall Hasbrouck	Chairman of the Board of Directors, Oak Knoll Neighborhood Improvement Association
BP	Peter Gray Scott, Madeline Hovland	Hills Conservation Network
BQ	Madeline Hovland	
BR	Ralph Kanz	
BS	Jon Kaufman	President, Claremont Canyon Conservancy
BT	Steve Luzmoor	
BU	Steve Luzmoor	
BV	Janet Macher	
BW	Howard Matis	
BX	Howard Matis	
BY	Mary McAllister	
BZ	No Name Provided	San Francisco Forest Alliance
CA	Anna Sarukhanov	
CB	Leslie Smith	
CC	Elizabeth Stage	

Submittal	Name	Organization
CD	Mike Vandeman	
CE	Bev Jo Von Dohre	
CF	Nadine Weil	
CG	Nadine Weil	
CH (Oral Comments)	Kenneth Benson, Elizabeth Stage, Cynthia Harrison Barbera, Richard Buckingham	

3.3 Master Responses

This section provides a series of Master Responses that address comments submitted by multiple commenters. These Master Responses are cross-referenced as appropriate in the section that follows, which contains the individual comment submittals and the City's responses to comments on each submittal.

Master Response 1: 2020 Comments Incorporated into the Revised VMP and Recirculated DEIR

Multiple commenters on the 2020 DEIR requested changes to various vegetation maintenance standards, program features, and other aspects of the VMP. Initially, the City received many comments requesting an extension of the public review period, which was granted; the end of the comment period was extended from December 2, 2020, to January 22, 2021, for a total of 60 days. Following the close of the public comment period in December 2020, OFD reviewed the comments and revised the initial Draft VMP to address some of these recommendations. Many of the changes indicated in underline and ~~strikeout~~ in the Revised VMP and Recirculated DEIR are the result of suggestions submitted during the 2020 public comment period.

The primary sources of information reflecting the changes to the Revised VMP and the Recirculated DEIR are found in Chapter 2, *Program Description,* of the Recirculated DEIR for changes to the environmental analysis and Appendix A, *Revised Draft Vegetation Management Plan,* of the Recirculated DEIR for changes to the program (i.e., the Revised VMP) itself.

The main changes made by the City in the Revised VMP are as follows:

- Expanded the Revised VMP area to encompass the area from 30 feet to 100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees (as determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property and could strike the road if they fell (see Section 1.2, "Plan Area Location," of the Revised VMP).
- Updated the vegetation management standards as follows:

- Expanded the zone recommended for 3-inch maximum height of grasslands after treatment from 30 feet to 75 feet from habitable structures (see Section 9.1.2, "Grassland/Herbaceous," of the Revised VMP).

- Clarified that, where feasible, horizontal crown spacing should adhere to the California Department of Forestry and Fire Protection's (CAL FIRE's) most recent defensible space standards (presently codified in Pub. Res. Code Section 4291) (see Section 9.1.4, "Tree/ Forest/Woodland," of the Revised VMP).

- Updated treatment standards for eucalyptus stands to increase the trunk diameter of single-stem eucalyptus recommended for removal from 8 inches to 10 inches, and to recommend removal of trees that pose an unreasonable fire and/or life safety risk, based on the determination of a Certified Arborist, Licensed Forester, or Fire Safety Expert (see Section 9.1.4.2, "Specific Standards," of the Revised VMP).

- Updated treatment standards for closed-cone pine-cypress stands to include removal of trees that pose an unreasonable fire and/or life safety risk, based on the determination of a Certified Arborist, Licensed Forester, or Fire Safety Expert (see Section 9.1.4.2, "Specific Standards," of the Revised VMP).

The City also revised Chapter 2, *Program Description*, of the prior 2020 DEIR to reflect the changes to the initial Draft VMP. The following environmental resource topics were determined to require additional analysis because of the changes to the Draft VMP: aesthetics, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, recreation, transportation, and alternatives. As a result, those resource chapters of the Prior 2020 DEIR were revised. Because the changes to the VMP and DEIR were considered "significant new information," both the Revised VMP and the Recirculated VMP were recirculated in 2023 for public review, with new text shown in <u>underline</u> and deleted text shown in ~~strikeout~~.

Where comments on the initial Draft VMP and/or the prior 2020 DEIR have been addressed through revisions to the Revised VMP and/or the Recirculated DEIR, the original comment has been superseded by the revised documents; the response notes that fact and no additional response is necessary. Similarly, where comments submitted on the Revised VMP and/or the Recirculated DEIR have already been addressed in the revised documents, the comment has been superseded by the revised documents; the response notes that fact and no additional response is necessary. Many comments from the 2020 review period were repeated in the 2023 public comment process.

Master Response 2: Proposed Alternative 5 (Removal and Restoration)

During the comment period for the Prior 2020 DEIR, the Oakland Firesafe Council (Firesafe Council) recommended that the VMP take a broader vegetation management approach to address the increasing severity of wildfires. In comment letter AN to the Prior 2020 DEIR, the Firesafe Council proposed a new Alternative 5 that would include removal of large stands of the most flammable vegetation (such as eucalyptus, pine, cypress, acacia, broom, and nonnative grasses) in key areas, followed by replacement with native plants, which they claimed "have proven to be safer and more sustainable both environmentally and financially."

The comment letter was co-signed by 34 members of the community. The proposed Alternative 5 was also supported by numerous other commenters, including a former member of the WPAD (comment letter AB); the Society of American Foresters (comment letter G); the chair of the Oakland Landscape Committee (comment letter AR); and the chair of the Oakland Firesafe Council (comment letter AS).

Attachments 1 and 2 to the comment letter outlined a proposal for a new Alternative 5; these attachments were also submitted by other commenters. Attachment 1 describes the underlying assumptions of Alternative 5 as building on the VMP: rather than thinning vegetation in eucalyptus/pine/cypress habitat, the commenter's approach would be to remove vegetation and restore the area with native trees and plants. Attachment 2 provides a revised version Table 5-1, "Comparison of Acres Treated Among the VMP and Alternatives," which includes the proposed Alternative 5.

The following discussion addresses key aspects of proposed Alternative 5 and explains the City's responses to the comments.

3R's Concept: Removal, Restoration, Re-establishment of Native Species

The commenter states that the proposed Alternative 5 would modify the original 2019 VMP to include the "3R's" concept of ecological restoration within the eucalyptus/pine/cypress habitat: (1) phased removal of hazardous trees, (2) restoration of native habitat to replace removed vegetation, and (3) re-establishment of native biodiversity. The commenter also notes that current research shows that a more diverse, native landscape is more fire resistant and cost effective in the long run.

The Revised VMP was prepared with stakeholder input obtained through a variety of outreach efforts, including questionnaire responses, direct written comments on the scope and extent of the Plan, direct written comments on earlier draft versions of the Plan (May 2018 and November 2019), public meetings with stakeholders, and site visits with stakeholders. During VMP development, the City received a large amount of public input requesting that the Plan not replace non-native trees and vegetation with native vegetation. The Plan was updated in 2022-2023 to reflect additional input obtained during the 2020 public review period. The primary direction of the Revised VMP since its inception has been vegetation management to reduce catastrophic fire risk rather than ecological restoration.

The first pages of Chapter 1, *Introduction*, of the Revised VMP describes the overall intent of developing and implementing the VMP:

> The goal of vegetation management … is not to remove all vegetation wholesale, but to target vegetation management activities to minimize the potential for ignitions, crown fires, and extreme fire behavior by reducing and maintaining fuel loads and altering the structure, composition, and spacing of retained vegetation. […]
>
> This VMP does not propose vegetation-type conversion as an end goal or strategy in and of itself; rather, thinning vegetation and providing, creating, and maintaining adequate spacing between retained vegetation is the primary management strategy to reduce the potential for ignitions and the likelihood of extreme fire behavior.
>
> […] The fire hazard condition present in the Oakland Hills necessitates a proactive hazard mitigation approach. This VMP … recognizes that vegetation management is only one component of an overall broader and multi-faceted approach to address and reduce fire hazards in the

> Oakland Hills. […] This Plan focuses on vegetation management on City-owned properties as a specific component of the City's overall fire risk reduction strategy.

Throughout the VMP development process, the City has worked with agencies, organizations, stakeholders, and interested parties to develop a plan by which vegetation can be managed to minimize the potential for ignition, facilitate suppression activities, and reduce the likelihood of extreme fire behavior. The City has long acknowledged the benefits of habitat restoration and environmental stewardship. It is important to recognize that, although the VMP would be a critical component to the overall fire hazard reduction effort being conducted in the Oakland Hills, OFD and other City departments are actively engaged in additional fire hazard reduction efforts through the implementation of other plans and programs that focus on other aspects to fire risk reduction apart from vegetation management.

According to the commenter, current research shows that a more diverse, native landscape is more fire resistant and cost effective in the long run. However, the City has committed to a vegetation management approach that is supported by multiple fire protection agencies and decades of research; this approach addresses concerns voiced by a broad cross-section of the public, including both those who prefer native landscapes and those who prefer removal of the fewest number of trees regardless of their native status. Vegetation management has proven to be a cost-effective approach for reducing wildfire hazard. As noted in the introduction to the Revised VMP, the Multihazard Mitigation Council (2019) has found that the benefit-cost ratio for WUI wildfire mitigation projects averages 3:1 ($3 dollars saved for every $1 spent).

The commenter raises concerns about the possible consequences of "leaving ecological restoration out of the VMP and DEIR," including legal challenges to, and loss of funding for, ecological restoration projects. Through the Revised VMP, OFD would focus on conducting maintenance activities throughout City-owned areas of Oakland aimed at reducing and maintaining reduced fuel loads and altering the structure, composition, and spacing of retained vegetation. Opportunities for ecological restoration would be implemented as project development and funding permit, through the appropriate agencies and/or stakeholder groups. The vegetation management techniques, maintenance standards, and best management practices (BMPs) identified in the Revised VMP would benefit environmental conditions and prepare the way for such projects.

Climate Change and Increasing Fire Risk

In commenting on the 2020 prior DEIR and the Draft VMP, the commenter states that the VMP and DEIR should be updated based on recent fire behavior, including higher wind speeds, new pathogens that are killing large stands of trees, and increased severity of fire storms and lightning-caused wildfires. The proposed Alternative 5 would be intended to lower the Oakland Hills Very High Fire Hazard Severity Zone rating through landscape-scale management of its most dangerous vegetation.

As suggested by the commenter, the Revised VMP and Recirculated DEIR were updated to include information about the most recent (2020-2021) catastrophic wildfires and the changes in fire behavior that have been observed. Section 2.3.1, "Background," of the Recirculated DEIR explains the context in which the Plan was developed:

> California has faced a dramatic increase in the number and severity of wildfires. Since 2000, 18 of the 20 most destructive wildfires in the state's history have occurred and 13 of these have occurred in the past 10 years (CAL FIRE 2022a). During development of the initial Draft VMP and

> Revised VMP, numerous significant, catastrophic wildfires have occurred in California, including several in Northern California. […] The 2020 and 2021 wildfire seasons saw nine of the top 20 largest wildfires in the state's history[.]
>
> Collectively, these wildfires in 2020 and 2021 destroyed 7,214 structures and resulted in 24 fatalities (CAL FIRE 2022b). While these fires occurred under extreme climatic conditions, preliminary research indicates that proper planning and preemptive vegetation management can aid in wildfire resiliency. (Wildfire resiliency generally includes adaptation strategies that can help wildfire-prone communities become more resilient to wildfire.)

Section 2.3.2, "VMP Development Process" of the Prior 2020 DEIR was revised to describe additional modeling conducted for the Revised VMP to determine appropriate fire behavior modeling inputs. Additional Remote Automated Weather Station (RAWS) data through 2021 were incorporated into the modeling inputs. As explained under "Fire Behavior Model" in that section:

> This analysis showed that only one value used in the modelling would change (100-hour fuel moisture would drop from 8 to 7 percent). It is not anticipated that this would alter the initial draft VMP modeling results substantially. Additionally, there was no change to the maximum recorded wind speed value, which was 39 mph from 2012.

Also based on input regarding the proposed Alternative 5 and from other commenters, vegetation management standards in the Revised VMP were modified to account for changes in fire behavior and improved strategies for reducing fire risk. Section 2.4.3, "Vegetation Management Standards," of the Recirculated DEIR includes several additional standards:

- Treatment standards for eucalyptus stands were updated to increase the trunk diameter of single-stem eucalyptus recommended for removal from 8 to 10 inches, as well as to recommend removal of trees that pose an unreasonable fire and/or life safety risk, based on the determination of a Certified Arborist, Licensed Forester, or Fire Safety Expert. Treatment standards for closed-cone pine-cypress stands have also been updated to include removal of trees that pose an unreasonable fire and/or life safety risk, based on the determination of a Certified Arborist, Licensed Forester, or Fire Safety Expert.

- Limitations on the height of grasses, weeds, and thistles were increased from 30 feet to 75 feet distance from habitable structures.

- Horizontal crown spacing is recommended to adhere to CAL FIRE's most current defensible space standards (presently codified in Pub. Res. Code Section 4291). Crown spacing distances are subject to change in accordance with updated state or local regulations and will be reviewed by OFD in alignment with Revised VMP Section 12.4 (Adaptive Management).

- Requirements for firebreaks and fuel breaks are described as taking into account the changing nature of fire: "the creation and dimensions of firebreaks and fuel breaks should take into account the most recent available data and realistic expectations on ignition sources, drought conditions, types of fires (e.g., crown fires), potential fire behavior, number of nearby structures, etc."

Need for Ongoing Maintenance

According to the commenter, the proposed Alternative 5 emphasis on removal and restoration of eucalyptus/pine/cypress is necessary because the VMP does not propose ongoing maintenance to deal with the slash and other debris from the treated areas. Goat grazing is specifically mentioned by the commenter as a technique to reduce ground fuel that does not address the high risk of crown fires.

The Revised VMP contains numerous discussions regarding the importance of ongoing maintenance standards and techniques to be undertaken by OFD:

- Section 8.1.1, "Biological Techniques – Grazing," explains that "Grazing is effective in managing fine fuels and preventing the expansion of brush/scrub into grasslands. … In the Oakland Hills, goat grazing has been successfully used for reducing fine fuel loads in grasslands, brushlands, and beneath tree canopies. … As a fuel reduction technique, grazing does not need to be conducted each year if the intent is to control shrubs or maintain understory fuels; however, if the intent is to reduce grass or other flashy fuels, grazing should be conducted annually."

- Section 8.2, "Hand Labor Techniques," describes the options for leaving debris on-site, as long as fuel load standards are met, or lopping it into smaller size. Clearance pruning is also discussed, involving "removing understory shrubs, small trees, and small lower tree limbs to create vertical separation between surface fuels and the bottom of the tree canopy."

- Section 8.3.6, "Tree Removal," explains the benefits of selective tree removal: "Selective tree removal is used to reduce vertical and horizontal continuity between retained trees and in shaded fuel breaks. The created spacing minimizes the potential for crown fire transition (upward movement of fire from the ground into tree canopies) and crown fire spread (horizontal movement of fire from tree canopy to tree canopy)."

- Chapter 9, *Vegetation Management and Maintenance Standards and Areas,* of the Revised VMP explains the ongoing, cyclical nature of vegetation management for fire hazard reduction:

  > Given the dynamic nature of vegetation, a single management prescription cannot be assigned to any location and be effective in perpetuity. Additionally, management prescriptions intended for initial treatments may differ from those intended for maintenance of the same area. Therefore, the management and maintenance standards presented in this section are derived from the principles of vegetation management for fire hazard reduction and have been broken down by dominant vegetation community/land cover type (grassland/herbaceous, brush/scrub, tree/ woodland/forest, and other combustible material).
  >
  > This "dynamic approach" allows the vegetation management techniques outlined in the previous section to be selected based on the needs of each management area as conditions change over time.

These examples illustrate that the Revised VMP and Recirculated DEIR contain appropriate and effective standards and guidelines for ongoing maintenance following the initial vegetation management period.

The City determined that this overall approach to OFD fire hazard reduction, including both initial treatment and ongoing maintenance, would be effective in achieving the objectives of the Revised VMP without resulting in the greater level of significant environmental impacts that could accompany the wholesale removal and restoration of eucalyptus/pine/cypress habitats.

Conclusion

In summary, the Revised VMP and Recirculated DEIR address many of the concerns that proposed Alternative 5 was recommended to address. The primary difference, as noted above, is the overall approach and priority to manage vegetation to reduce the risk for catastrophic wildfire, rather than a focus on ecologic restoration as a priority in and of itself. This focus is inherent in the intent of the Revised VMP as a fire hazard management plan to be implemented by OFD, as distinguished from a habitat restoration effort that could be implemented by other state or local agencies, environmental organizations, or stakeholder groups. The aim of ecological restoration is valid; it is not, however, the primary purpose of this specific City activity.

Implementing the full-scale removal and restoration of eucalyptus/pine/cypress habitat throughout the Oakland Hills would not reduce significant environmental impacts compared to the Proposed Project. CEQA Guidelines Section 15126.6 states:

> (b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.
>
> (c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

Although the proposed Alternative 5 could have substantial long-term benefits on an ecosystem scale, large-scale removal of vegetation from portions of the VMP Plan Area would result in greater severity of environmental impacts during and after implementation and would not substantially lessen any of the significant impacts of the Proposed Project.

In addition, CEQA Guidelines Section 15126.6 explains the requirements for selection of alternatives to be evaluated in an EIR:

> (a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

In the Recirculated DEIR, the City identified and evaluated a reasonable range of alternatives to the Proposed Project. A new Alternative 5 was included to allow a comparison between the original 2020 DEIR and the Recirculated DEIR. The proposed Alternative 5, as described in comment letter AN, does not meet the criteria for consideration as a viable alternative to the Proposed Project. Therefore, the proposed Alternative 5 was not incorporated into the Recirculated DEIR. No additional revisions to the Revised VMP or Recirculated DEIR are necessary.

Master Response 3: Use of Herbicides

The public submitted multiple comments on the use of herbicides. These comments principally centered on the opposition to use of any herbicides, concern about the legality of the use of herbicides under Oakland Resolution 79133, and increased risk of wildfire through the use of herbicides.

As discussed in Master Response 1, the Recirculated DEIR was revised to respond to public comments on the Prior 2020 DEIR. Therefore, a separate discussion of the Prior 2020 DEIR is not necessary for issues that were revised in the Recirculated DEIR, and a discussion of the Recirculated DEIR is sufficient.

The following sections provide responses to these comments and summarize the discussion in the Prior 2020 DEIR as applicable and the Recirculated DEIR on these topics.

Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides

Several comments on the Prior 2020 DEIR and the Recirculated DEIR expressed opposition to the use of herbicides. Some of these comments specified that the use or release of these substances can result in impacts on biological resources and ecological health and on human and environmental health.

The Prior 2020 DEIR and the Recirculated DEIR both describe these risks and the approach to minimizing the risks under the Proposed Project. The Biological Resources analysis was revised in the Recirculated DEIR, so only the Recirculated DEIR is presented below for this resource. The Hazards and Hazardous Materials analysis was not revised in the Recirculated DEIR, so the analysis in the Prior 2020 DEIR is provided below. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to biological resources and ecological health and the mitigation measures identified that would reduce the risk to a less-than-significant level. Section 3.8, *Hazards and Hazardous Materials*, of the Prior 2020 DEIR describes the risks to human and environmental health and the mitigation measures identified that would reduce the risk to a less-than-significant level.

<u>Biological Resources/Ecological Health</u>

Prior 2020 DEIR

The Biological Resources analysis was revised in the Recirculated DEIR, so only the Recirculated DEIR is presented below.

Recirculated DEIR

Section 3.4, *Biological Resources*, of the Recirculated DEIR discusses the following impacts on special-status plant and wildlife species, wetlands, and natural communities that could result from the use of herbicides. The significance level for each impact below reflects the impact resulting from project activities including the use of herbicides. Substantial changes from the Prior 2020 DEIR are indicated in italic font and parentheses.

- Impact BIO-1: Potential Adverse Effects on Special-Status Plant Species, pages 3.4-53 through 3.4-67 – Less than Significant with Mitigation (Impact BIO-1A, BIO-1B, and BIO-1C were combined)
- Impact BIO-2: Potential Adverse Effects on Special-Status Wildlife Species
    - Impact BIO-2A: Potential Adverse Effects on Special-Status Amphibians and Reptiles, page 3.4-67 through 3.4-78 – Less than Significant with Mitigation
    - Impact BIO-2B: Potential Adverse Effects on Special-Status Birds and Other Protected Bird Nests, page 3.4-78 through 3.4-81 – Less than Significant with Mitigation
    - Impact BIO-2C: Potential Adverse Effects on Special-Status Mammals and CEQA-relevant Bat Species, page 3.4-82 through 3.4-85 – Less than Significant with Mitigation
    - Impact BIO-2D: Potential Adverse Effects on Special-Status Invertebrates, page 3.4-85 through 3.4-90 – Less than Significant with Mitigation (Impact BIO-2D was added)
- Impact BIO-3: Potential Adverse Effects on Riparian Habitat or Other Sensitive Natural Communities Identified in Local or Regional Plans, Policies, Regulations or by CDFW, USFWS, or NMFS
    - Impact BIO-3A: Impacts on Riparian Habitat or Other Sensitive Natural Communities, page 3.4-93 through 3.4-97 – Less than Significant with Mitigation
    - Impact BIO-3B: Impacts Caused by Non-native and Invasive Species and Pathogens, page 3.4-97 through 3.4-101 – Less than Significant with Mitigation
- Impact BIO-4: Potential Adverse Effects on Federally Protected or State-Protected Wetlands, page 3.4-101 through 3.4-106 – Less than Significant with Mitigation
- Impact BIO-5: Potential Interference with Wildlife Movement, Established Wildlife Corridors, or the Use of Native Wildlife Nursery Sites, page 3.4-107 through 3.4-111 – Less than Significant with Mitigation
- Impact BIO-6: Conflict with Local Policies or Ordinances Protecting Biological Resources, page 3.4-111 through 3.4-116 – Less than Significant
- Impact BIO-7: Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan, page 3.4-116 through 3.4-117 – No Impact

As stated in the Recirculated DEIR (Impact BIO-2A, Potential Adverse Effects on Special-Status Amphibians and Reptiles, page 3.4-73), the herbicides proposed for use in the Oakland VMP either are already permitted by city ordinance are believed to have limited toxicity for wildlife. Further, the Recirculated DEIR requires the following mitigation measures to reduce the impact of the Proposed Project on biological resources and ecological health as a result of herbicide use to a less-than-significant level.

Herbicide Treatments

- Mitigation Measure BIO-1: Provide Biologist Review and Worker Training, page 3.4-57 through 3.4-58
- Mitigation Measure BIO-2a: Avoid Special-Status Plant Species (revised from VMP BMP BIO-3), page 3.4-58 through 3.4-59
- Mitigation Measure BIO-2b: Provide Compensatory Mitigation for Special-Status Plant Species, page 3.4-60 through 3.4-61
- Mitigation Measure BIO-9: Protection of California Red-legged Frogs from Herbicide Use (VMP BMP BIO-2), page 3.4-76 through 3.4-76
- Mitigation Measure BIO-13: Avoid Monarch Butterfly Host Plants and Overwintering Sites, page 3.4-88 through 3.4-89
- Mitigation Measure BIO-16: Prevent the Spread of Invasive Plants and Plant Pathogens, page 3.4-88 through 3.4-89

In addition, the following mitigation measures which are applicable within the Recirculated DEIR are defined in the Prior 2020 DEIR.

- Mitigation Measure HAZ-4: Measures to Avoid or Minimize Adverse Effects on People, Pets, or Other Non-Target Organisms from Use of Herbicides, page 3.8-33
- Mitigation Measure HAZ-5: Standard Herbicide Use Requirements (VMP BMP VEG-2), page 3.8-34
- Mitigation Measure HYD/WQ-1: Work Windows (VMP BMP GEN-1), page 3.9-11

All Treatments

- Mitigation Measure BIO-3: Seeding with Native Species (VMP BMP BIO-10), page 3.4-55 through 3.4-57
- Mitigation Measure BIO-4: Avoid Presidio Clarkia Sensitive Time Periods, page 3.4-61 through 3.4-62
- Mitigation Measure BIO-5: Grazing (revised from VMP BMP BIO-6), page 3.4-62
- Mitigation Measure BIO-6: Trash Removal (revised from VMP BMP BIO-7), page 3.4-73

- Mitigation Measure BIO-7: Protection of Alameda Whipsnake (VMP BMP BIO-5), page 3.4-73 through 3.4-74
- Mitigation Measure BIO-8: Protection of California Red-legged Frogs and Western Pond Turtles (revised from VMP BMP BIO-4), page 3.4-74 through 3.4-76
- Mitigation Measure BIO-9: Protection of California Red-legged Frogs from Herbicide Use (VMP BMP BIO-2), page 3.4-76
- Mitigation Measure BIO-10: Minimize Impacts to Nesting Birds via Site Assessments and Avoidance Measures (revised from VMP BMP BIO-1), page 3.4-81
- Mitigation Measure BIO-11: Protection of Bat Colonies (VMP BMP BIO-8), page 3.4-83 through 3.4-84
- Mitigation Measure BIO-12: Protection of Dusky-footed Woodrats (VMP BMP BIO-9), page 3.4-84
- Mitigation Measure BIO-15: Avoid Riparian Habitat and Develop and Implement a Plan to Replace Affected Riparian Habitat, page 3.4-96 through 3.4-97
- Mitigation Measure BIO-17: Avoid Impacts on Federally Protected and State-Protected Wetlands and Waters, as Feasible, page 3.4-103
- Mitigation Measure BIO-18: Provide Compensatory Mitigation for Unavoidable Impacts on Waters of the United States and the State, page 3.4-103
- Mitigation Measure GEO-1: Minimize Soil Disturbance (VMP BMP GEN-2), page 3.6-34
- Mitigation Measure GEO-2: Erosion and Sediment Control Measures (VMP BMP GEN-3), page 3.6-34 through 3.6-36

In addition, the following mitigation measures which are applicable within the Recirculated DEIR are defined in the Prior 2020 DEIR.

- Mitigation Measure HAZ-1: Vehicle and Equipment Maintenance (VMP BMP GEN-8), page 3.8-31 through 3.8-32
- Mitigation Measure HAZ-2: Vehicle and Equipment Fueling (VMP BMP GEN-9), page 3.8-32
- Mitigation Measure HAZ-3: On-Site Hazardous Materials Management (VMP BMP GEN-5), page 3.8-32 through 3.8-33
- Mitigation Measure HAZ-6: Spill Prevention and Response (VMP BMP GEN-7), page 3.8-36
- Mitigation Measure HAZ-8: Existing Hazardous Materials (VMP BMP GEN-6), page 3.8-42

Conclusion

The Recirculated DEIR concludes, based on substantial evidence, that herbicides can be used safely with respect to biological resources and ecological health, with conformance to applicable laws, regulations, and mitigation measures specified in the Recirculated DEIR.

Human and Environmental Health

Prior 2020 DEIR

Section 3.8, *Hazards and Hazardous Materials*, of the Prior 2020 DEIR discusses the following topics related to use and storage of herbicides on human and environmental health.

- Impact HAZ-1: use of herbicides, pages 3.8-29 through 3.8-34
- Impact HAZ-2: risks of release of hazardous materials to the environment resulting from storage of herbicides, pages 3.8-34 through 3.8-37
- Impact HAZ-3: risks from use and storage of herbicides near sensitive receptors, pages 3.8-37 through 3.8-38
- Impact HAZ-4: risks from use and storage of herbicides near schools, pages 3.8-38 through 3.8-39

The Prior 2020 DEIR notes on page 3.8-29 that all herbicides registered for use in the U.S. are evaluated for potential adverse effects on humans and the environment, and label instructions are developed for safe use in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The chemicals proposed for use in the VMP, including proposed herbicides, generally have low toxicity to humans and wildlife and have been shown to be safe for use when applied in accordance with label instructions (Table 3.8-3 in the Prior 2020 DEIR, page 3.8-30).

The Prior 2020 DEIR requires the following mitigation measures to reduce the impact of the Proposed Project on human and environmental health as a result of herbicide use and storage, including impacts on sensitive receptors and nearby schools, to less-than-significant levels.

- Mitigation Measure HAZ-3: On-Site Hazardous Materials Management (VMP BMP GEN-5), page 3.8-32 through 3.8-33
- Mitigation Measure HAZ-4: Measures to Avoid or Minimize Adverse Effects on People, Pets, or Other Non-Target Organisms from Use of Herbicides, page 3.8-33
- Mitigation Measure HAZ-5: Standard Herbicide Use Requirements (VMP BMP VEG-2), page 3.8-34
- Measure Mitigation HAZ-6: Spill Prevention and Response (VMP BMP GEN-7), page 3.8-36

Conformance with legal and regulatory requirements and mitigation measures specified in the Prior 2020 DEIR would reduce impacts on human and environmental health from use or storage of herbicides to a less-than-significant level.

Conclusion

The Prior 2020 DEIR concludes, based on substantial evidence, that herbicides can be used and stored safely with respect to human and environmental health, with conformance to applicable laws, regulations, and mitigation measures specified in the Prior 2020 DEIR.

Recirculated DEIR

The analysis of impacts resulting from use or storage of herbicides was not revised in the Recirculated DEIR (see page 3.8-1).

Conclusion

The Recirculated DEIR maintains the conclusion, based on substantial evidence, that herbicides can be used and stored safely with respect to human and environmental health, with conformance to applicable laws, regulations, and mitigation measures specified in the Prior 2020 DEIR and therefore incorporated by reference in the Recirculated DEIR.

Legality of Herbicide Use in Oakland for the Purpose of Vegetation Management

Some commenters asserted that herbicide use in Oakland for the purpose of vegetation management is prohibited by Resolution 79133. The resolution restricts the application of herbicide to direct application and states that spraying of herbicides is prohibited until an environmental evaluation of the resolution can be completed. The Oakland VMP Recirculated DEIR is that environmental evaluation. Accordingly, any sprayed application of herbicide authorized in the Recirculated DEIR is permitted under Resolution 79133.

Increased Risk of Wildfire and Wildfire-Related Effects through Use of Herbicides

Some commenters stated that use of herbicides would increase wildfire risk by killing plants that would then become fuel. As described in Appendix C of the Revised VMP, wildfire risk was modeled to evaluate projected wildfire behavior using the software FlamMap. This model uses multiple inputs as described in "Model Inputs" (Revised VMP, Appendix C, pages C-3–C-7). These inputs include vegetation coverage (discussed under "Fuel Model") and canopy cover. Canopy cover area would change appreciably only for eucalyptus, Monterey pine, and acacia/urban forest types; otherwise, the focus is on understory treatments. Accordingly, changes in wind speed are not anticipated.

As described in Section 8.3.5 of the Revised VMP (page 108), chipping would be used after other treatment techniques to reduce the size of larger cut material by passing it through a series of high-speed blades. As described in Section 8.2.7 of the Revised VMP (page 104), removed vegetation that could become fuel would be chipped and left in place. While the chips themselves are flammable, they would burn more slowly than pre-treated vegetation and with lower flame lengths; however, the chips may burn for a longer period of time in a given location. Further, as described in Section 8.3.5 of the Revised VMP (page 108), the chipped surface is a compacted fuel structure that is less likely to ignite and carry fire. The chips would also increase ground moisture and weed reduction, which in turn would decrease wildfire risk.

Master Response 4: High-Priority Evacuation Routes

Several commenters expressed concern that the Draft VMP, the Prior 2020 DEIR, and the Recirculated DEIR do not specify evacuation routes or that specific routes of particular concern to the commenter are not recognized as evacuation routes. The commenters expressed concern because they are aware of barriers to evacuation that either existed during the 1991 Tunnel Fire or appear to exist currently. The specific routes that commenters stated need improvement are Caldecott Lane and Tunnel Road near the Caldecott Tunnel and the Sherwick Drive, Charing Cross Road, and Hiller Drive route. Commenters requested that these routes be designated as evacuation routes and that the vegetation along these roads be cleared.

As stated in the Revised VMP (page 3), OFD would treat City-owned parcels and areas within 30 feet of the edge of roadsides located within the City's VHFHSZ, known as the Plan Area. The Plan Area also encompasses the area "within 30 to 100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees are present on City-owned property and could strike the road if they fell." Accordingly, the area within 30 feet of all roadside edges and their medians within the VHFHSZ would be treated under the VMP, as well as areas within 30 to 100 feet of the roadside edge where dead and dying trees could strike the road if they fell. Vegetation management is intended to reduce risk of wildfire and trees falling in the Plan Area.

Of the 308 miles of road in the Plan Area, 31 miles are considered Priority 1 access/egress routes, and 278 miles are Priority 2 routes (Revised VMP, page 168). Priority 1 and Priority 2 areas were established based on the wildfire hazard assessment conducted in support of the Revised VMP (pages 170–172). All of these areas would be treated for vegetation management over time, with Priority 1 areas being targeted first. This would include routes that are identified as evacuation routes, as well as routes in the VHFHSZ that are not identified as evacuation routes.

Designating new evacuation routes or revising designated evacuation routes is not within the scope of the Revised VMP, 2020 Prior DEIR, or Recirculated DEIR. As described in the Revised VMP (page 9), the scope of the VMP is to describe all existing and recommended vegetation management and appurtenant actions occurring on City-owned parcels or along the edge of public roads within the Plan Area. The VMP recognizes the utility of multiple tools in decreasing wildfire hazard while focusing primarily on vegetation management (page 9):

> Vegetation management is a fundamental strategy to reducing fire risk in the Plan Area, and a single component within a multi-faceted approach that is necessary to comprehensively reduce wildfire risk in the Plan Area. Other critical components necessary to reduce wildfire risk include structural hardening through building codes and standards, providing and maintaining suitable access and egress routes, ensuring water availability, firefighter training, and establishment, maintenance, and inspection of defensible space on private properties.

The VMP notes that other plans and programs available to and/or implemented by the City address wildfire risk reduction strategies other than vegetation management. These other plans and programs include maintaining suitable access and egress routes.

In addition, the Recirculated DEIR (page 2-10) describes the goals of the Revised VMP as the following, all of which focus on minimizing risk of wildfire hazard and impacts on natural resources and do not address evacuation routes, access, and egress:

- Reduce wildfire hazard on City-owned land and along critical access/egress routes within the City's VHFHSZ;
- Reduce the likelihood of ignitions and extreme fire behavior to enhance public and firefighter safety;
- Implement practices to avoid or minimize impacts to natural resources; and
- Maintain an active role in regional efforts to reduce wildfire hazard in the Oakland Hills.

Further, Revised VMP objectives (described in the Recirculated DEIR, pages 2-10–2-11) focus on vegetation management and wildfire suppression rather than on evacuation routes, access, and egress.

Accordingly, it is not within the scope of the VMP to designate or revise evacuation routes. Because these comments do not relate to the Proposed Project as described in the 2020 Prior DEIR or the Recirculated DEIR, the comments do not pertain to the adequacy of the CEQA analysis. These comments will be conveyed to the decision-makers.

Master Response 5: Tree Removal

Some commenters expressed disapproval of tree removal. The primary reasons for opposing tree removal included decrease in ecosystem benefits (including carbon sequestration, erosion and sediment control, and habitat for plants and wildlife resulting from removal of substantial tree canopy); increased wind speeds leading to increased fire risk; and removal of large trees. Responses to these types of comments are presented below by topic. Some commenters expressed general opposition to tree removal and tree thinning without identifying a specific concern. Because these general comments did not raise a specific concern, these comments are not further responded to; however, these comments are noted and will be conveyed to the City's decision-makers.

Other concerns included a request for number and size of trees in DBH currently present in the Plan Area, proposed extent of tree removal, and proposed replacement rate for trees removed.

Decrease in Ecosystem Benefits

Some commenters expressed concern that removal of substantial vegetation, in particular removal of trees, would affect ecosystem benefits. These include carbon sequestration, which affects climate change; absorbing stormwater, which affects erosion and sediment transport; providing wildlife habitat; and filtering air contaminants.

Carbon Sequestration

The Recirculated DEIR evaluated the potential reduction in carbon sequestration that could result from removing trees, shrubs, and grasses as described in the Revised VMP (Impact GHG-4, pages 3.7-17–3.7-

18). In particular, the Recirculated DEIR noted that any change in carbon sequestration would be temporary because most vegetation that would be removed would be left as cut, chipped, or mulched material on the ground surface, where the material would decompose to soil carbon (page 3.7-18). In addition, VMP treatments in forested areas would focus on removing smaller trees such as saplings and sprouts, while retaining larger diameter trees, which are more fire-resistant and store larger amounts of carbon compared to smaller diameter trees. The Recirculated DEIR determined that any change to carbon sequestration would be less than significant.

Increased Potential for Erosion

The Revised VMP recognizes that the identified vegetation treatment techniques have the potential to affect soil stability and increase potential for surface erosion and transport of soil particles across the soil surface (pages 193-194). Specifically:

> Soil stability may be indirectly affected by the removal of overstory vegetative cover, which reduces rainfall interception and thereby increases its surface erosion potential… Soil stability may also be directly affected through the use of heavy equipment, tools, hand crews, or livestock, all of which can loosen, dislodge, or compact soils.

To address this possibility, the VMP incorporates BMPs to minimize risk of soil erosion and control sediment transport. These BMPs, which are provided by the Clean Water Program Alameda County (2023), are described in Table 11 on page 194 of the Revised VMP. Further, BMPs that would minimize risk of soil erosion and control transport are described in the Revised VMP in Section 10.1, pages 193–194, as well as in Chapter 8, the remainder of Chapter 10, and Appendix I.

In addition, the Recirculated DEIR recognizes the potential for VMP vegetation treatment techniques to increase risk of erosion and sediment transport. Impact GEO-1, Result in Substantial Erosion or Loss of Topsoil, is discussed on pages 3.6-32–3.6-36 of the Recirculated DEIR. This impact notes the following mechanisms that can contribute to increased erosion and sediment transport (page 3.6-32):

- Grazing: Over-grazing and the development of animal trails can cause soil compaction and displacement.
- Mechanical treatments: Removal of vegetative cover can expose or disturb the top layer of soil. Use of mechanical equipment can cause soil compaction and rutting.
- Hand labor treatments: Removal of soil-binding roots can lead to soil exposure.
- Herbicides: Long-term effects of herbicide use could affect the root structure in treated areas, potentially causing root decay or instability.

The impact was determined to be potentially significant for grazing, mechanical treatments, and hand labor treatments. The following mitigation measures would reduce the impact to less than significant with mitigation.

- Mitigation Measure AES-2: Staging (VMP BMP GEN-4) (Recirculated DEIR, page 3.2-30)

- Mitigation Measure BIO-5: Grazing (revised from VMP BMP BIO-6) (Recirculated DEIR, page 3.4-62)
- Mitigation Measure GEO-1: Minimize Soil Disturbance (revised from VMP BMP GEN-2) (Recirculated DEIR, page 3.6-34)
- Mitigation Measure GEO-2: Erosion and Sediment Control Measures (VMP BMP GEN-3) (Recirculated DEIR, pages 3.6-34 – 3.6-36)
- Mitigation Measure GEO-3: Geotechnical Evaluation (Recirculated DEIR, pages 3.6-36)
- Mitigation Measure HYD/WQ-1: Work Windows (VMP BMP GEN-1) (Recirculated DEIR, page 3.9-11)

The impact of the proposed vegetation treatments related to increased soil erosion and sediment transport from herbicide treatment was determined in the Recirculated DEIR to be less than significant.

Wildlife Habitat

The Revised VMP discusses effects on special-status plant and special-status wildlife habitat on page 196. In addition, the Recirculated DEIR discusses impacts on special-status plant species in Impact BIO-1 (pages 3.4-53–3.4-67) and on special-status wildlife species in Impact BIO-2 (pages 3.4-67–3.4-92). This discussion includes an analysis of impacts on species as a result of habitat disturbance.

The Recirculated DEIR determined that impacts on special-status plant and wildlife species would be potentially significant. The following topics related to habitat disturbance and its effects on special-status species are addressed:

- Impact BIO-1: Potential Adverse Effects on Special-Status Plant Species (Recirculated DEIR, page 3.4-53–3.4-57)
- Impact BIO-2A: Potential Adverse Effects on Special-Status Amphibians and Reptiles (Recirculated DEIR, page 3.4-68–3.4-73)
- Impact BIO-2B: Potential Adverse Effects on Special-Status Birds and Other Protected Bird Nests (Recirculated DEIR, page 3.4-78–3.4-80)
- Impact BIO-2C: Potential Adverse Effects on Special-Status Mammals and CEQA-relevant Bat Species (Recirculated DEIR, page 3.4-82–3.4-83)
- Impact BIO-2D: Potential Adverse Effects on Special-Status Invertebrates (Recirculated DEIR page 3.4-85–3.4-88)

With implementation of the following mitigation measures, impacts on special-status species would be reduced to a less-than-significant level.

- Mitigation Measure BIO-1: Provide Biologist Review and Worker Training, page 3.4-57 through 3.4-58

- Mitigation Measure BIO-2a: Avoid Special-Status Plant Species (revised from VMP BMP BIO-3), page 3.4-58 through 3.4-59
- Mitigation Measure BIO-2b: Provide Compensatory Mitigation for Special-Status Plant Species, page 3.4-60 through 3.4-61
- Mitigation Measure BIO-3: Seeding with Native Species (VMP BMP BIO-10), page 3.4-61
- Mitigation Measure BIO-4: Avoid Presidio Clarkia Sensitive Time Periods, page 3.4-61 through 3.4-62
- Mitigation Measure BIO-5: Grazing (revised from VMP BMP BIO-6), page 3.4-62
- Mitigation Measure BIO-6: Trash Removal (revised from VMP BMP BIO-7), page 3.4-73
- Mitigation Measure BIO-7: Protection of Alameda Whipsnake (revised from VMP BMP BIO-5), page 3.4-73 through 3.4-74
- Mitigation Measure BIO-8: Protection of California Red-legged Frogs and Western Pond Turtles (based on VMP BMP BIO-4), page 3.4-74 through 3.4-76
- Mitigation Measure BIO-9: Protection of California Red-legged Frogs from Herbicide Use (VMP BMP BIO-2), page 3.4-76
- Mitigation Measure BIO-10: Minimize Impacts to Nesting Birds via Site Assessments and Avoidance Measures (revised from VMP BMP BIO-1), page 3.4-81
- Mitigation Measure BIO-11: Protection of Bat Colonies (VMP BMP BIO-8), page 3.4-83 through 3.4-84
- Mitigation Measure BIO-12: Protection of Dusky-footed Woodrats (VMP BMP BIO-9), page 3.4-84
- Mitigation Measure BIO-13: Avoid Monarch Butterfly Host Plants and Overwintering Sites, page 3.4-88 through 3.4-89
- Mitigation Measure BIO-14: Avoid Crotch Bumble Bee Nests, page 3.4-89
- Mitigation Measure GEO-1: Minimize Area of Disturbance (Revised from VMP BMP GEN-2), page 3.7-34
- Mitigation Measure GEO-2: Erosion and Sediment Control Measures (VMP BMP GEN-3), page 3.7-34 through 3.7-36
- Mitigation Measure HAZ-4: Measures to Avoid or Minimize Adverse Effects on People, Pets, or Other Non-Target Organisms from Use of Herbicides, page 3.8-32 through 3.8-33

- Mitigation Measure HAZ-5: Standard Herbicide Use Requirements (VMP BMP VEG-2), page 3.8-29 through 3.8-30

- Mitigation Measure HYD/WQ-1: Work Windows (VMP BMP GEN-1), page 3.10-11

Conformance with legal and regulatory requirements and mitigation measures specified in the Recirculated DEIR would reduce any impacts on habitat from tree removal to a less-than-significant level.

Increased Wind Speeds Leading to Increased Fire Risk

Some commenters expressed concern that removing trees and decreasing canopy area would increase wind speeds, which could exacerbate a wildfire if one were to be ignited. As described in Appendix C of the Revised VMP, wildfire risk was modeled to evaluate projected wildfire behavior using the software FlamMap. This model uses multiple inputs as described in "Model Inputs" (Revised VMP, Appendix C, pages C-3–C-7). These inputs include vegetation coverage (discussed under "Fuel Model") and canopy cover. As discussed below under "Removal of Large or Heritage Trees," other than eucalyptus and Monterey pine, the VMP proposes to remove smaller trees and leave larger trees that are more resistant to fire. The extent of change is not substantial enough to result in a substantial change in wind speed.

In addition, some commenters expressed concern that the Revised VMP, Prior 2020 DEIR, and Recirculated DEIR have not adequately addressed changing climatic conditions that have increased risk of wildfire. See Master Response 2 under "Climate Change and Increasing Fire Risk."

Removal of Large or Heritage Trees

Some commenters expressed concern that vegetation treatments would remove large trees. Many, but not all, large trees in Oakland are protected by the City of Oakland Protected Trees Ordinance (Oakland Municipal Code Chapter 12.36) (Revised VMP, page 81), which requires a tree removal permit, consistent with local policies and ordinances, to remove protected trees.

Protected trees are defined, as described in the Revised VMP (page 81) and the Recirculated DEIR (page 3.4-11), as California or coast live oak trees measuring 4 inches dbh (single or aggregate of multiple trunks belonging to the same tree) or larger, and any other tree with a single trunk or aggregate of multiple trunks (except eucalyptus and Monterey pine) measuring 9 inches dbh or larger on any property. Protected trees also include Monterey pine trees where they occur on City property where more than five Monterey pine trees per acre are proposed to be removed. Eucalyptus trees are not protected under the Protected Trees Ordinance. No tree removal permit is required for corrective actions performed under the Hazardous Tree Ordinance.

As described in the Recirculated DEIR (page 3.4-111), the City would obtain a tree removal permit to remove protected trees during vegetation treatment activities, consistent with City of Oakland Municipal Code. Further, vegetation treatments would prioritize retention of healthy trees and removal of all single-stem pines and cypress with trunk diameters measuring less than 8 inches as well as removal of trees that pose an unreasonable fire and/or life safety risk (determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) (Recirculated DEIR, page 3.4-111). Accordingly, the

trees that would be removed are those that pose an unreasonable risk. This approach would minimize removal of large trees that pose little risk.

3.4 Comments on Prior 2020 DEIR and Responses

Each comment submittal is designated with a unique alphabetical label for ease of identification. Individual comments within each submittal are marked and numbered in the margin of the comment submittal. The responses to those comments correspond to the marked individual comments (e.g., Comment A-1 from Letter A corresponds to Response to Comment A-1).

Letter A: Oral Comments Presented at the December 16, 2020 Planning Commission Hearing

Response to Comments by Lin Barron

The commenter states that the Revised VMP does not reflect substantive changes that have been recommended over the last 2 years and questions the validity of the EIR analysis absent those changes. The City considered recommendations provided during Revised VMP development and has incorporated feedback deemed appropriate (e.g., recommendations for open space areas maintained by volunteer groups) in the Revised VMP and EIR. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

The commenter states that the Revised VMP lacks a restoration component and includes only vegetation removal. The commenter endorses another alternative that would incorporate the "3 Rs." See Master Response 2.

Response to Comments by Carolyn Burgess

The commenter states that the City should be held to the same standard that residences are held to under the City's inspection program. Section 5.1.4 of the Revised VMP describes the defensible space standards outlined in the City's Fire Code (Section 4907 of the Oakland Municipal Code Chapter 15.12). These standards are enforced by OFD's (Oakland Fire Department) Fire Prevention Bureau through inspections mandated by City of Oakland Ordinance No. 11640. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

The commenter encourages removal of eucalyptus, not just thinning. Expanded criteria for removal of eucalyptus was addressed in the Recirculated DEIR project description. See Section 9.1.4.2, "Specific Standards," of the Revised VMP; Section 2.4.3, "Vegetation Management Standards," of the Recirculated DEIR (page 2-12); and Master Response 1.

Response to Comments by Anastasia Glikshtern

The comment expresses opposition to the use of herbicides and tree removal and support for the No Project Alternative. See Master Responses 3 and 5. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comments by Jeff Kahn

The commenter states that the Revised VMP should include treatment of 100 percent of the fuel load, including interior portions of City-owned parcels, not just the perimeters. An expanded treatment area was addressed in the Recirculated DEIR project description. See

Section 9.1.4.2, “Specific Standards,” of the Revised VMP; Section 2.4.3, “Vegetation Management Standards,” of the Recirculated DEIR (page 2-12); and Master Response 1.

Response to Comments by Martin Martaresse

The commenter requests consideration of a proposed Alternative 5, including removal of large stands of most flammable trees. The Revised VMP should consider that a new disease has been harming and killing acacia trees in city parks, and drought has also had adverse effects on trees. See Master Response 2.

Response to Comments by Mary McAllister

The commenter requests information about how the acreages of herbicide treatment area were arrived at. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. Section 2.4.11, “Amount of Vegetation Management Activities Conducted Manually,” in the Recirculated DEIR was revised to provide additional information about the development of acreage estimates. Table 2-7 on page 2-87 of the Recirculated DEIR shows maximum estimated annual area, in acres, for each type of vegetation treatment activity. Notes were added in the table to address the comment.

The commenter also asks why use of herbicides would be permitted in areas where goat grazing was a planned treatment method. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. Section 2.4.6, “Vegetation Management Techniques,” in the Recirculated DEIR was revised to provide additional information about goat grazing in areas that were previously treated with herbicides:

> Grazing may occur in areas where herbicides have previously been applied. Livestock would be excluded from grazing for the post-treatment exclusion period included on the herbicide product label, at a minimum. A standard exclusion duration is not included in this EIR, as the exclusion duration is product-specific (page 2-81).

The commenter asks what the statutory relationship is, if any, between the Revised VMP DEIR and the California Vegetation Treatment Program (CalVTP) EIR. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. Information about the CalVTP was included in the prior 2020 DEIR, and additional information was provided in the Recirculated DEIR in Section 4.5.2, “Activities Similar to the Revised Draft VMP with Potential to Affect Resources.” CalVTP is a program developed by the California Board of Forestry and Fire Protection (2019) and implemented by the California Department of Forestry and Fire Protection (CAL FIRE) that combines forest restoration and fuel reduction treatments, including prescribed fire, within the State Responsibility Area. Project proponents, such as CAL FIRE or other public agencies, can use the CalVTP as a streamlined method to comply with CEQA if they are proposing vegetation treatments that are consistent with the CalVTP Final Program EIR. The Oakland VMP does not contain the required emphasize on forest restoration and therefore is not eligible for consideration as a project under CalVTP.

Response to Comments by Gordon Piper

The commenter states that vegetation treatments evaluated in the DEIR need to include strategies with fire-resistant trees or open space and fuel breaks, emphasizing the need for more biodiversity. The use of fuel breaks is a key component of mechanical vegetation treatment in the Revised VMP, as described throughout the Recirculated DEIR. Listed below are a few examples:

- The description of mechanical techniques states: "Typical mechanical equipment techniques to reduce fuel loads include grading, mowing, disking, mechanical cutting/crushing, chipping, tree removal, yarding, and creating fire and fuel breaks" (Recirculated DEIR, page 2-82).

- One of the criteria for determining Priority 1 treatment areas is "Areas where vegetation management activities would enhance regional fuel breaks for more effective containment and suppression activities should a wildfire occur (Recirculated DEIR, page 2-79).

- Section 3.4, *Biological Resources,* of the Recirculated DEIR notes: "Within forested vegetation types, the general goal of Revised Draft VMP treatment activities is a shaded fuel break" (page 3.4-94).

The concepts discussed by the commenter were present in the original iteration of the VMP and the Recirculated DEIR.

The commenter states that the Revised VMP does not address long-term maintenance of treated parcels. See Master Response 2 under "Need for Ongoing Maintenance." The Recirculated DEIRs contain appropriate and effective standards and guidelines for ongoing maintenance following the initial vegetation management period. The City determined, with substantial evidence, that this overall approach to OFD fire hazard reduction, including both initial treatment and ongoing maintenance, would be effective in achieving the objectives of the Revised VMP.

The commenter states that hazardous trees are not limited to those within 300 feet of a ridgeline. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The discussion of ridgetop areas in Section 2.4.4, "VMP Treatment Areas," in the Recirculated DEIR was expanded to explain more thoroughly the concept of ridgeline fuel breaks:

> Establishing fuel breaks at ridgetops is common practice and typically helps moderate fire behavior and provides important fire suppression control points. Though not intended to stop fire spread (strong winds can blow embers across fuel breaks), these features can provide areas of lower fireline intensities, improved firefighter access, and enhanced fireline production rates (page 2-55).

The commenter states that second growth eucalyptus is not addressed in the DEIR. In Section 3.6, *Geology, Soils, and Seismicity,* in Impact GEO-2 (page 3.6-37), the Recirculated DEIR cites the following information from the Revised VMP:

> Vegetation treatment within the Revised Draft VMP area … includes leaving a minimum number of trees per acre in each vegetation type and guidance on spacing between retained trees. For example, mature eucalyptus stands would be thinned to ensure 35-foot horizontal spacing between trunks, and second-growth eucalyptus stands would be thinned to reach an average 25-foot spacing between trunks.

The commenter suggests that removal of second growth trees should be a focus of vegetation management in Priority 2 areas. Several areas of second growth eucalyptus are designated as Priority 1 or Priority 2 areas, including portions of the North Oakland Sports Field. The Priority 2 treatment areas would be treated every 3-5 years.

The issues raised above have either been evaluated sufficiently in the Prior 2020 DEIR or addressed in the Recirculated DEIR.

Response to Comments by Dale Risden

The commenter has concerns about dead and dying trees and associated public safety risks at Joaquin Miller Park. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The overall treatment area and vegetation management standards were modified in the Revised VMP to more fully address removal of dead and dying trees.

Response to Comments by Elizabeth Stage

The commenter requests that Alvarado Road be included in the VMP Plan Area. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The overall treatment area in the Revised VMP was expanded from 30 feet to 100 feet of the edge of roadsides in the City's Very High Fire Hazard Severity Zone (VHFHSZ) where dead and dying trees (as determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property and could strike the road if they fell. The comment will be provided to city staff, who can assist with the commenter's site-specific concerns.

The commenter requests that the comment period be extended. The close of the comment period for the Prior 2020 DEIR was extended from December 2, 2020, to January 22, 2021, for a total of 60 days.

The commenter states that increases in wind speed should be accounted for in the Revised VMP. See Master Response 2 under "Climate Change and Increasing Fire Risk." The Revised VMP and Recirculated DEIR were updated with information and additional modeling inputs related to changes in fire behavior and intensity.

The issues raised above have been addressed in the Recirculated DEIR.

Response to Comments by Nicholas Vigilante

The commenter expresses support for the Proposed Project. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

The commenter has concerns about treatment of dead and dying eucalyptus trees. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The overall treatment area and vegetation management standards were modified in the Revised VMP to more fully address removal of dead and dying trees.

Response to Comments by Stan Weisner

The commenter states that the Revised VMP and EIR don't fully address public safety concerns. Larger roadside clearance should be considered (100 feet as recommended by UC Berkeley), and the VMP should ensure sufficient evacuation routes. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The overall treatment area in the Revised VMP was expanded from 30 feet to 100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees (as determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property and could strike the road if they fell. The modifications address the commenter's concerns regarding public safety, evacuation routes, and roadside clearance.

The commenter requests a specific timeline of management activities. Section 2.4.10, "Schedule and Timing for Implementing Revised Draft VMP Treatments," on page 2-86 of the Recirculated DEIR explains that "[t]he timeline for implementing Revised Draft VMP treatment projects would be dependent upon several variables including results of annual field assessments, targeted vegetation type requiring treatment, and budget available. More information about the timing of specific activity types is provided in that section.

Response to Comments by Isis Feral

The commenter expresses opposition to the use of herbicides and any tree removal and expresses support for the No Project Alternative. See Master Response 3 regarding the use of herbicides and Master Response 5 regarding tree removal.

Response to Comments by Sue Piper

The commenter expresses support for the proposed Alternative 5, which would allow treatment of more vegetation than the Revised VMP and would be developed to address stronger winds that have developed since the Revised VMP was developed. The commenter also states that the prior 2020 DEIR did little to address crown fires and that the Draft VMP model focused on ground fires. See Master Response 2 regarding the proposed Alternative 5.

B

From: Robinson Pinon, Angela C
To: Lin Barron
Cc: Susan Piper; DEIR-comments@oaklandvegmanagement.org
Subject: Re: VMP & EIR comments
Date: Monday, December 7, 2020 9:37:23 AM
Attachments: Additional comments on VMP.docx

Lin:

Your comments have been received. I have cc'd the Draft EIR comment email to assist with archival.

Respectfully,

Angela

From: Lin Barron <lbarron_510@att.net>
Sent: Saturday, December 5, 2020 1:29 PM
To: Robinson Pinon, Angela C <ARobinsonPinon@oaklandca.gov>
Cc: Susan Piper <susangpiper@gmail.com>
Subject: VMP & EIR comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello
A final VMP document is NOT available for me to review. It is premature to consider an EIR in just 2 weeks time from now without a final version of the Oakland 10-Year Vegetation Management Plan. The dates for review must allow time to digest the final VMP and prepare for EIR review. B-1

The currently available draft VMP does not reflect recommended changes from prior inputs that I can see. B-2

Many comments below were made to the Safety Committee meeting on ***December 3, 2019***. Please ensure these are included with other input on the draft Vegetation Management Plan (VMP). B-3

Thank you,
Lin Barron

General Comments:

Please change city ordinances to allow the selective, professional application of herbicides to eucalyptus trees. B-4

The City resolution to make wildfire prevention a city-wide priority must reinforce the VMP recommendations: OFD and ***other city departments and agencies must coordinate.*** And to work with stewards who have adopted many of the sites. B-5

Glaringly missing: there are no recommendations for how to replace and restore an area B-6

where brush and trees are cleared. Restoration is a huge component in achieving the VMP goal to ***"foster a healthy environment in the Plan Area."*** B-6

Too many Priority Ones: how will competing priority-one projects be managed? B-7

The VMP is very high level –only a compendium of management details, requirements, best practices, and restrictions. B-8

Comments on: VMP Section 9.2.2

There are no project-specific "shovel-ready" project recommendations.

Individual site plans are only in very broad-brush strokes and no specifics.

Smaller project plans must be developed to address the unique characteristics of each site – for best methods, soils, endangered species, replacement plants or trees to restore. B-9

It is up to OFD personnel in cooperation with other departments to develop such plans

Comments on: VMP Section 12 "Plan Implementation"

Current staffing & lack of interdepartmental coordination shows that the OFD does NOT have the capacity to properly design and manage projects to the level of detail presented in the VMP:

"OFD, or its designee, will be responsible for implementing this VMP and will be responsible for:

Assessing field conditions on a routine basis to determine the need for vegetation management action implementation;

Developing annual work plans and budgets;

Prioritizing vegetation treatment actions and areas based on field observations; B-10

Screening, selecting, and hiring contractors, or directing City personnel, to conduct identified vegetation management actions;

Hiring biologists to inspect a project area

Monitoring vegetation management actions during operations to ensure that avoidance
measures and BMPs are being properly implemented; [such as endangered species] and

Monitoring treated properties following vegetation management actions to ensure that
treatment standards have been achieved."

Comments on: Monitoring -- "Adaptive management"

OFD staffing is inadequate to perform these required actions:

"Planning and scheduling of vegetation management activities is anticipated to be an ongoing process conducted throughout most of the calendar year and based on the results of field assessments conducted by OFD staff."

Many comments below were made to the Safety Committee meeting on ***December 3, 2019***. Please include these with other input on the draft Vegetation Management Plan (VMP).

The currently available draft VMP does not reflect recommended changes from prior inputs.

A final VMP document is NOT available. It is premature to consider an EIR without a final version of Oakland 10-Year Vegetation Management Plan.

General Comments:

Please change city ordinances to allow the selective, professional application of herbicides to eucalyptus trees.

The City resolution to make wildfire prevention a city-wide priority must reinforce the VMP recommendations: OFD and ***other city departments and agencies must coordinate.*** And to work with stewards who have adopted many of the sites.

Glaringly missing: there are no recommendations for how to replace and restore an area where brush and trees are cleared. Restoration is a huge component in achieving the VMP goal to ***"foster a healthy environment in the Plan Area."***

Too many Priority Ones: how will competing priority-one projects be managed?

The VMP is very high level –only a compendium of management details, requirements, best practices, and restrictions.

Comments on: Section 9.2.2

There are no project-specific "shovel-ready" project recommendations.

Individual site plans are only in very broad-brush strokes and no specifics.

Smaller project plans must be developed to address the unique characteristics of each site – for best methods, soils, endangered species, replacement plants or trees to restore.

It is up to OFD personnel in cooperation with other departments to develop such plans

Comments on: Section 12 "Plan Implementation"

Current staffing & lack of interdepartmental coordination shows that the OFD does NOT have the capacity to properly design and manage projects to the level of detail presented in the VMP:

"OFD, or its designee, will be responsible for implementing this VMP and will be responsible for:

Assessing field conditions on a routine basis to determine the need for vegetation management action implementation;

Developing annual work plans and budgets;

Prioritizing vegetation treatment actions and areas based on field observations;

Screening, selecting, and hiring contractors, or directing City personnel, to conduct identified vegetation management actions;

Hiring biologists to inspect a project area

Monitoring vegetation management actions during operations to ensure that avoidance measures and BMPs are being properly implemented; [such as endangered species] and

Monitoring treated properties following vegetation management actions to ensure that treatment standards have been achieved."

Comments on: Monitoring -- "Adaptive management"

OFD staffing is inadequate to perform these required actions:

"Planning and scheduling of vegetation management activities is anticipated to be an ongoing process conducted throughout most of the calendar year and based on the results of field assessments conducted by OFD staff."

Letter B: Lin Barron

Response to Comment B-1

The comment states that a final VMP was not available for review and requests that the public review period be extended. The Prior 2020 DEIR included the Draft VMP as Appendix A; this version of the VMP was the Proposed Project being evaluated at that time. The close of the comment period for the Prior 2020 DEIR was extended from December 2, 2020, to January 22, 2021, for a total of 60 days.

Response to Comment B-2

The commenter states that the Revised VMP does not reflect substantive changes that have been recommended over the previous 2 years and questions the validity of the EIR analysis absent those changes. The City considered recommendations provided during the Revised VMP development and has incorporated feedback deemed appropriate (e.g., recommendations for open space areas maintained by volunteer groups) in the Revised VMP and EIR. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment B-3

Comments B-4 through B-10 below were presented at a Public Safety Committee meeting on December 3, 2019; the commenter requests that they be included with other input on the Revised VMP. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment B-4

The comment requests that city ordinances be changed to allow the selective, professional application of herbicides to eucalyptus trees.

The City's Resolution 79133 (adopted in 2005) authorizes staff to evaluate an exemption from the City's 1997 Integrated Pest Management (IPM) policy that would permit limited use of herbicides. The Recirculated Draft EIR, in compliance with Resolution 79133, evaluates limited use of herbicides for the purpose of improving fire prevention. If the EIR is certified and the Revised VMP is approved, the City may change the IPM ordinance through a separate process.

Response to Comment B-5

The comment states that the City's resolution to make wildfire prevention a citywide priority must reinforce the Revised VMP recommendations, including inter-departmental coordination and working with stewards.

Section 2.6, "Coordination with Stakeholders and Volunteer Groups," of the Recirculated DEIR describes how OFD would coordinate vegetation management activities with local stewardship groups. Chapter 11, *Plan Coordination and Partnerships,* of the Revised VMP describes coordination with other City departments. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers."

Response to Comment B-6

The comment states that the Revised VMP has no recommendations for replacement and restoration where trees and brush cleared. Restoration should be a high priority.

Replacement and restoration is not a goal of the Revised VMP. During the Revised VMP development, the City received a large amount of public input requesting that the plan not replace non-native trees and vegetation with native vegetation. Although the results of such a plan may meet fire hazard reduction goals, the Revised VMP does as well by addressing areas with the highest fire hazard and prioritizing treatments there. See also Master Response 2 under "3R's Concept: Removal, Restoration, Re-establishment of Native Species."

Response to Comment B-7

The comment states that the VMP includes too many Priority 1 treatment areas. While the Revised VMP does identify many Priority 1 treatment areas, the Revised VMP and Chapter 2 of the Recirculated DEIR acknowledge that OFD would prioritize work on an annual basis based on field assessments (see Section 2.4.12).

Response to Comment B-8

The comment states that the Revised VMP is a very high-level document – only a compendium of management details, requirements, best practices, and restrictions. The Revised VMP was intended to provide OFD the flexibility to conduct treatment activities as vegetation management needs vary from year to year. Development of the work plan for each year would be guided by vegetation management standards described in the Revised VMP and by input from Certified Arborists, Licensed Foresters, and Fire Safety Experts.

Response to Comment B-9

The comment states that Revised VMP Section 9.2.2 identifies no project-specific, "shovel-ready" project recommendations. Table 2-9 in Chapter 2 of the Recirculated DEIR identifies projects and proposed vegetation management techniques for each specific treatment area addressed in the Revised VMP.

Response to Comment B-10

The comment states that OFD lacks the staffing capacity and interdepartmental coordination to properly design and manage projects to the level of detail described in the Revised VMP, with specific reference to Revised VMP Chapter 12, *Plan Implementation.* The comment also states that OFD staffing is inadequate to conduct the adaptive management actions described in the

Prior 2020 EIR. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

C

From: Robinson Pinon, Angela C
To: Lin Barron
Cc: Susan Piper; DEIR-comments@oaklandvegmanagement.org
Subject: Re: written comments for DEIR-VMP
Date: Wednesday, December 16, 2020 12:55:10 PM

Lin:

Thank you for your comments. I am forwarding them to the DEIR comment email for archiving.

respectfully,

Angela

From: Lin Barron <lbarron_510@att.net>
Sent: Wednesday, December 16, 2020 12:53 PM
To: Robinson Pinon, Angela C <ARobinsonPinon@oaklandca.gov>
Cc: Susan Piper <susangpiper@gmail.com>
Subject: written comments for DEIR-VMP

Hello Angela
I will be speaking today at the Planning Commission meeting. Here are some comments on Montclair RR Trail in charts & descriptions for the consultants -- and my statement to the commission.

Thank you,
Lin

Specific mentions for DEIR-VMP documentation (in all docs & staff reports):

VMP **does not address firefighter access to Montclair RRTrail** (see: Garber Park priorities)
> there are locked gates &/or overgrown, damaged fire trails on the following:
Zinn Dr, Balboa Dr, ramp across from Escher Rd, OPW Shepherd Canyon yard

C-1

Montclair RR Trail [Park] should be called out separately
> VM Plan (& DEIR) conflates MRRT with "Shepherd Canyon Park" or "Shepherd Canyon Trail "

C-2

> see: **VMP Table 3.3-3.** Sensitive Receptors Near VMP Treatment Areas

- The priority chart includes "goat grazing" when goats are not suitable on the MRR Trail.
"Shepherd Canyon Trail" should be "Montclair RR Trail Park"

C-2

My spoken comments to the commission:
Lin Barron. I've lived for 31 years next to the Montclair RR Trail near Shepherd Canyon. I have 4 points to make:
1 Too short time frame:
Please extend the DEIR review deadline beyond January 7th. It is too short a time-frame to review a very complex document.

C-3

2 Final VMP
A final VMP document is NOT available. Is it valid to consider an EIR when there is no final plan?

C-4

3 Missing & Cumbersome
The draft documents are dense and the information is difficult to absorb. Missing in the Vegetation Management Plan are any substantive changes from input over at least 2 years' worth of meetings & comment.

C-5

4 Restoration
Restoration is a critically missing piece. The Plan only goes as far as "Remove" – what will replace vegetation that has been removed? Without a Restore component there will be unintended consequences such as rapid regrowth of weedy fire-prone vegetation and erosion – as established science has shown.

My full statement re #4:
I have lived for 31 years next to the Montclair RR Trail near Shepherd Canyon. Living in this natural environment & beautiful oak woodland is important to me. However, the landscape is over-run with flammable ivy & brush, dead & dying Monterey pines, unchecked overgrown tree canopies, and eucalyptus trees & debris. This overgrowth creates a huge fire hazard to those of us living along the trail. It also crowds the oak environment and hampers the wildlife that rely on a healthy woodland.
I am strongly in favor of adopting a proposed "Option 5". It includes the "3 R's" of wildland management: Remove, Restore, Re-establish. Option 4 in the VM Plan is a good start for Remove. It is missing the other two R's – Restore and Re-establish. Established science shows that excluding Restore & Re-establish will result in unintended consequences - impacting our safety and a healthy, balanced environment.
For example: Clearing causes rapid regrowth of weedy fire-prone vegetation, returning it to a fire hazard - a zero-sum gain for the City, keeping the status quo for continued intensive maintenance. A plan to Restore can reduce those fire hazards, make areas easier to maintain, and improve the aesthetics of a cleared area. A plan to Restore the area with appropriate vegetation & hardscape will also help to Re-establish wildlife

C-6

habitat.

Letter C: Lin Barron

Response to Comment C-1

The comment requests the addition to the Revised VMP of a discussion regarding firefighter access to Montclair Railroad Trail. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. Treatments to maintain firefighter access to Montclair Railroad trail have been added to Section 2.4.4, page 2-53, in treatment SHP-1 and SHP-2 of the Recirculated DEIR.

Response to Comment C-2

The comment requests that Montclair Railroad Trail Park should be called out separately. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. Montclair Railroad Trail has been combined with Shepherd Canyon Park for the purposes of this Recirculated DEIR, but additional clarification regarding the Railroad trail has been added to Section 2.4.4, pages 2-52 to 2-53.

Response to Comment C-3

The comment states that the DEIR comment timeframe should be extended. The close of the comment period for the Prior 2020 DEIR was extended from December 2, 2020, to January 22, 2021, for a total of 60 days.

Response to Comment C-4

This comment states that a final VMP document is not available and questions whether it is valid to consider an EIR when there is no final plan. See Response to Comment B-1.

Response to Comment C-5

The comment states that the draft documents are dense, the information is difficult to absorb, and the Revised VMP does not include substantive changes from input over at least 2 years' worth of meetings and comment. The City considered recommendations provided during Revised VMP development and has incorporated feedback deemed appropriate (e.g., recommendations for open space areas maintained by volunteer groups) in the VMP and EIR. See pages 91 to 92 in Section 6 of the Revised VMP and pages 1-6 to 1-7 in Section 1.7 of the Recirculated DEIR for further information on how public feedback has been collected and used throughout the VMP development process.

Response to Comment C-6

The commenter expressed concern that overgrowth in the oak woodland near the commenter's house next to the Montclair Railroad Trail near Shepherd Canyon presents an increased wildfire hazard. The Revised VMP proposes to address areas of increased wildfire hazard with a three-point priority ranking of VMP treatment areas, described in Section 9.3.3, *Treatment*

Prioritization, of the Revised VMP. Figures showing priority roadsides are presented in Figures 5-1 through 5-10. Section 12, *Plan Implementation*, of the Revised VMP includes a table summarizing recommended projects by general priority.

In addition, the commenter advocated for adopting an alternative that was not considered in the Prior 2020 DEIR or the Recirculated DEIR, namely an alternative that would address the 3Rs of wildland management: remove, restore, re-establish. See Master Response 2.

D

DEIR-comments@oaklandvegmanagement.org

Subject: FW: Info for IPM meeting, January 22

From: kate bernier <healthyberkeley@yahoo.com>
Sent: Wednesday, January 20, 2021 4:16 PM
To: deir-comments@oaklandvegmanagement.org
Cc: eechols@ebparks.org; drosario@ebparks.org; dwaespi@ebparks.org; ecorbett@ebparks.org; awieskamp@ebparks.org; blane@ebparks.org; ccoffey@ebparks.org; Robert E. Doyle <bdoyle@ebparks.org>
Subject: Info for IPM meeting, January 22

For Concerned Advocates of East Bay Regional Parks,

#1 below: A PRACTICAL MATTER FOR IPM CONSIDERATION, BARBEQUING IN FIRE PRONE PARKS.
#2 below: A VERY GOOD REASON TO KEEP HERBICIDES/PESTICIDES AND SYNTHETIC FERTILIZERS OUT OF PARKS EVERYWHERE - TOXIC ALGAE BLOOM.

1. I visited Lake Anza in Tilden Park last Monday for the Martin Luther King holiday. The weather was abnormally warm and windy. On my way to the Lake from the Merry-Go-Round parking lot, I walked past 3 different families barbequing at one picnic site. Forget the pandemic, what about fire! I looked around for a phone number to call the park police, but couldn't find one. A half hour had passed when I walked up to the one remaining family barbequing to express my fire concerns. This was nice, cooperative family from Uzbekistan, new to the area and with limited English skills

D-1

I ASK YOU: how in the world can visiting families, unfamiliar with our area and its history of fire be expected to be familiar with local fire protocol (e.g.: no barbequing on hot, windy days)? Even the locals sometimes scratch their heads for the underlying meaning of "Red Flag Day,' or 'conditions hot today for fire, as seen from the road? IT MAKES ABSOLUTELY NO SENSE THAT BARBEQUING BE ALLOWED IN TILDEN PARK AT ANY TIME! Can you please explain the need to barbeque in public parks? Why not bring a picnic lunch already assembled, and instead concentrate on the beauty a park can offer? NON-NATIVES VEGETATION IS FOREVER BEING PICKED ON AS A FIRE HAZARD TO TILDEN, BUT WHAT ABOUT HUMAN ERROR, THE PRIMARY CAUSE OF THE TRAGIC BERKELEY HILLS FIRE OF '91 (CAUSED BY A BARBEQUE OF WORKMEN NEAR-BY)?

2. H
armful Algal Blooms - National Park Service
www.nps.gov › orgs › upload › Harmful-Algal-Blooms

D-2

TILDEN GOLF COURSE (TGC): A SIGNIFICANT SOURCE OF TOXIC ALGAL GROWTH IN LAKE ANZA:

"Despite significant improvements to the ecological functions of the TGC and the subsequent Audubon Sanctuary Certification, integrated geochemical analyses suggest that Tilden Golf Course has a somewhat negative effect on water quality to downstream receptors and may be an additional source of excess nutrients to Lake Anza, where eutrophication is a concern. PO4 from historic fertilizer use and natural sources may have also accumulated in bottom

sediments of Lake Anza after runoff events. In anoxic conditions, bound PO4 is released into the water column, promoting algal growth. NO3 in the system also appears to have some natural provenance, but was observed to increase substantially downstream from golf course. It is important to note that Wildcat Creek, between the golf course and Lake Anza, is channelized and concrete lined. This disconnection between the creek and its bed, bank, flood plain and riparian community results in little opportunity for nutrient uptake before deposition in the Lake Anza impoundment. Therefore, excess nutrients accumulate in the lake at a greater rate than they would under natural conditions, possibly contributing to algal growth."

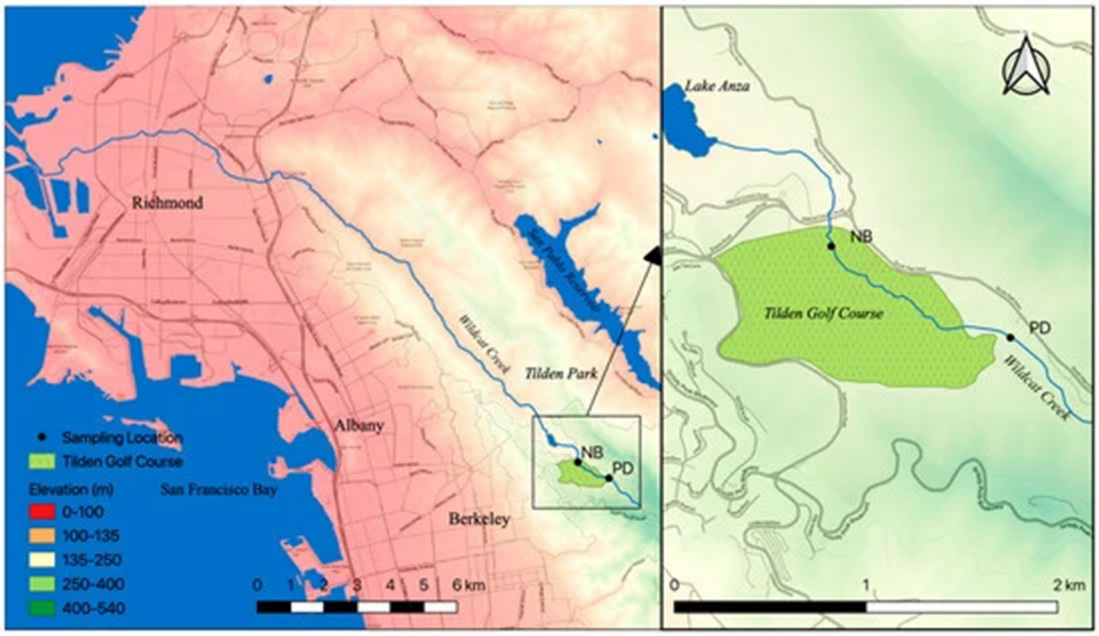
D-2, cont'd

from: Conclusion #4, paragraph 3 of:

D-3

Examination of Nutrient Sources and Transport in a ... - MDPI

www.mdpi.com › htm



D-4

Images for toxic algae bloom from fertilizer run-off + pesticides in Lake Anza

D-4,
cont'd

Thank you,

Kate Bernier
(510) 548-8762

Letter D: Kate Bernier

Response to Comment D-1

The commenter expressed concern that visitors were observed at Tilden Park barbequing at a picnic site on a day with high fire risk, namely warm temperatures and winds. The commenter suggested that human error is a primary cause of wildfire in public park settings. The comment does not pertain to the adequacy of the CEQA analysis.

Response to Comment D-2

The commenter expressed concern that Tilden Golf Course contributes to poor water quality for downstream receptors and may be a contributor of excess nutrients to downstream Lake Anza. The comment does not pertain to the adequacy of the CEQA analysis.

Response to Comment D-3

The commenter provided a map of nutrient sources and transport from Tilden Golf Course. The comment does not pertain to the adequacy of the CEQA analysis.

Response to Comment D-4

The commenter provided photographs of toxic algae blooms from fertilizer and pesticides in Lake Anza. The comment does not pertain to the adequacy of the CEQA analysis.

E

From: Robinson Pinon, Angela C
To: DEIR-comments@oaklandvegmanagement.org
Subject: Fw: 34 Wildfire Prevention Advocates Seek a 5th Alternative to the Draft EIR
Date: Thursday, January 21, 2021 4:11:44 PM
Attachments: Community Response to DEIR .pdf
explaining why Alternative 5.pdf
Revised Table 5-1 Comparison of Acreas Treated Among the VMP and Alternatives.pdf

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From: Carolyn Burgess <carolyn.burgess@gmail.com>
Sent: Thursday, January 21, 2021 4:08 PM
To: ken@horizonh2o.com <ken@horizonh2o.com>
Cc: Robinson Pinon, Angela C <ARobinsonPinon@oaklandca.gov>; Schaaf, Libby <LSchaaf@oaklandca.gov>; Reiskin, Edward <EReiskin@oaklandca.gov>; Tom Limon <tlimon.opc@gmail.com>; leo.raylynch@hmcarchitects.com <leo.raylynch@hmcarchitects.com>; Clark Manus <cmanusopc@gmail.com>; Jonathan Fearn <jfearnopc@gmail.com>; amandamonchamp@gmail.com <amandamonchamp@gmail.com>; Nischit Hegde <NHegdeOPC@gmail.com>; SShiraziOPC@gmail.com <SShiraziOPC@gmail.com>; Kalb, Dan <DKalb@oaklandca.gov>; Thao, Sheng <SThao@Oaklandca.gov>; Taylor, Loren <LTaylor@oaklandca.gov>; Reid, Treva <TReid@oaklandca.gov>; Kaplan, Rebecca <RKaplan@oaklandca.gov>; Nbas@oakland.ca.gov <Nbas@oakland.ca.gov>; Gallo, Noel <NGallo@oaklandca.gov>; Fife, Carroll <CFife@oaklandca.gov>
Subject: Fwd: 34 Wildfire Prevention Advocates Seek a 5th Alternative to the Draft EIR

I am a survivor of the 1991 Firestorm. Climate and environments have changed. Even in 91 the fire"created a wind "that traveled at 55+mph. The proposed plan does not recognize that a wind like 91' (or higher like last weekend {60-85mph} would send embers farther and faster than planned. Tree canopies need to be reduced in high fire danger areas. A much larger and wider clearance along roadways and public properties would possibly allow earlier control if a fire starts.
Please read and consider these alternate suggestions based on today's science and population growth.

E-1

Attached is a letter and two additional attachments from 34 community leaders addressing the compelling reasons to add a 5th Alternative to the City's Environmental Impact Review of the 10-year Vegetation Management Plan.

E-2

Carolyn Burgess Tunnel Road

Attachment 1
to Letter E

OAKLAND FIRESAFE COUNCIL

January 21, 2021

Ken Schwartz, Ph.D.
Managing Principal
Horizon Water and Environment
266 Grand Avenue, Suite 210
Oakland, CA 94610

Dear Mr. Schwarz,

As residents of the City of Oakland and as members of community organizations concerned about the safety of our neighborhoods and preservation of our homes, our lives and our environment, we have reviewed the proposed vegetation management plan and environmental impact report. While it contains much of value and is a good start, it needs some major revisions before we can consider it satisfactory and before we can support it with the tax measure that is likely necessary to fund it. We make the following requests and observations today:

1. Since the EIR currently under consideration is based on an unrevised 2019 Draft Vegetation Management Plan, we ask that you provide the public with a list of major changes made to that Plan and that you extend the time for comments beyond the holiday season to the full 60 days permitted under CEQA—January 22, 2021. E-3

2. We ask that you provide a corrected VM Plan and DEIR based on recent fire behavior, which requires new assumptions: 40 and 55-60 mph winds instead of 20 mph, new pathogens that are killing large stands of trees in city parks, and increased severity of fire storms and lightning-caused wildfires that mandate increasing the scope of vegetation management and defensible space boundaries. (See bullet point a. below for more details). These changes should be aimed at lowering the Oakland Hills Very High Fire Hazard Severity Zone rating through landscape scale management of its most dangerous vegetation. E-4

3. We ask that you provide a fifth alternative that would be the preferred alternative to the four presented in the Plan that takes a broader vegetation management approach based on the increasing severity of fires as noted above. This would include removal of large stands of the most flammable and unsafe vegetation (eucalyptus, pine, cypress, acacia, broom, non-native grasses) in key areas, to be replaced with native plants that have proven to be safer and more sustainable both environmentally and financially. E-5

4. We ask that you provide a corrected Plan and DEIR incorporating the 3Rs advocated by the environmental community: the phased Removal of the most dangerous non-native vegetation, the Restoration of native habitat that is less fire prone and less costly to maintain, and the Re-establishment of native biodiversity that prevents fire-prone monocultures of invasive plants and protects endangered species. E-6

These requests are based on the following concerns and observations:

a. The Plan and DEIR do not sufficiently acknowledge the increased risk of wildfire in the past two to three years, necessitating more vegetation management than the plan currently anticipates. Vegetation is dying at a faster rate from the effects of climate change, pathogen-caused disease and perhaps other reasons as well. Oakland today experiences greater drought conditions, higher temperatures and stronger winds than it did when the VM plan was first conceived. For example, the Plan and DEIR are based on a wind condition of 20 mph, yet we are experiencing much stronger winds on a frequent basis. Even the 1991 firestorm winds were clocked at 60 mph. Pathogens are rapidly increasing the death of vegetation affecting large swaths of eucalyptus, acacia, oaks, bay laurel and various species of brush. All of these increase the risk of wildfire and damage to property and lives. Therefore, more fuel load reduction than called for in the plan must be undertaken. E-7

b. The Plan and DEIR call for thinning of eucalyptus groves, such as at the North Oakland Sports Field and on Grizzly Peak. Thinning removes much of the danger from fires that start on the ground but does nothing to prevent fires that start in tree canopies (such as lightning fires) or that spread into canopies. Preventing canopy fires requires removal of those trees most likely to ignite, such as eucalyptus due to its very flammable nature and the large amount of fuel it creates. E-8

c. While the EIR addresses housing density adjacent to city properties and its impact on fuel load, thus contributing to prioritization of projects, it does not address vegetation density adjacent to city properties that also impacts the goal of reducing the spread of fire. For example, at the North Oakland Sports Field, there are equally hazardous groves of trees on Caltrans and privately owned property on either side of the city-owned property. The current Plan and DEIR do not look at treating a larger percentage of the city-owned grove to compensate for the high fire risks on either side. E-9

d. Once a eucalyptus tree is cut, it must be prevented from resprouting. This requires the use of Garlon. Scientific research has shown that this herbicide does not pose the risks to people, animals and other plants that other herbicides do. Therefore, we wholeheartedly agree with the conclusion in the EIR that its use does not conflict with Oakland city resolution 79133. E-10

e. The Plan and DEIR must include replacing vegetation that is removed, be it by planting or by natural occurrence. Otherwise, the most opportunistic, invasive vegetation is likely E-11

to grow back, recreating or exacerbating the fire hazard. Current research shows that a more diverse, native landscape is more fire resistant and cost-*effective in the long run. Any replacement plan must also include erosion control on steep hillsides.* The Plan and DEIR need to better describe how existing and habitat-supporting native vegetation will be protected during fuel treatment work, especially since existing native non-hazardous vegetation cover can contribute to erosion control and the goal of reducing the fuel load.

E-11, cont'd

E-12

f. What the Oakland Vegetation Management Plan and Draft EIR need are statements that ecological restoration is a goal that must to be integrated into the annual maintenance plan and each new project. The topic of ecological restoration, an inventory of current sites, and future opportunities for restoration in high priority projects on City property is also worthy of its own Appendix. The consequences of leaving ecological restoration out of the VMP and DEIR may be that certain parties could challenge future ecological restoration efforts on City property as invalid because their impacts were not studied and that prospects for potential funding for ecological restoration projects could be hampered due to their absence from these environmental documents. Additional mention should be made of past and on-going ecological restoration efforts that have already yielded positive results including habitat improvements, safer and more enjoyable parks, serve as outdoor classrooms, increased community pride, and youth employment just as honor is given in these documents of the City's past and ongoing fire prevention efforts.

E-13

g. While the Plan and DEIR set priorities for the various areas, more prioritization is required to clarify in what order projects will be implemented. Projects should be prioritized based on greatest risk to life and property so that the overall risk of wildfire in Oakland can be reduced most expeditiously.

E-14

h. The methodologies contained in the Plan and EIR must be based on the best available and applicable fire science. This means that a scientific approach developed for use in a woodland forest is not applicable in the wildland urban interface (WUI) like the Oakland Hills. Thinning is a forestry practice employed to maximize lumber harvests that should not be applied to eucalyptus fire risk reduction in the densely populated Oakland hills, especially when canopy fires have become a major concern.

E-15

h. While there are other means of preventing damage from wildfire, such as home hardening and improving escape routes and warning systems, these must not be considered alternatives to vegetation management. Rather, vegetation management must proceed independently of these other means of risk reduction.

E-16

i. The Plan and DEIR call for removal of large trees and other vegetation to a distance of 35 feet from the sides of key roads. It should be noted that the University of California is removing such vegetation to a distance of 100 feet to account for tall trees that could fall across roadways and block evacuation routes and fire department access. Wildfire

E-17

and flaming embers will not respect artificial boundaries, especially if they are unrealistic, given recent experience.

E-17, cont'd

j. As a practical matter, the Plan needs to include maintenance strategies for each parcel and a timetable once initial fuel reduction work is completed. Without ongoing maintenance, flammable vegetation will re-grow and the city's properties will become high risk again. These strategies and timetables should inform each year's annual plan and budget.

E-18

k. The Plan and DEIR documents need to be organized for easy understanding by the public. The charts in Section 2 for each site should be expanded to include which site projects would be first in line; how many years it would take to complete that portion of the project; when is the best time to schedule the work (winter, spring, summer or fall); follow up maintenance and schedule; what would be planted to replace what was removed and in what quantities. While having a city-wide plan meets the legal requirements of CEQA, residents of the WUI are primarily interested in the public spaces that are closest to where they live or play. There needs to be an easy way to understand the chart for each site so that the public fully understands what to expect.

E-19

We appreciate the work that city and consulting staff have expended to date and look forward to a revised Plan and DEIR that addresses our concerns and, when implemented, will best reduce the wildfire risks we currently face.

Sincerely,

Sue Piper
Chair
Oakland Firesafe Council/
Former WPAD
Member
Hiller Highlands

Barbara Goldenberg
Vice Chair
Oakland Firesafe Council/
Former WPAD Member/
Paso Robles/Shepherd Canyon

Ken Benson
Secretary
Oakland Firesafe Council/
Former WPAD Member/
Chabot Highlands

Karen Asbelle
Friends of Knowland Park

Lin Barron
Friends of Montclair RR Trail

Haywood Blake
Glenview

Denise Bostrom
Montclair

John Brega
Los Aramos
Piedmont Pines

Carolyn Burgess
Tunnel Road

Kay Carney-Filmore
President
Crownridge Neighborhood
Association

Jim Clardy
Fernwood
Montclair

Macy Cornell
Chair, Montclair
Neighborhood Council

Glen Dahlbaka
Former WPAD Member/
Hillcrest Estates
Neighborhood

Jim Hanson
Chair, Conservation
Committee, California Native
Plant Society, East Bay

Steve Hanson
President, North Hills
Community Association/
Former WPAD Member

Jeffery Kahn
Leader
Rockridge Terrace
Association

Jon Kaufman
President
Claremont Canyon
Conservancy

Richard Kauffman
Friends of Beaconsfield
Canyon

Jerry Kent
Claremont Canyon
Conservancy

Norman LaForce
Chair, Sierra Club
East Bay Public Lands
Committee

Daniel Lieberman
Colton-Heartwood
Montclair

Martin Matarrese
Former WPAD Member/
King Estates

Neil McElroy
Westview Drive

Neighborhood Steering
Committee
Upper Dimond/Lincoln
Heights

Mike Petouhoff
Former WPAD Member
Shepherd Canyon

Gordon Piper
Chair, Oakland Landscape
Committee/Former WPAD
Member

Dale Risden
Chair
Friends of Joaquin Miller
Park

Anna Marie Schmidt
Director
Friends of Sausal Creek

Pat Scwinn
Forestland
Montclair

Joan Squires-Lind
Forestland Heights
Montclair

Nick Vigilante
Vice Chair, Montclair
Neighborhood Council

Allene Warren
Former WPAD Member/
Grass Valley

Stan Weisner
President
Piedmont Pines
Neighborhood Association

Brenda Rueda-Yamashita
Co-Chair
Beat 35Y NCPC
Chabot Park Estates

CC: The Oakland City Planning Commissioners and staff
City Council members
Oakland City Mayor
City Administrator

Attachment 2
to Letter E

Accurate Characterization of Past, Current and Increasingly Likely Conditions Challenges the City's Proposed Vegetation Management Plan Fundamentals and Effectiveness

Current Proposed Vegetation Management Plan Based on a 2018 Assessment

- Focus on tree thinning and ground fuel reductions
- Based on 20 mph winds
- Create Defensible Space according to:
  - 300 feet from ridge
  - 35 foot roadside clearance
  - 150 feet around structures
  - 10 feet around perimeter of city property

Why Underying Assumptions in the Vegetation Management Plan Are Problematic:

- Based on activity for last 15 years-which only did annual maintenance.
- Supposedly based on 1991 Fire circumstances, but winds were 60 mph in 1991, not 20 mph.
- Using fire code applies to defensible space around structures-- parks are open space and have few structures.
- Focuses on reducing incidence of ground fires and fire ladders and does little to address the increasing danger of crown fires.
- Ongoing maintennce is not factored into the plan.
- No plan for replacing removed vegetation with more fire resistant native trees and plants --no assessment of long-term sustanabililty in terms of enviroment, cost-effectiveness.

Changed Circumstances since 2018

- Increased incidence of 60 mph winds--embers flying 1/2 mile = 2640 feet* --Defensible space needs to be broader.
- Flying embers = more crown fires-- need to create fire breaks and not just do tree thinning, so-called "shaded fuel breaks".
- Increased incidence of lightning fires in Bay Area=more crown fires.
- 3Rs support Environmental and financial sustainabity: **Phased Removal** of the most dangerous non-native vegetation, **Restoration** of native habitat that is less fire prone and less costly to maintain, and **Re-establishmen**t of native biodiversity that prevents fire-prone monocultures of invasive plants and protects endangered species.

New Approach to Vegetation Management

Requires:

- Re-calculating defensible space requirements-- treatment on more acres of most hazardous habitat-pines, cypress and eucalyptus.
- Look at short and long term cost benefit of treatments--one time and ongoing maintenance--may mean removal rather than thinning and annual high intensity maintenance.
- Consider adjusting treatment to compensate for high risk fuel load on adjacent property--look at parks as "neighborhoods" rather than postage stamps.

Underlying assumptions of Alternative 5

- Builds on the VMP but replaces thinning of pines, cypress and ecualyptus habitats with removing and restoring with nativestrees and plants for long term sustainabiilty.
- Annual grazing to reduce ground fuel does not address the high risk of crown fires; goats don't deal with dead limbs and tree slash; replacing these high maintenance risks is more fire safe, sustainable and economic in the long run.

Attachment 3
to Letter E

Alternative 5 is basically the proposed Vegetation Management Plan plus a phased removal of hazardous trees and replacement with native trees and plants in the Eucalyptus/Pine/Cypress habitat. Under Alternative 5, 359 acres of eucalyptus/pine/cypress would be removed and restored as opposed to 214 acres treated through thinning in the VMP. This is necessary because the VMP does not propose any ongoing maintenance to deal with the slash and other debris from the treated areas, other than goat grazing. Goats don't eat dead limbs or tree slash, and there is no plan for raking this up year after year--expensive and not sustainable. Goat grazing cannot have an impact on crown fires, which are a growing risk. When pine, cypress & eucalyptus burn, they generate embers that jump the gap that we create with annual maintenance under the current standards. The plan needs to address these risks using a 3R approach.

Revised Table 5-1 Comparison of Acreas Treated Among the VMP and Alternatives

Vegetation Management Activities	Table 3.4.1-Habitats acres within the VMP Area	VMP	Alternative 1: No Project Alternative	Alternative 2: Reduced Vegetation Management Activities Alternative	Alternative 3: No Herbicide Alternative	Alternative 4: Reduced Herbicide Use Alternative	Alternative 5: More-Based on 3R's for Euc/Pine/Cypress
Goat Grazing		760	886	1,100	1,100	1,100	760
Roadside and Parcel Treatments using Hand Labor, Mechanical, and Chemical Treatment Techniques		429	152	300	555	573	574
Oak Woodland	630.6	112					112
Redwood	141.4	18					18
Eucalyptus/Pine/Cypress	358.6	214	152	300	555	573	359
Coastal Scrub	176.9	46					46
Annual Grassland	258.1	35					35
Other Habitats	26.3	4					4
Subtotal Vegetation	1591.9	429	152	300	555	573	574
Urban (Golf, Zoo, and other Developed areas)	654.6						
Totals	2246.5						

Need breakdown by haitat for each alternative to better understand where treatment will be located.

3Rs: phased removal of hazardous trees; restore native habitat to replace removed vegetation; re-establish native biodiversity to better withstand wildfires.

Letter E: Carolyn Burgess

Response to Comment E-1

The comment requests that the Revised VMP include discussion regarding changes in the environment, such as increased wind speeds, that are associated with increased fire danger and spread. The comment also states that tree canopies need to be reduced in high fire danger areas and that a much larger and wider clearance along roadways and public properties would possibly allow earlier control if a fire starts. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The overall treatment area in the Revised VMP was expanded from 30 feet to 100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees (as determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property and could strike the road if they fell.

Additionally, further detail pertaining to more recent modeling was added to the Recirculated DEIR (see Section 2.3.2, pages 2-6 to 2-7). To evaluate whether weather conditions in recent years would substantially affect the modeling conducted to support development of the initial draft VMP, weather station data were reanalyzed in July 2023 to include data through 2021. This analysis showed that only one value used in the modelling would change (100-hour fuel moisture would drop from 8 to 7 percent). It is not anticipated that this would alter the initial draft VMP modeling results substantially. Additionally, there was no change to the maximum recorded wind speed value, which was 39 mph from 2012.

Response to Comment E-2

The commenter introduced a letter, included in the FEIR as Attachment 1 to Letter E, which provides reasons to add another alternative to the DEIR for consideration of the Revised VMP. See Master Response 2.

Responses to Comments E-3 through E-19

See Letter AN (the original comment letter submitted by Oakland Firesafe Council) and Responses to Comments AN-1 through AN-16.

F

CALIFORNIA
NATIVE PLANT SOCIETY
East Bay Chapter, www.ebcnps.org
PO Box 5597, Elmwood Station, Berkeley, CA 94705

January 22, 2021

Horizon Water and Environment, LLC
Attn: Ken Schwarz, Principal,
VMP DEIR Comments
266 Grand Avenue, Suite 210
Oakland, CA 94610 Via email: DEIRcomments@oaklandvegmanagement.org.

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE OAKLAND VEGETATION MANAGEMENT PLAN

Dear Mr. Schwartz:

Thank you for the opportunity to comment on the Oakland Vegetation Management Plan – Draft Environmental Impact Report (DEIR).

We are submitting comments on the DEIR impacts and proposed mitigations in the interest achieving an effective vegetation fuel management program that protects special status plants, This includes federal and state rare and endangered plants, CNPS ranked and locally rare plants, and sensitive natural plant communities.

Below are our comments:

A. Biological Inventory

The DEIR's list of Special Status plants in the VMP area, including locally rare plants and sensitive plant communities, assists the City in achieving the complimentary objectives of fuel management and resource conservation.

F-1

The City, the public, and future contractors require thorough baseline information on the rare plant species and sensitive native plant communities in the VMP project area and where they are located.

The DEIR listing of special status plants contains information on the scientific and common name of these plants, their official conservation status, what habitats they are found in, bloom periods, and whether they have been recently found to be present or may be present due to favorable habitat conditions (Biological Resources, Table 3.4-2. Special-Status Plant Species with Potential to Occur in the VMP Area) The Biological Resources section also describes six sensitive natural communities within the VMP Area (Table 3.4-6. Sensitive Natural Communities within Priority Project Areas).

The rare plant and rare plant community listing in the DEIR is very useful, especially when combined with comprehensive, protocol pre-project surveys of treatment sites by a botanist (as outlined in Mitigation Measure - Bio 2a, and associated recommendations).

F-1, cont'd

The botanical data assists the City in achieving the complimentary objectives of fuel management and resource conservation, especially since conserving diverse plant populations also helps to prevent erosion, comply with state environmental protection laws, contribute to Oakland residents' quality of life, often contribute to lowering fuel loads.

B**. Mitigation Measures**

1. **Mitigation Measure (MM) Bio-1 - The proposed allowable "take" of a percentage of special status plants is a potential significant environmental impact. It conflicts with the purpose the EIR, VTP objectives, and the City General Plan.**

Mitigation Measure "Bio 1" in the Biological Resources section includes a clause that would arbitrarily permit the "take" (i.e. destruction) of a percentage of special status plant populations in the project area without reason or compensatory mitigation.

F-2

The DEIR proposes that 5 percent of a given population for state-listed or federally listed species, 10 percent for CRPR List "1B" and "2" species, and 20 percent for CRPR List 3 or 4 or A-ranked species could be destroyed during fuel management treatments for no reason and without compensatory mitigation for that loss.

There are several reasons why this clause should be removed from the DEIR:

a) There is no reason provided for allowing potentially significant environmental impacts to portions of the populations of rare plant species in the parks and other public lands that make up the project area. This DEIR clause is apparently borrowed from rare plant percentage destruction thresholds used in the County of San Mateo Routine Maintenance Program Environmental Impact Report (County of San Mateo 2020). There is no explanation provided in the DEIR why this practice would be acceptable in Oakland, or any explanation of why, say, 20% of any of numerous species of locally rare plants should be arbitrarily allowed to be destroyed when the populations are dispersed and very limited already. There is also no methodology provided that describes how a

F-3

certain percentage of any given rare plant population can be assessed reliably in the field. F-3, cont'd

b) Eliminating special status plants conflicts with the stated legislative purpose of an environmental impact report (EIR). The purpose of an EIR is to "*identify* the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be *mitigated or avoided"* (italics by author). Also, "each public agency *shall mitigate or avoid the significant effects on* the environment of projects that it carries out or approves whenever it is feasible to do so" (CEQA Section § 21002.1 a,b). A primary role of the DEIR is to describe how to avoid significant environmental impacts. Therefore, the DEIR should not casually permit the destruction of arbitrary percentages of special status plants. F-4

c) This practice conflicts with Oakland's General Plan Policy CO-7.1: "Protection of Native Plant Communities. Protect native plant communities, especially oak woodlands, redwood forests, native perennial grasslands, and riparian woodlands, from the potential adverse impacts of development. Manage development in a way which prevents or mitigates adverse impacts to these communities" (DEIR, pg. 3.4-47). It also conflicts with the VTP objective to "Avoid, minimize, and/or reduce potential adverse effects of vegetation management on sensitive biological resources, water resources, aesthetics, soils, and slope stability." F-5

d) Oakland public lands in the VTP area support with many diverse special status plants and plant communities. Avoiding impacts to special status plants is eminently achievable. Unlike the mass grading for large subdivision or other massive land developments, vegetation fuel treatment work takes place in open spaces where the work is highly focused and controllable. Grazing animals, field personnel on foot, and equipment can be supervised with the assistance clear and effective mitigation measures and a botanist on site. F-6

It is requested that this clause be taken out of the DEIR. F-7

2. <u>MM BIO-2a does not lessen impacts to a less than significant level. To avoid impacts to Special-Status Plant Species, a Botanist is required on site to monitor fuel treatment work.</u>

Mitigation Measure Bio-1 utilizes a qualified biologist (in this case, a trained botanist) to orient workers to special status plants that may be found in the treatment site. MM Bio-2a describes pre-treatment surveys by the biologist, including field marking areas to avoid. F-8

However, once the intensive fuel treatment begins, there is no mention of including a biologist on site to assist the contactor in complying with the mitigation measures and monitoring compliance with the DEIR. Under Measure Bio-2a, as drafted, the use of skilled personnel to assist and oversee treatments in complex and sensitive natural systems would be absent.

Pre-construction trainings with photos or a brochure can only introduce workers to the numerous natural plant communities, invasive species, and over 100 special status plants that are present or potentially present in the project area. Years of training on plant identification and field assessment on the ecological impacts of fuel treatments cannot be transmitted in a pre-construction training session. Significant impacts to special status plants and sensitive plant communities cannot realistically be avoided when treatment work without a biologist on site. F-8, cont'd

The qualified biologist - a trained botanist with ecological land management experience - is necessary to assist the OFD and the contractor in meeting the mitigation measures in the DEIR, as well as monitoring to avoid significant impacts to special status plants and plant communities.

3. **MM Bio-2a requires more detail.**

Mitigation Measure …..
a. A botanist should be specified to carry out botanical surveys. All botanists hired for the surveys need to be vetted/approved through the Bay-Delta region of CDFW. F-9
b. Protocol level surveys from 5 years ago may not be relevant, especially since this MM is relying on "normal weather years". To be more robust, we suggest that this parameter be edited to require new protocol-level surveys for any project sites that have not had these surveys in the past two years. F-10
c. We request that all reports of presence/absence of special-status plant species be collated in an annual report and be made available to stakeholders and the public. F-11
d. Please define "adequate" in terms of buffer distances/widths of special-status plants and communities to be protected. F-12

4. **MM Bio-2b needs to provide a sufficient ratio for replacement of special status species and rare native plant communities that require compensatory mitigation**

Mitigation Measure 2b would allow a 1:1 compensation for loss of special status plants due to fuel treatment work. To compensate for loss or rare species, a 2:1 or greater ratio (replacement size to original population) is considered minimally adequate for conservation of the rare species under CEQA. F-13

5. **MM Bio-2b needs futher explanation of how compensatory mitigation would preserve an *unprotected* special status plant population.**

Mitigation Measure 2-b states that “for impacts on populations (including partial populations) of a specific special-status plant species, compensatory mitigation shall include preservation, enhancement, and management of *lands* that (a) already support equal or greater numbers (and health) of individuals of that species….” (italics by author). F-14

If the lead agency simply uses an already-protected special status plant population on public lands as the proposed replacement for the destroyed population, there is no effective mitigation of the significant impact. Simply using an already-protected special status or sensitive plant population on public lands is a net loss of that species. Therefore, MM-2-b should state that conservation of currently unprotected special status plant populations (such as on private lands or other permanent conservation easement) at 2:1 or higher ratio would qualify as compensatory mitigation.

F-14, cont'd

6. **MM Bio-2b - the Endowment Fund requires more detail to ensure that any compensatory mitigation areas are properly funded, managed, maintained and monitored in perpetuity**

The City will need to identify an Endowment Manager and will need to include the following as applicable: 1) Calculation and set aside of the Endowment Funds Deposit, 2) Capitalization Rates and Fees, 3) Endowment Buffers/Assumptions, including: a) 10 % contingency, b) three year's delayed spending, c) non-annualized expenses, and d) the transference of long-term endowment funds. Examples of any Endowment Funds can be found in documentation related to CDFW's 2081 Incidental Take Permit process.

F-15

7. **MM Bio-3 requires more detail about seed sources**

We recommend that the DEIR state that any all all native seeds to be used in the VMP area be collected from as local or regional sources.

F-16

8. **MM Bio 3- Native or sterile seeding of disturbed sites alone is inadequate to prevent invasive weeds colonization of soils disturbed by fuel treatment work. Initial and repeated invasive weed control needs to be described, as well as a Mitigation Measure to conserve intact, low-growing native plant cover.**

F-17

MM Bio-3 suggests that to minimize the potential for invasive plant species to colonize exposed soils and subsequently spread into adjacent listed plant populations, the City and its contractors would simply reseed exposed soil resulting from VMP activities with native or sterile seed.

The DEIR appropriately includes prevention measures to minimize the importation of invasive weed seed and pathogens into VMP treatment areas. However, when soil disturbance does occur, the existing weedy seed bank in the VMP treatment areas will also readily establish; native or sterile seeding is not effective alone to prevent invasive weed from colonizing disturbed areas.

F-18

One of the most effective means of preventing colonization by invasive or other flashy weeds is to protect the soil by protecting the lower fuel native herbaceous layer. When intact native flora declines or dies off due to being “over-treated,” weed colonization follows.

Therefore we make the following recommendations:

a) A **Mitigation Measure** noting that **existing and habitat-supporting native vegetation will be protected during fuel treatment work to the maximum extent possible**, especially since existing native vegetation cover can contribute to erosion control and the goal of reducing the fuel load.

One example of this approach comes from "shaded fuel break" treatments in oak woodlands. The ground cover flora in the oak understory is often comprised of very-low fuel load ferns, sub- shrubs, occasional habitat-supporting shrubs that provide berries for birds and other wildlife, and some shade tolerant low native grasses. This diverse, soil-protecting plant system can be "over-treated" by excessive manual weed trimming, goat grazing, and vehicle equipment operation and succumb to weeds. In the case of oak woodlands, the colonizing invasive weeds are often veldt grass (*Erharta erecta*) and French broom (*Genista monspessulana*), invasive and highly flammable weedy plants (VTP Appendix D - Highly Flammable and Invasive Plants). However, if the intact, low-growing native herbaceous cover is retained, a lower fuel load ground cover remains. F-19

b) That Mitigation Measure Bio-3 incorporate best practices to re-establish native plant cover on disturbed soils. To re-establish native vegetation from seed, best practices include first controlling the weedy seed bank in the disturbed soil area and then managing the site over at least a three years to enable the desired native plant cover to establishe. F-20

c) Better highlight post-vegetation treatment follow up weed control in the VTP and DEIR. F-21

9. <u>Impact Bio 3a - Sensitive Plant Communities – Mitigations inadequate for impacts to Sensitive Natural Communities</u>

The section on Sensitive Plant Communities does not describe compensatory mitigation for loss of rare plant communities from fuel treatment work. We strongly recommend that this Mitigation Measure 2b (as amended by previous comments) be included so that rare plant communities that are appropriately mitigated for. F-22

Also, "grassland" is a more accurate description than "annual grassland" to describe this dominant plant type. F-23

10. Cumulative Impacts – The DEIR inadequately describes the cumulative impacts on special status plants and wildlife from a blanket, one-size fits all VMP plan treatment of varied coastal scrub communities. F-24

Coastal scrub and chaparral plant communities are an important habitat for special status plants, Alameda striped racer, and many resident and migrating bird species. They often vary greatly in composition, size, and density and thus fuel load considerations. Many are located far

from structures and are surrounded by very low fuel height grasslands that have been grazed to 4" in height.

However, the VTP prescribes a one-size fits all treatment that includes mechanically removing up to the 2/3 of the coastal scrub stand, weed-wacking, and goat grazing of ground level plants, and all shrub vegetation that can be reached by goat herds. Coastal scrub populations would be cut, weed wacked and grazed into 8' diameter "green shrub donut holes" with 16' of sheared and grazed open areas between them. Little mention is given to the relative ignition and fuel load impacts of opening up coastal scrub areas to invasion by flashy weedy grasses. There is no analysis of what treatment is appropriate to which coastal scrub type. Impacts on special status plants, plant communities, and habitat for special-status wildlife species need to be related to the coastal scrub type.

We use the Knowland Park treatment plan as an example (as illustrated on the map of VTP Treatment for Knowland Park – Figure 2-3, sheet 6 of 6). In addition to supporting oak woodland, and grasslands, including a rich native perennial grassland, the natural area of the park has varied coastal scrub assemblages and maritime chaparral. According to the VTP, the variety of coastal scrub populations that can be found there is subject to the one-size fits-all-shrub treatment standard from the VTP, whether it is a dense stand of Baccharis (*Baccharis pilularis*), a dispersed stand with Baccharis and rarer habitat-supporting shrubs (i.e. Ribes sp., Toyon, Coffeeberry), or a mixed shrub community with California sagebrush (*Artemesia californica*), sticky monkey flower (*Mimulus aurantiacus*), and native bulbs.

F-24, cont'd

The cumulative impacts of applying this VTP treatment prescription to all shrub communities in the project area has not been fully analyzed or mitigated for. Therefore, we recommend that the VTP be amended to describe treatments according to the various shrub community types and their relative ignition, fuel load, location risk, etc., and that the DEIR analyze impacts and specify mitigations appropriate to that shrub community type.

C. Overall comment to reinforce the link between fuel treatment and resource protection

The City, the public, and contractors need to fully understand and see the relationship between fuel treatment prescriptions and resource protection in both the VTP and DEIR.

For instance, the section and accompanying summary table on "Vegetation Treatment Standards" (Table 2-3. Vegetation Management Standards and Goals by Dominant Vegetation) only describe how grassland, "brush/scrub", and trees would be cut, pruned, and disposed of. Summary tables like these are often relied upon as the main source of guidance for what the VTP is about. Nowhere in this section is there mention that environmental resource protection is an integral vegetation treatment standard, too. Therefore, we recommend that the DEIR mention environmental protection and the DEIR mitigations in the columns under "standards" and "goals" for each dominant vegetation type.

F-25

In addition, the VTP Treatment maps, for instance for "Project Priority Ranking," provide no complimentary visual information on special status plants, riparian zones, sensitive plant communities or other environmental features that would help inform where environmentally sensitive areas are and where treatments need to be adjusted. Trying to compare maps with environmentally sensitive areas to maps with priority treatment areas is extremely difficult. We recognize it is difficult to add too much to a map. However, we recommend that sufficient text and graphics about environmentally sensitive resources be added to the maps that will relied upon to plan fuel treatments.

F-26

Thank you for the opportunity to comment on the DEIR and we look forward to your consideration and incorporation of these comments in the Final EIR.

Sincerely,

Jim Hanson
Conservation Chair

Letter F: Jim Hanson, California Native Plant Society

Response to Comment F-1

The comment states that the special-status species listed within the DEIR provide a thorough coverage of baseline information. This comment will be conveyed to the decision-makers.

Response to Comment F-2

The comment states that Mitigation Measure BIO-1 allows take of special-status plants without reason or compensatory mitigation. See Master Response 1. Mitigation Measure BIO-1, BIO-2a, and BIO-2b have been revised in the Recirculated DEIR to remove the impact thresholds mentioned in comment F-2.

Recirculated DEIR, Mitigation Measure BIO-1 – see pages 3.4-57 to 3.4-58.

Recirculated DEIR, Mitigation Measure BIO-2a – see pages 3.4 58 to 3.4-59.

Recirculated DEIR, Mitigation Measure BIO-2b – see pages 3.4-60 to 3.4-61.

Response to Comment F-3

The comment states that the DEIR includes no explanation for using the County of San Mateo thresholds in the City of Oakland; no methodology is provided for how the percentage of population would be assessed. This comment is addressed through revisions to the Recirculated DEIR as described in Response to Comment F-2.

Response to Comment F-4

The comment states that the DEIR should describe how to avoid significant impacts, not permit them. This comment is addressed through revisions to the Recirculated DEIR as described in Response to Comment F-2.

Response to Comment F-5

The comment states that Mitigation Measure BIO-1 conflicts with General Policy Plan CO-7.1, Protection of Active Plant Communities, and with the VMP objective to "[a]void, minimize, and/or reduce potential adverse effects of vegetation management on sensitive biological resources, water sources, aesthetics, sols, and slope stability." This comment is addressed through revisions to the Recirculated DEIR as described in Responses to Comments F-2 and F-22.

Vegetation type conversion is not proposed under the Revised VMP, and sensitive natural communities would remain following Revised VMP treatment. Rather, thinning vegetation and providing, creating, and maintaining adequate spacing among retained vegetation is the primary management strategy to reduce the potential for ignitions and the likelihood of extreme fire behavior. Additionally, any work within riparian habitats would require notification of California Department of Fish and Wildlife (CDFW) under Section 1602 of the F&G Code, which is likely to result in additional conditions.

Revised VMP Section 1 states:

> Development of this VMP shows the City's commitment to this responsibility. Finally, the goals, objectives, and management recommendations in this VMP are consistent with Objective CO-10 and Policy CO-10.1 of the Open Space Conservation and Recreation Element of the City of Oakland General Plan (City of Oakland 1996), which call for managing vegetation to minimize the risk of catastrophic wildfire (page 1-2).

Additionally, see Revised VMP Section 9, *Vegetation Management and Maintenance Standards*; Section 10, *Practices to Avoid/Minimize Impacts;* and Appendix J, *Draft Protected and Endangered Species Policy and Procedures*.

Response to Comment F-6

The comment states that avoiding impacts to special-status plants in the VMP area is achievable. This comment is addressed in Response to Comment F-2. Additionally, see Revised VMP Section 9, *Vegetation Management and Maintenance Standards*; Section 10, *Practices to Avoid/Minimize Impacts;* and Appendix J, *Draft Protected and Endangered Species Policy and Procedures*.

Response to Comment F-7

The comment states to remove "this clause be taken out of the DEIR." This comment is addressed through revisions to the Recirculated DEIR as described in Response to Comment F-2.

Response to Comment F-8

The comment states that Mitigation Measure BIO-2a does not lessen the impacts to a less – than-significant level. To avoid impacts to special-status plant species, on-site monitoring by a botanist is required during fuel treatment work. In the Recirculated DEIR, Mitigation Measure BIO-2a (pages 3.4-58 to 3.4-59) addresses the actions to be taken by the botanist and the actions to be taken by the qualified biologist based on the pre-treatment survey conducted and the determinations of treatment activities' impacts to species plant populations by a botanist (steps/measures 1-3 and 7). The measures to be taken by both the botanist and qualified biologist lessen impacts to a less-than-significant level by avoiding and/or minimizing potential impacts to special-status plant species within treatment activities (steps/measures 1-7). The Prior 2020 DEIR and the Recirculated DEIR are in conformance with the applicable laws and standards established by federal, state, and local laws and ordinances.

Response to Comment F-9

The comment states that Mitigation Measure BIO-2a should require a botanist to be approved by CDFW for botanical surveys. See Response to Comment F-8.

Response to Comment F-10

The comment states that Mitigation Measure BIO-2a should be edited for protocol surveys to be conducted for any project site that has not been surveyed in the past 2 years. See Master

Response 1. In the Recirculated DEIR, Mitigation Measure BIO-2a was revised to reduce the time between surveys from 5 years to 3 years. See pages 3.4-58 to 3.4-59 in the Recirculated DEIR.

Response to Comment F-11

The comment requests that Mitigation Measure BIO-2a include special-status plant species reports to be collated and available to stakeholders and the public. See Master Response 1. In the Recirculated DEIR, Mitigation Measure BIO-2a was revised to state that "[b]otanical survey reports will be made available to the public upon request." See page 3.4-58 in the Recirculated DEIR.

Response to Comment F-12

The comment states that Mitigation Measure BIO-2a should define "adequate" in relation to buffer distances of special-status plants and communities to be protected. See Master Response 1. In the Recirculated DEIR, Mitigation Measure BIO-2a was revised to define adequate buffer distances as those that are "large enough to avoid direct or indirect impacts to the plants or habitat." See page 3.4-59 in the Recirculated DEIR.

Response to Comment F-13

The comment states that Mitigation Measure BIO-2b should have a replacement ratio of at least 2:1 to compensate for loss of special-status plant species. The provision in Mitigation Measure BIO-2b requiring submittal of the Compensatory Mitigation Plan to CDFW and/or USFWS (U.S. Fish and Wildlife Service) (as appropriate) for review and comment if the special-status plant taxa impacted are listed under ESA (Endangered Species Act), CESA (California Endangered Species Act), or NPPA (Native Plant Protection Act) would ensure that compensatory mitigation would be adequate to offset impacts to listed plant species.

Response to Comment F-14

The comment states that Mitigation Measure BIO-2b should require compensatory mitigation at a ratio of 2:1 or higher to conserve unprotected special-status plant populations. Mitigation Measure BIO-2b states that "[t]he Compensatory Mitigation Plan will detail the compensatory mitigation strategy for unavoidable impacts on special-status plants." Additionally, Mitigation Measure BIO-2b would require compensation for significant impacts on populations of special-status plants through a combination of preservation and enhancement of those species' populations outside Revised VMP treatment areas. Also see Response to Comment F-13.

Response to Comment F-15

The comment states that Mitigation Measure BIO-2b would require establishment of an Endowment Fund that needs to be fully defined to ensure compensatory mitigation areas are properly funded, managed, maintained, and monitored in perpetuity. In the Recirculated DEIR, Mitigation Measure BIO-2b would only be implemented for "impacts to special-status plant populations where such impacts are unavoidable, and a qualified botanist has determined that the treatment activity will not be beneficial to the special-status plant population." The City would determine the funding and endowment structure prior to implementation of Mitigation Measure BIO-2b. See pages 3.4-60 to 3.4-61 in the Recirculated DEIR.

Response to Comment F-16

The comment states that Mitigation Measure BIO-3 should require that native seeds be collected from local or regional sources. In the Recirculated DEIR, Mitigation Measure BIO-3 was revised to add the following text: "If feasible, the collection sources of native seeds will be from local or regional sources." See page 3.4-61 in the Recirculated DEIR.

Response to Comment F-17

The comment states that Mitigation Measure BIO-3 should include additional protection of disturbed sites beyond seeding to prevent invasive weed colonization. See Response to Comment F-16.

Response to Comment F-18

The comment states that, regarding Mitigation Measure BIO-3, seeding is not effective alone to prevent invasive weeds from colonizing disturbed areas. See Response to Comment F-16.

Response to Comment F-19

The comment states that an additional mitigation measure should be added to protect existing and habitat-supporting native vegetation during fuel treatment work. As described in the Revised VMP, treatments implemented within tree-dominated vegetation are intended to create stand conditions that function as a shaded fuel break. The Revised VMP does not propose vegetation type conversion as an end goal or strategy; rather, thinning vegetation and providing, creating, and maintaining adequate spacing among retained vegetation is the primary management strategy to reduce the potential for ignitions and the likelihood of extreme fire behavior. Site-specific work plans would be developed for each location based on the maintenance needs identified by OFD.

Response to Comment F-20

The comment states that Mitigation Measure BIO-3 should incorporate appropriate best management practices (BMPs). As described in Section 2.4.13 of the Recirculated DEIR, during implementation of the Revised VMP, OFD would establish an annual work plan based on assessment of vegetation conditions within the VMP Plan Area. This would include both initial treatment and follow-up treatment of sites treated in previous years. This annual evaluation and work plan, in combination with seeding of disturbed soils, would reduce the spread of highly flammable and/or invasive species. BMPs would be implemented as described in the Revised VMP.

Response to Comment F-21

The comment states that the DEIR and VMP should highlight post-treatment follow-up. Ongoing maintenance is an important part of the Revised VMP; see Master Response 2 under "Need for Ongoing Maintenance." Also see Response to Comment F-20.

Response to Comment F-22

The comment states that Impact BIO-3A should be amended to mitigate for impacts on sensitive natural communities. As described in Impact BIO-3A, impacts to sensitive natural communities would be minimized through implementation of Mitigation Measures BIO-1, BIO-5, BIO-15, GEO-1, HYD/WQ-1, HAZ-4, and HAZ-5. With implementation of these measures, as shown in the Recirculated DEIR, impacts on sensitive natural communities would be reduced to less-than-significant levels. No additional mitigation measure is required.

Response to Comment F-23

The comment states that "grassland" is a more accurate description than "annual grassland" to describe the dominant plant type in Impact BIO-3A. The term "annual grassland" is not used in the discussion of Impact BIO-3A. The term is used elsewhere in Section 3.4, *Biological Resources,* as that is the classification name in the California Wildlife Habitat Relationships (CWHR) System (Mayer and Laudenslayer 1988) that was used to map vegetation for the Revised VMP.

Response to Comment F-24

The comment states that cumulative impacts on coastal scrub communities are not described adequately in the Prior 2020 DEIR; one-size-fits-all treatments are not appropriate for varied communities.

In the Revised VMP, Section 9.2, Current and Recommended Treatments for Specific Areas, provides recommendations and identifies site-specific projects within City-owned parcels and roadsides. (This information is reflected in Table 2-9 of the Recirculated DEIR.) These site-specific areas have been categorized based on size, location, and similar characteristics, along with a summary of existing vegetation management activities that are being implemented by the City along with vegetation management actions, and projects recommended under the Revised VMP. Revised VMP Section 9.2 includes specific recommended treatments for selected areas, the roles of volunteer and stewardship groups in managing vegetation in City parks, and specific projects identified for specific areas and dominant vegetation types. For example, Section 9.2.4.2, on pages 159 to 160 of the Revised VMP, focuses on Knowland Park and Arboretum and describes vegetation treatments to reduce fire risk with coastal scrub (61.8 acres) in the park. The discussion specifies that "where feasible, shrubs such as coffeeberry (*Frangula californica*), toyon (*Heteromeles arbutifolia*), and gooseberry (*Ribes spp.*) should be protected from goat grazing."

Response to Comment F-25

The comment states that Table 2-3, "Vegetation Standards and Goals by Dominant Vegetation Type," of the Prior 2020 DEIR (Table 2-4 of the Recirculated DEIR) should include environmental protections for each dominant vegetation type. The table referenced by the commenter is a summary of VMP standards and goals. The Revised VMP and Recirculated DEIR provide information about required environmental protection measures in the following locations:

- Revised VMP:
    - Section 8, *Vegetation Management Techniques*

- Section 9, *Vegetation Management and Maintenance Standards*
- Section 10, *Practices to Avoid/Minimize Impacts*
- Section 12, *Plan Implementation*
- Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources*
- Appendix J, *Draft Protected and Endangered Species Policy and Procedures*

- Prior 2020 DEIR/Recirculated DEIR:
  - Section 2.4.2, "Vegetation Management Standards"
  - Section 2.4.6, "Vegetation Management Techniques"
  - Chapter 3, *Environmental Setting, Impacts, and Mitigation Measures* – impact analysis and mitigation measures for each resource topic

In addition, mitigation measures identified in the Recirculated DEIR will be listed in the Mitigation Monitoring and Reporting Program along with implementation responsibilities and timelines.

Response to Comment F-26

The comment states that the VMP treatment maps should be adjusted to include a way to compare locations of environmentally sensitive areas and priority treatment areas. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

From:	David Bakke
To:	DEIR-comments@oaklandvegmanagement.org
Cc:	John Todd; Robards, Tim@CALFIRE; Martin Matarrese; Rachelle Hedges; Jim Scheid
Subject:	VMP DEIR Comments
Date:	Thursday, January 21, 2021 2:27:34 PM
Attachments:	SAF Policy Nonnative Invasive Forest Species.pdf SAF Policy Forest Management Carbon and Climate Change Final.pdf ltr to oakland jan 21 2021.pdf CalSAF Policy The Role of Mechanical Treatment in Reducing Risks of Catastrophic Wildfire.pdf CalSAF Policy California"s Wild Fire Emergency.adopted version 5 17 19.pdf

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On behalf of the Bay Area Chapter of the California Society of American Foresters, please accept our comments on the DEIR, attached.

David Bakke, Chair
Bay Area Chapter, California SAF
2895 Cypress Circle
Fairfield, CA 94533
(707) 344-4717

G

Society of American Foresters

California Society of American Foresters
Bay Area Chapter
2895 Cypress Circle
Fairfield, CA 94533

January 21, 2021

Horizon Water and Environment, LLC
Attn: Ken Schwarz, Principal, VMP DEIR Comments
266 Grand Avenue, Suite 210
Oakland, CA 94610

Dear Mr. Schwarz:

On behalf of the Bay Area Chapter of California SAF, I appreciate the opportunity to submit the following comments after our review of the revised draft of the City of Oakland's Vegetation Management Plan (VMP) and the associated draft Environmental Impact Report (DEIR). We applaud the City of Oakland's efforts in getting this plan to this point; much good work has gone into it. The plan is generally well-written and informative. We want the City to move ahead on implementation of the VMP, hopefully with some suggested modifications as contained in this letter, but we recognize that doing something to ameliorate the current hazards is immensely better than doing nothing. G-1

To assist you in understanding our concerns, I have attached to this letter several state and national SAF position papers that provide additional background. G-2

We support your choice of the VMP as the environmentally superior alternative, but we believe a more rigorous Alternative 5 is needed for the following reasons: G-3

- Ecological restoration should be a goal of the VMP, including the establishment of native plant species where nonnative species dominate, especially those nonnative species identified as high fire hazard in Appendix D of the VMP. G-4
- Thinning of dense stands of nonnative tree species should only be done as part of an overall strategy of restoration, i.e., the goal of any tree removals should always be to eventually convert these stands to native tree or vegetation cover in order to build greater ecological resiliency. Thinning alone will only lead to a continuing need for entries into these stands as the trees grow and mature, and will not ameliorate the fire risk posed by these species. Budget uncertainties into the future should be a consideration when setting yourselves on this path of continual thinning and understory fuels management. The economic and ecological tradeoffs between thinning versus wholesale conversion of eucalyptus stands should be evaluated, G-5

including maintenance considerations. However, if thinning is kept as the desired practice, we ask that you design each entry to be sufficiently intensive to assure that tree crowns will not close before the next thinning entry (10 years from now?) and indeed is sufficiently thinned to allow work towards establishing native vegetation in these stands. G-5, cont'd

- There should be a more complete description of follow-on maintenance practices for the life of the VMP, such as the frequency and cost to maintain ground fuels at acceptable levels, to maintain crown separation of nonnative trees, and to maintain separation between ground fuels and tree crowns. G-6
- The nonnative tree stands will continue to be a source of fire brands in future fires. The analysis of fire hazard on the University of California Strawberry Canyon property indicated distribution of fire brands from eucalyptus and Monterey pine stands on ridges under high velocity winds would carry more than 2,000 feet (Rice 2020). Converting these stands of nonnative vegetation to native vegetation would significantly reduce ground fuel loads (Agee et al 1973; Russell and McBride 2003). Reduction in ground fuel amounts would reduce fire intensity and flame length and therefore reduce the production and transport of fire brands. The necessary width of fuel breaks would also be greatly affected by a transition away from these flammable nonnative species. G-7
- The use of prescribed fire as a vegetation maintenance tool should have been considered and included in the VMP especially on ridges where fire moving from adjacent jurisdictions might occur, or along power-line transmission corridors. Prescribed fire use is further rationalized since the native vegetation has evolved with fire and becomes less resilient as fire is withheld. Prescribed fire as a maintenance tool is currently being used to the east in the Moraga-Orinda area. The Governor's recently released 2021-22 budget includes funding for fuel reduction methods, and highlights the need to increase the use of prescribed fire. The Bay Area Air Quality Management District has worked with the Moraga-Orinda Fire District in approving the use of prescribed fire. Prescribed fire is a more viable tool now than at any time in the recent past; its use would result in lower maintenance costs over the life of the VMP as compared to hand and mechanical methods and would prove beneficial to a goal of ecological restoration. If the nonnative tree stands are managed into the future as is currently proposed, prescribed burning would be the most cost-efficient and effective method of managing ground fuels (Agee et al 1973). G-8
- We support the current highest treatment priorities identified in section 9.3.3 of the VMP (those listed as #1, with modifications as described elsewhere in this letter). It was however unclear to us how the fire behavior analysis led to choosing these as the highest priority areas. We ask that once these initial highest priority areas are treated, that the City will use the VMP fire behavior analysis to set the priority of remaining areas to treat. Please continue to use realistic fire weather parameters based on conditions seen during recent destructive fires in the wildland urban interfaces in the Bay Area. G-9
- The vegetation management zones along roadsides, especially along routes of egress, should be modified to extend 100 feet from roadside edges and should include any trees with underlying structural or health conditions that are tall enough G-10

to fall onto streets and roads. This may in some cases require looking outside of the 100-foot roadside clearance. G-10, cont'd

- In concert with the goal of ecological restoration, adaptive management in light of climate change should guide management practices and restoration plans. Adaptive management strategies that incorporate new information and changing conditions will be critical to ecosystem restoration. Annual grasslands may become more dominant, oak woodlands less so in the planning area in the future as climate changes. Management targets in many cases will have to be based on anticipated future conditions (Ackerly et al 2012). One strategy may be to intentionally plant a high diversity of genotypes collected from diverse environments across the range of a species, and allow the most successful genotypes to establish through the process of natural selection. G-11
- Thinning trees by hand and the other proposed methods can have some benefits such as a lower impact on recreation while the work is being completed. However, these methods are time consuming, expensive, and provide only short-term relief to the vegetation management issues described in the plan. We suggest that the City consider mechanical methods of thinning and tree removal to treat more acres quicker and provide longer-term benefits. Logging systems such as self-leveling feller bunchers, forwarders, and winch-assisted logging systems are regularly used for treating vegetation in forested areas with steep slopes. These logging systems have been shown to be an efficient way to treat large areas while increasing safety for operators (Holzfeind et al 2020). While increased erosion can be a concern, operators of logging equipment use best management practices to reduce impacts. California's Forest Practices Act is in place to ensure that all logging operations in California follow best practices for reducing environmental impacts. In addition, the East Bay hills have a significant network of roads which would likely mean that limited new roads would need to be created to successfully implement a mechanized treatment plan. We believe that ecosystem restoration and fire-risk reduction are very important to the long-term health and safety of this area for residents and natural ecosystems alike, and believe that mechanized logging systems could be a better way to achieve these goals long term. G-12
- It is important that the use of triclopyr herbicides is included to treat cut stumps in eucalyptus to prevent sprouting. Glyphosate herbicides will not be effective in treating eucalyptus stumps and will result in resprouts. A more minor herbicide-related issue involves a best management practice for chemical techniques (page 134 of the VMP) which only allows the use of surfactants approved for aquatic use by US EPA. US EPA does not regulate surfactants at all and does not maintain a list of aquatic-use surfactants. G-13
- There should be an Ecological Restoration Guide added to the appendices similar to the Weed Workers' Handbook in appendix F. This new appendix would outline the City of Oakland's current ecological restoration efforts, identify stakeholders (e.g., city departments, Oakland Wildlands Stewards, etc.) and their roles, and outline best management practices for improving ecological resources while reducing fire hazards. G-14
- The city should consider the development of an income-generating processing facility capable of utilizing the tremendous quantity of biomass that will be produced, G-15

such as for power generation, mulch or lumber production, etc. Such a facility might be operable indefinitely given the amount of urban waste produced annually. G-15, cont'd

The Bay Area Chapter is a chapter of the California Society of American Foresters (Cal SAF), which is a state society of the Society of American Foresters (SAF). The mission of SAF is to advance sustainable management of forest resources through science, education, and technology; to enhance the competency of its members; to establish professional excellence; and to use our knowledge, skills, and conservation ethic to ensure the continued health, integrity, and use of forests to benefit society in perpetuity. Cal SAF represents around 450 foresters in California, including researchers, academics, federal and state government, industry, and consulting foresters in the state. Please visit our website at californiasaf.org for more information.

As stated at the beginning of this letter, we appreciate all the work that has gone into this planning effort. Please feel free to contact me if SAF can be of any further assistance.

Sincerely,

David Bakke, Chair
Bay Area Chapter, California SAF

cc:
John Todd, Chair, California SAF
Tim Robards, Vice-Chair, California SAF

Attachments:

- Forest Management, Carbon, and Climate Change, A Position of the Society of American Foresters, May 2, 2020. G-16
- Nonnative Invasive Forest Species, A Position of the Society of American Foresters, 2017 G-17
- California's Wildfire Emergency, A Position of the California Society of American Foresters, May 17, 2019 G-18
- The Role of Mechanical Treatments in Reducing Risks of Catastrophic Wildfire in California, A Position of the California Society of American Foresters, May 17. 2019 G-19

References (copies available):

Ackerly, David D., Rebecca A. Ryals, Will K. Cornwell, Scott R. Loarie, Sam Veloz, Kelley D. Higgason, Whendee L. Silver, and Todd E. Dawson. 2012. Potential Impacts of Climate Change on Biodiversity and Ecosystem Services in the San Francisco Bay Area. California Energy Commission. Publication number: CEC-500-2012-037. Available on line at https://uc-ciee.org/ciee-old/climate-change/3/675/101/nested

Agee, J.K., R.H. Wakimoto, E.F. Darley, H.H. Biswell. 1973. Eucalyptus fuel dynamics, and fire hazard in the Oakland Hills. California Agriculture 27.9 (1973): 13-15.

Holzfeind, T., Visser, R., Chung, W., Holzleitner, F., Erber, G. 2020. Development and Benefits of Winch-Assist Harvesting. Current Forestry Reports 6, 201–209 (2020). https://doi.org/10.1007/s40725-020-00121-8

Rice, C. 2020. Wildland Vegetation Fuel Management Plan. University of California, Berkeley. Wildland Resources Management. Prepared for Facilities Services Department. University of California, Berkeley. Available on line at https://capitalstrategies.berkeley.edu/hill-campus

Russell, W.H., J. R. McBride. 2003. Landscape scale vegetation-type conversion and fire hazard in the San Francisco bay area open spaces. Landscape and Urban Planning 64(2003): 201-208

Attachment
A to Letter G

forests. resources. communities.

Forest Management, Carbon, and Climate Change

A Position of the Society of American Foresters

Originally adopted on December 8, 2008, revised and renewed on December 7, 2014, and again May 2, 2020. This position statement will expire in 2025, unless, after subsequent review, it is further extended by the SAF Board of Directors.

Purpose

To clarify the increasingly complex opportunities and challenges associated with forest management for mitigating and adapting to climate change, including: carbon valuation and forest conservation, natural resources economies for ecosystem services, and risks to and opportunities for increasing the resilience of American forests and surrounding communities.

Scope

Forest management practices that conserve forestlands, sustain economies and communities, and protect our natural resources in light of anticipated climate change.

Position

The Society of American Foresters (SAF) promotes and supports science-based policies and actions that consistently recognize the positive role that forest management plays in: (1) mitigating greenhouse gas (GHG) emissions through the sequestration of atmospheric carbon in resilient, well-managed forests (trees and soil), producing wood-based products to replace both non-renewable materials and fossil fuel-based energy sources; and (2) adapting to future climate patterns through active forest management that reduces the risk of stand-replacing wildfire and other climate-driven disturbance emissions and avoids land-use changes from forests. Successfully adapting our forests and forest management practices to climate change will require explicit and long-term investments in research, education and outreach to aid in management for these changes. This includes direct monetary support to private landowners and public agencies to explore and implement the technologies and practices that can be used to mitigate carbon emissions and adapt to changing climate conditions, and associated assistance programs for local communities to implement the necessary changes.

Issue

Forests play an essential role in regulating global atmospheric GHGs while providing essential ecosystem services like clean water, wildlife habitat, recreational opportunities, and forest products that, in turn, store carbon (Deal et al. 2017, Buotte et al. 2019). Despite that role, forestry is often intentionally or unintentionally excluded from policy processes focused on carbon and climate given the complexity of accounting for the potential roles of forest management in carbon markets, regulatory uncertainty and the unintended consequences of some wood energy policies (Canadell and Raupach 2008, Johnston and Radeloff 2019). Such policy fluctuations and uncertainty have the potential to diminish the clear, known positive benefits that forests and sustainable forest management can play in stabilizing Earth's climate (Miner et al 2014, IPCC 2018).

Forests sequester carbon at variable rates depending on species, climate, disturbance regimes and management practices, but all forests fix carbon dioxide from the atmosphere and store it, in net, for long periods (Birdsey et al. 2019). Full life-cycle carbon accounting (modeling) is difficult and often controversial since it lacks perfect empirical evidence (Kim and Dale 2011, Miner et al. 2014). Standing forests store large amounts of carbon that can contribute to climate change mitigation (e.g., Buotte et al. 2019); however, a simple comparison of carbon storage between standing forests and harvested forests ignores three fundamental issues:

1) **natural disturbances**. Disturbances continually release carbon to the atmosphere via associated tree mortality, and forests therefore can accumulate only a certain amount of carbon over time and space;
2) **market flexibility**. Carbon is not stored terrestrially by preserving a given tree or stand in one location and ignoring replacement harvests from elsewhere; and
3) **product substitutions**. Reduced wood consumption, which could increase the carbon stocks in forests, would be undesirable since carbon emissions are exacerbated by the substitution of fossil-fuel intensive products for wood. Like forests, wood products have tremendously variable life spans (Johnston and Radeloff 2019); many products have a long-term net positive impact on carbon compared to non-renewable alternatives.

Finally, changes in climate (increasing temperatures, rising sea levels, reduced/short-lived snowpack, altered precipitation patterns, and extreme weather events) have the potential to dramatically affect forests nationwide through a variety of interconnected impacts (USDA Forest Service 2012, USGCRP 2018) that are difficult to fully anticipate. These include: prolonged droughts, longer wildfire seasons, and increased incidence of pest and disease related to warmer winters that drive tree and stand mortality, all of which influence forest composition and structure. Climate-related food and water shortages have the potential to move humans into new regions and/or place more demands on our nation's forests. These changes *already* have been associated with increasing temperatures and concentrations of atmospheric carbon dioxide (CO_2) and other GHGs in the atmosphere (IPCC 2018); all global circulation models project future increases in temperature.

Background

Two active, complementary forest management approaches are fundamental to addressing climate change:

1) **mitigation**, in which forests themselves and resultant forest products are used to sequester carbon, forest biomass is used to provide substitute renewable energy, and GHG emissions are avoided through complementary product substitution (wood for carbon-intensive fossil fuel consumer goods) and resilient forest composition and structure; and
2) **adaptation**, which involves positioning forests and their associated benefits (above) in order to become more resistant and resilient to uncertain future disturbances as they become more likely in the face of changing climate conditions.

Mitigation: Carbon Sequestration

Forests sequester carbon as a function of site productivity and the potential size of various carbon storage pools: soil, charcoal, litter, downed wood, standing dead wood, and live stems, branches, and foliage. Sequestration capacity depends on stand density, tree species and sizes, tree and stand vigor and longevity, soil disturbance, tree mortality, wildfires, insects, and diseases. Forest management that regulates composition and structure prudently over time and space, balancing tree retention and removal, simultaneously stores carbon in both intact forests and renewable carbon-smart products (e.g., lumber, engineered composites, paper, and byproduct energy) with its associated socioeconomic benefits. Above all, enhancing the role of forests in reducing GHG emissions through sequestration requires keeping forests as forests and, where appropriate, increasing the forestland base through afforestation and restoration of degraded lands.

Traditional silvicultural treatments focused on wood, water, wildlife, and aesthetic values are fully amenable to enhancing carbon storage and reducing emissions from forest management (Tappeiner et al. 2015). Choices regarding even-aged or uneven-aged management regimes, species composition, slash disposal following harvests, site preparation, timing and intensity of intermediate harvests, fertilization, and rotation length/entry cycles can all be modified to increase carbon storage and reduce carbon emissions. In particular, improving the ecological resistance and resilience of fire-adapted ecosystems enhances long-term sequestration through avoided loss to wildfire (Finkral and Evans 2008). Prudent forest management and wood utilization sustain high levels of carbon stored in large landscapes over long time periods.

Mitigation: Solid Wood Product Substitution

Substituting solid wood products for fossil-fuel-intensive products can reduce GHG emissions in several important ways. Life-cycle analyses consistently show that lumber, wood panels, and other solid wood products store more carbon, emit less GHGs, and use less fossil-fuel energy than steel, concrete, brick, or vinyl, whose manufacture is energy intensive and produces substantial emissions (Lippke et al. 2004, Malmsheimer et al. 2011). Harvesting temporarily reduces carbon sequestration in the forest by removing biomass and disturbing the soil, but much of the removed biomass is subsequently stored in forest products or otherwise used to substitute for fossil-fuel products or energy. The carbon in lumber and furniture may not be released for many decades; paper products have a shorter life.

Storage of carbon in harvested wood products is gaining recognition in domestic climate mitigation programs, though the accounting for the carbon through a product's life cycle is complex (Johnston and Radeloff 2019). Solid wood product substitution, however, provides long-term carbon storage that when combined with appropriate waste and landfill management can further delay the conversion of wood to GHG emissions, or provide waste wood for power generation to reduce the need for fossil fuel generation.

Mitigation: Woody Biomass Substitution

The use of woody biomass from forests to produce energy and biochemical products opens two additional opportunities to reduce GHG emissions (see our associated Position Statement on *Utilization of Woody Biomass for Energy*). One involves using biomass for combined heat and power (CHP) rather than allowing low-value forest residues to accumulate and decay on site or removing them by open burning. Hundreds of millions of tons of biomass could be generated annually from logging residues, treatments to reduce fuel buildup in fire-prone forests, treatments to improve forest health, fuelwood harvests, forest products industry waste, urban wood residues, and energy plantations (US Department of Energy 2016). Biomass can be burned directly, mixed with coal, or added to oil- and gas-generated electric production processes to reduce GHG emissions (Xi Lu et al. 2019); any such use of biomass for energy can reduce regional dependence on coal, natural gas, diesel, and/or heating oil imports.

The second opportunity is substitution of forest biomass as a feedstock for biofuels and biochemicals, which can be substituted for fossil-derived fuels and chemical production. Fossil-fuel chemical products introduce new, additive pollutants into the atmosphere, whereas biogenic emissions are re-sequestered over time. Substituting cellulosic biomass for fossil fuels greatly reduces carbon emissions (US EPA 2007). Further, the use of forest biomass enhances domestic and regional economic development by supporting rural economies and fostering new industries making value-added bio-based products.

Bioenergy with Carbon Capture and Storage (BECCS) has been a recent addition to global bioenergy strategy due to the potential to intercept CO_2 emissions associated with biomass combustion for CHP and permanently store this CO_2 in geological formations (e.g., aquifers). Technological challenges remain, but BECCS has gained traction through inclusion in three of the four illustrative model pathways outlined in the IPCC Special Report on Global Warming of 1.5°C.

Mitigation: Reducing Wildfire and Disturbance Emissions

Active forest management, including prescribed burning, and wildland fire management strategies that reduce fire intensity and restore forest health can dramatically reduce GHG emissions (e.g., Bonnicksen 2008; see our associated Position Statement on *Wildland Fire Management*). The ten-year mean number of acres burned annually across the United States is approaching 7 million for the past decade (NIFC 2019); the cumulative emissions from these fires is large, and altering the intensity of these fires represents an opportunity to significantly reduce emissions. Climate change models forecast an increase in wildfire activity (IPCC 2018), exacerbated by climate change and increased accumulations of hazardous forest fuels causing ever-larger wildfires. Wildfires burning with more intensity can then lead to unintended consequences of changes in vegetative makeup and subsequent reduction in carbon sequestration (Westerling et al. 2006).

Concurrently, bark beetle outbreaks across western North America increase dead wood loading that releases large amounts of GHG emissions as it decays, and can lead to increased severity of wildfires when that loading subsequently burns and reburns. Such disturbances are projected to increase with warming climate conditions (Hicke et al. 2012). Canada estimates that their bark beetle outbreak shifted its land use carbon inventory from sequestering CO_2 to becoming a net emitter (Kurz et. al. 2008).

Mitigation: Avoiding Land-Use Change

Preventing the conversion of forestlands to non-forest uses is another way to reduce GHG emissions (Canadell and Raupach 2008; see our associated Position Statements on *Parcelization, Fragmentation and the Loss of Private Forestland in the US* and *Forest Offset Projects in a Carbon Trading System*). Conversion of forestlands globally released an estimated 136 billion tonnes of carbon, or 33 percent of the total emissions, between 1850 and 1998, more emissions than any other anthropogenic activity besides energy production (Watson et al. 2000). Forest conversion and land development releases carbon from loss of forest biomass, both aboveground vegetation and tree roots, as well as belowground soil stocks. In the United States, a major threat to forestland is the rise in land values for low-density development. Landowners generally convert forestland to residential and commercial uses to capture increasing land values or avoid reforestation costs post disturbance.

Several options exist to slow the rate of private forestlands being converted to non-forest uses. Easement acquisitions provide one method to encourage landowners to keep forests as forests. New and stable product markets also provide positive incentives to landowners (Miner et al. 2014). Viable wood products markets that recognize the benefit of carbon storage and sequestration provide positive incentives for forestland ownership. Sustainable utilization of working forests for a combination of wood products can improve forest landowners' returns on their land, bolster interest in forest management, and thus prevent conversion to other uses.

Adaptation: Resistance, Resilience and Assisted Migration

Resistance and resilience of current and future forests can be enhanced through prudent pro-active forest management of existing tree species and stands, including restoration of structure and composition when current conditions are outside a range of desired conditions (Tappeiner et al. 2015). For example, there are millions of acres of dense, fire-excluded dry forest types of the American West needing some fuel reduction treatment (mechanical and prescribed fire) in advance of dry climatic patterns and wildfire. These treatments allow for the marginal, progressive adjustment of forest conditions, which are largely consistent with professional forestry standards but can be more quickly implemented in anticipation of emerging, rapid climatic shifts.

More controversial techniques include actively assisting species/genetic material migration to facilitate transitions to new locations and new conditions faster than would happen naturally (Williams and Dumroese 2013). Assisted migration has the potential to expand the available genetic diversity for future conditions, encouraging better-adapted species mixtures and gene stocks, and provide new locations for genetic material (i.e., future refugia). These practices are rooted in traditional reforestation and afforestation practices (e.g., seed zones and transfer guidelines) but will require a commitment to new research, education, and outreach as the profession moves forward. Many scientific, policy and ethical concerns exist about risk of expediting the movement of some plant materials, including distraction from other simpler conservation and mitigation strategies, genetic pollution and hybridization, introduction of new pests and pathogens, and future impairment of ecosystem function (Williams and Dumroese 2013).

References

Birdsey, R.A., A.J. Dugan, S.P. Healey, K. Dante-Wood, F. Zhang, G. Mo, J.M. Chen, A.J. Hernandez, C.L. Raymond, and J. McCarter. 2019. *Assessment of the influence of disturbance, management activities, and environmental factors on carbon stocks of U.S. national forests.* USDA Forest Service Gen. Tech. Rep. RMRS-GTR-402, Rocky Mountain Research Station, Fort Collins, CO. 116 pages plus appendices.

Bonnicksen, T.M. 2008. *Greenhouse gas emissions from four California wildfires: Opportunities to prevent and reverse environmental and climate impacts.* FCEM Report 2. The Forest Foundation, Auburn, CA.

Buotte, P.C., B.E. Law, W.J. Ripple, and LT. Berner. 2019. Carbon sequestration and biodiversity co-benefits of preserving forest in the western USA. *Ecol. Applic.* 30(2):e02039.

Canadell, J.G. and M.R. Raupach. 2008. Managing forests for climate change mitigation. *Science* 320:1456-1457.Available online at http://dx.doi.org/10.1126/science.1155458.

Deal, R., L. Fong, and E. Phelps (tech. eds.). 2017. *Integrating ecosystem services into national Forest Service policy and operations.* USDA Forest Service PNW-GTR-943, Pacific Northwest Research Station, Portland, OR. 87 p.

Finkral, A.J., and A.M. Evans. 2008 The effects of a thinning treatment on carbon stocks in a northern Arizona ponderosa pine forest. *For. Ecol. Manage.* 255(7):2743-2750.

Hicke, J.A., C.D. Allen, A. Desai, M. Dietze, R.J. Hall, E.T. Hogg, D. Kashian, D. Moore, K. Raffa, R. Sturrock, and J. Vogelmann. 2012. The effects of biotic disturbances on carbon budgets of North American forests. *Global Change Biol.* 18:7-34.

IPCC. 2018. *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty.* Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.). World Meteorological Organization, Geneva, Switzerland. 32 pp. Available online at https://www.ipcc.ch/sr15/.

Johnston, C.M.T., and V.C. Radeloff. 2019. Global mitigation potential of carbon stored in harvested wood products. *Proc. Natl. Acad. Sci.* 116(29):14526-14531.

Kim, S., and B.E. Dale. 2011. Indirect land use change for biofuels: testing predictions and improving analytical methodologies. *Biomass Bioenerg.* doi:10.1016/j.biombioe.2011.04.039.

Kurz W.A., C.C Dymond, G. Stinson, G.J. Rampley, E.T. Neilson, A.L. Carroll, and L. Safranyik. 2008. Mountain pine beetle and forest carbon feedback to climate change. *Nature* 452:987–990.

Lippke, B., J. Wilson, J. Perez-Garcia, J. Bowyer, and J. Meil. 2004. CORRIM: Life-cycle environmental performance of renewable building materials. *For. Prod. J.* 54(6):8–19.

Malmsheimer, R.W., J.L. Bowyer, J.S. Fried, E. Gee, R.L. Izlar, R.A. Miner, I.A. Munn, E. Oneil, and W.C. Stewart. 2011. Managing forests because carbon matters: Integrating energy, products, and land management policy. *J. For.* 109(7):7–50.

Miner, R., R.C. Abt, J.L. Bowyer, M.A. Buford, R.W. Malmsheimer, J. O'Laughlin, E.E. O'Neil, R.A.

Sedjo, and K.E. Skog. 2014. Forest carbon accounting considerations in US bioenergy policy. *J. For.* 112(6):591-606.

National Interagency Fire Center (NIFC). 2019. *Fire information.* Available online at https://www.nifc.gov/fireInfo/nfn.htm.

Tappeiner, J.C., D.A. Maguire, T.B. Harrington and J.D. Bailey. 2015. *Silviculture and ecology of Western U.S. Forests.* 2nd ed. Oregon State University Press, Corvallis, OR. 440p. ISBN 978-0-87071-803-8.

US Department of Agriculture Forest Service. 2012. *Future of America's forest and rangelands: Forest Service 2010 Resources Planning Act Assessment.* GTR WO-87. Washington, DC.

US Department of Energy. 2016. *2016 Billion-ton report: Advancing domestic resources for a thriving bioeconomy, Volume 1: Economic availability of feedstock.* US Department of Energy, ORNL/TM-2016/160, Oak Ridge National Laboratory, Oak Ridge, TN.

US Environmental Protection Agency (EPA). 2007. *Greenhouse gas impacts of expanded renewable and alternative fuels use.* EPA 420-F-07-035, Office of Transportation and Air Quality, Washington, DC.

USGCRP. 2018: *Impacts, risks, and adaptation in the United States: Fourth National Climate Assessment, Volume II: Report-in-Brief.* Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.). US Global Change Research Program, Washington, DC. 186 pp. doi: 10.7930/NCA4.2018.RiB.

Westerling, A.L., H.G. Hidalgo, D.R. Cayan, and T.W. Swetnam. 2006. Warming and earlier spring increase western US forest wildfire activity. *Science* 313:940-943. (10.1126/science.1128834)

Watson, R.T., I.R. Noble, B. Bolin, N.H. Ravindranath, D.J. Verardo, and D.J. Dokken. 2000. *Land use, land use change and forestry. Intergovernmental Panel on Climate Change Special Report.* Available online at www.grida.no/climate/ipcc/land_use.

Williams, M.I, and R.K. Dumroese. 2013. Preparing for climate change: forestry and assisted migration. *J. For.* 111(4):287-297.

Xi Lu, L.C., H. Wang, W. Peng, et al. 2019. Gasification of coal and biomass as a net carbon-negative power source for environment-friendly electricity generation in China. *Proc. Natl. Acad. Sci.* 116(17):8206-8213.

Attachment
B to Letter G

forests. resources. communities.

Nonnative Invasive Forest Species

A Position of the Society of American Foresters

Initially adopted by the Society on March 3, 2012 and revised in 2017. This position statement will expire in 2022 unless, after subsequent review, it is further extended by the SAF Board of Directors.

Position

The Society of American Foresters recognizes that invasive species present one of the most significant and urgent threats to America's forests, costing billions of dollars each year to our commercial, recreational and agricultural sectors. SAF supports a multi-tiered approach to invasive species management that includes prevention, eradication, control, and forest restoration. Management approaches should focus on practices that build greater resiliency and resistance to invasive species within forest ecosystems to ensure sustainable forests for future generations. SAF encourages federal agencies, states, counties, and municipalities to be cognizant of threats from invasive species in their budgets and priorities to ensure that eradication and control of invasive species is an important element of their operations.

Issue

The introduction of invasive species poses serious risks of widespread damage to forests, particularly urban forests where most Americans reside. Invasive species management strategies typically call for actions to prevent, eradicate, or control invasive species to minimize negative ecological, economic, and social impacts. However, the costs associated with responses climb exponentially with the duration of the invasion. Given the mounting challenges of increasing introductions of new invasive species through global commerce, uncertainty of risk and the scarce resources available to meet the enormous costs of eradication and control, a realistic vision is needed to address the risks to the future health of our nation's forests.

Background

Nonnative invasive species are defined through Executive Order 13112 as "an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health" and includes animals, plants, and microorganisms (National Invasive Species Management Plan 2008- 2012). Invasive species have caused or pose risk of widespread ecological and economic impacts to forests in the United States (Moser et al. 2009). Although aggregate cost estimates of damage to forests caused by invasive species are lacking, recent analyses of 455 nonnative invasive forest insect species have shown that only 62 have caused noticeable impact. However, there are disproportionate risks associated with certain insect groups and a smaller percentage of species (Aukema et al. 2011). For instance, wood-boring insects such as the Asian longhorned beetle and emerald ash borer, which typically kill the host tree, are estimated to cost $1.7 billion to municipalities and $830 million in reduced residential values each year. Foliage feeders and sap feeders were estimated to result in lower annual expenditures and loss of property values. The majority of costs are borne by local governments and residential property owners. Losses of timber were estimated at much lower values, suggesting that invasive forest pests have, at least historically, impacted mostly urban forests.

While many nonnative species are not invasive, some become invasive primarily because they lack competitors and predators that would control their populations or are provided opportunities for invasion via high levels of disturbance and increases in resource availability (Davis et al. 2000). In some cases of plant species (for example introduced crop species), invasive species can have positive benefits (e.g. providing avian habitat), but generally most unintended ecological impacts tend to be negative (Russell, J.C. and Blackburn, T.M., 2017).

Regardless of risk and uncertainty, accidental introductions through global commerce and transport are expected to continue via various pathways including shipping and packaging material (Koch et al. 2011). The rate of introduction between the years of 1860 to 2006 is reported as one damaging insect or pathogen every 2.1 to 2.4 years and is projected to increase (Aukema et al. 2010).

Federal agencies as directed by Executive Order and the National Invasive Species Management Plan 2008-2012 have recognized that prevention is the "first line of defense" and most cost effective, versus the cost of management response. Current international standards help to regulate global commerce and prevent invasive species introductions though the effectiveness varies by taxa and species. While these regulations result in increased shipping costs, the benefits will likely outweigh the costs.

If prevention is not successful, early detection and rapid response are usually recommended since they can be successful and cost effective in eliminating a recently introduced invasive species. Eradication requires a significant amount of resources and commitment and has limited success, but there are cases where it works and technology for eradication is improving (Liebhold et.al 2016, Tobin et.al. 2014). Control techniques, which are focused on reducing impacts and slowing the spread of an invasive species tend to be costly, because they usually require constant maintenance so should not be seen as a substitute for prevention measures. In some cases, there may be unintended consequences from the use of the control

technique. For example, biological control agents may cause other ecological disruptions or the removal of host tree species may result in a forest ecosystem that is less resistant and resilient to future invasive species invasions.

While invasive species strategies typically address actions that prevent or manage the invasion, it will be increasingly necessary to manage for forests that are more resistant and resilient to potential impacts. Methods to increase the resiliency of ecosystems to disturbances caused by invasive species are relatively poorly understood and will depend on additional research into ecological vulnerability, the application of silvicultural methods, and best management practices.

References

AUKEMA, J.E., B. LEUNG, K. KOVACS, C. CHIVERS, K. BRITTON, J. ENGLIN, S.J. FRANKEL, R. G. HAIGHT, T. P. HOLMES, A. M. LIEBHOLD, D.G. MCCULLOUGH, AND B. VON HOLLE. 2011. Economic impacts of non-native forest insects in the continental United States. PLoS ONE 6(9): e24587 DOI: 10.1371/journal.pone.0224587.

AUKEMA, J.E., D.G. MCCULLOUGH, B. VON HOLLE, A.M. LIEBHOLD, K. BRITTON, AND S.J. FRANKEL. 2010. Historical accumulation of nonindigenous forest pests in the continental United States. Bioscience 60(11):886-897.

DAVIS, M.A., J.P. GRIME, AND K. THOMPSON. 2000. Fluctuating resources in plant communities: A general theory of invasibility. Journal of Ecology (88): 528-534.

EXECUTIVE ORDER 1311. 1999. Invasive species. Federal Register 64(25):6183 (Presidential Documents; Feb. 8, 1999).

KOCH, F.H., D. YEMSHANOV, M. COLUNGA-GARCIA, R.D. MAGAREY, AND W.D. SMITH. 2011. Potential establishment of alien-invasive forest insect species in the United States: Where and how many? Biological Invasions 13:969-985.

LIEBHOLD A.M. L. BEREC, E. G. BROCKERHOFF, R. S. EPANCHIN-NIELL, A. HASTINGS, D. A. HERMS, J. M. KEAN, D. G. MCCULLOUGH, D. M. SUCKLING, P. C. TOBIN, T. YAMANAKA. 2016. Eradication of invading Insect Populations: from Concepts to Applications. Annual Review of Entomology 61:335-352

MOSER, W.K., E.L. BARNARD, R.F. BILLINGS, S.J. CROCKER, M.E. DIX, A.N. GRAY, G.C. ICE, M. KIM, R. REID, S.U. RODMAN, AND M.H. MCWILLIAMS. 2009. Impacts of nonnative invasive species on US forests and recommendations for policy and management. Journal of Forestry 107(6):320-327.

RUSSELL, J.C. AND BLACKBURN, T.M., 2017. The rise of invasive species denialism. Trends in Ecology & Evolution, 32(1), pp.3-6

TOBIN, P.C., KEAN, J.M., SUCKLING, D.M., MCCULLOUGH, D.G., HERMS, D.A. AND STRINGER, L.D., 2014. Determinants of successful arthropod eradication programs. Biological invasions, 16(2), pp.401-414

Attachment
C to Letter G

California Society of American Foresters
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California's Wildfire Emergency

A Position of the California Society of American Foresters

Originally adopted on May 17, 2019. This position will expire in 2024 unless, after subsequent review, it is further extended by the CA SAF board of directors.

Position

Of all types of natural disasters, wildfires and earthquakes pose the greatest threats to the lives, health, property, and natural environment of Californians. Catastrophic wildfire has rapidly become the most important forest management issue in California. Wildfire risks and hazardous fuels and opportunities to ameliorate them should be primary considerations when planning forest management actions. Extensive knowledge of wildfire behavior has been gained in recent decades by fire ecologists, foresters, and their allied professionals. This expertise must be used to design and implement forest management activities to protect urbanized forest areas and increase the fire resilience of our forest landscapes.

A useful model of California's wildfire hazard problem considers a series of zones extending outward from towns and cities in flammable landscapes. Beyond the town is the wildland-urban interface (WUI); beyond that are "gateway" forests through which wildfires would likely burn as they approach residential developments; and beyond that relatively remote forestlands. Forest communities and wildland-urban interface (WUI) developments must be better protected from wildfire by creating defensible space throughout the WUI and by reducing fuels in surrounding gateway wildlands, for example by creating fuelbreaks. To protect lives and structures, WUI areas should be our highest priority for reducing hazardous fuels. In relatively remote wildlands, fire

resilience should be restored to by applying mechanical treatments, prescribed fire, and/or managed wildfire to overcrowded stands.

WUI residents should cooperatively develop and implement practical solutions for reducing fire risks at the local level. Some WUI residents' hazardous fuels pose serious risks to themselves and their neighbors, risks that the community can ill afford. Local jurisdictions should consult with local firesafe councils to determine if ordinances are required to compel residents to abate hazardous fuels.

Local jurisdictions should carefully consider fire hazards before permitting new developments proposed in WUI areas. Forest towns and WUI communities should adopt and inform residents about emergency evacuation plans and should implement effective warning systems to notify residents of evacuation orders in a timely manner.

Wildland fire services should take advantage of emerging technologies to ensure that all wildfire ignitions are rapidly detected, assessed as to risk of break out, prioritized for response, and controlled, especially on days of very high or extreme fire danger.

To reduce damages from catastrophic wildfires, equally important to treating hazardous fuels are features that reduce the likelihood that a structure would be ignited by a shower of embers. Roofs, exterior sidings, and decks made from fireproof materials are critical to structural fire resistance, as is screening of openings through which embers can enter the structure.

Powerlines have become a frequent source of catastrophic wildfires and should be protected by clearing all trees within striking distance in very high fire severity zones. Similarly, trees adjacent to highways should be cleared in very high fire severity zones to ensure emergency evacuation routes remain open during wildfires.

Issues

Over the past 150 years, forests that were formerly characterized by a diverse mosaic of vegetation types and structures inherently resistant to rapid spread of fire have become dominated by vast areas of unnaturally dense, small, highly flammable trees highly conducive to rapid wildfire spread. Wildfires have burned into towns and cities with increasing frequency, killing dozens of residents and

destroying the homes and property of thousands of residents annually. Projected climate changes mean conditions conducive to intense, rapidly spreading wildfires will occur more often.

A large population resides in areas at risk of wildfire. Many forest areas approved for development by local jurisdictions are inherently risky due to heavy fuel loads, inadequate road capacity and alternative evacuation routes, and limited emergency water supplies. Many WUI residents have not created or maintained adequate defensible space, and some landowners decline to participate in community hazardous fuel reduction projects, thus undermining the effectiveness of the entire project. Many forest communities and rural subdivisions lack adequate means to notify residents of rapidly approaching wildfires, or adequate roads to enable timely evacuations.

Insurance companies have increased fire insurance premiums, terminated individual policies based on assessed wildfire risks, and generally reduced the availability of fire insurance for increasing numbers of WUI residents. When WUI properties become uninsurable for fire, their market value can decline substantially, thus diminishing the wealth and financial security of WUI landowners.

Large wildfires emit enormous volumes of carbon, thus converting forests from one of the state's largest stores of sequestered carbon to one of its largest sources of atmospheric carbon, which in turn accelerates change toward an even more fire-prone climate. Smoke from wildfires annually imposes unhealthy air quality and large health-care costs on metropolitan, as well as rural, regions.

Although on average less than 2% of wildfire ignitions escape initial attack, the extent and intensity of the relatively few fires that do escape have increased substantially in recent decades. Emerging technologies offer promising opportunities for more effective early detection of and response to wildfire ignitions.

Some environmental organizations routinely oppose all mechanical fuel treatments, and erroneously disparage their effectiveness by equating them with historic logging practices.

Historic declines in forest product manufacturing capacity have converted hazardous trees from valuable natural resources to enormous solid waste

disposal liabilities and reduced the economic feasibility of projects intended to restore fire resilience to forests.

Powerlines have become a frequent source of catastrophic wildfire ignitions, often when strong winds blow adjacent trees into powerlines, including trees that display no visible signs of weakness. Highways, including interstate highways, have been closed for extended periods due to surrounding wildfires.

Background

The Emerging Wildfire Menace

Fifteen of the 20 most destructive wildfires in California's history have occurred in the last two decades, burning 3,388,771 acres, destroying 26,643 structures, and causing 106 deaths (Cal Fire 2019). The increased frequency of catastrophic wildfires is partly due to more residents and assets located near abnormally flammable wildlands.

Forest management practices in California have historically helped create the dangerously high fuel loads that cover much of our forestland. The remarkable diversity of vegetation types and structures that historically characterized our forestlands and imparted substantial resistance to the uncontrolled spread of wildfires has been replaced by relatively uniform expanses of overcrowded, highly flammable trees (Hessburg 2017). This transition resulted primarily from cessation of native American burning; overgrazing that removed much of the herbaceous vegetation that enabled frequent, low-intensity fires; commercial logging that targeted the largest, most fire-resistant trees; and effective wildfire suppression programs that allowed extensive development of dense understory vegetation. Given the state's long dry season and fire-adapted vegetation types, the fact that millions of people live near unnaturally flammable forests increases the likelihood that catastrophic wildfires will reoccur relatively frequently.

Communities At Risk

In 2017 California had an estimated 2.2 million housing units in WUI areas, comprising 16.3% of the state's total housing stock (Cal Fire 2017; California Department of Housing and Community Development 2017). As recent wildfires have shown, however, wildfires are not only a threat to WUI residents, but also to residents of urban areas in wildland landscapes. A total of 2.0 million Californian households, or roughly 15% of the population, are at high or extreme

wildfire risk (Insurance Information Institute 2019), and 1,338 communities are classified as communities at risk of wildfire (Cal Fire 2017). California's Fire Hazard Severity Zone Maps (Cal Fire 2007) provide an excellent tool for spatial assessment of wildfire risks.

In addition to the towns and WUI areas at direct risk of burning, wildfire imposes growing costs on all state residents primarily due to increased costs of fire suppression and the harmful air-quality and public health effects of smoke generated by wildfire (Cascio 2018). Similarly, nearly all Californians share the costs of wildfire impacts on ecosystem services, such as reduced opportunities to enjoy pristine landscapes, impaired water quality from sediment-laden runoff from burned areas, and destroyed habitat for sensitive species. Carbon emissions from uncontrolled wildfires contribute to climate change that also affects all state residents.

Section 4290 of the public resources code and pursuant regulations set out fire safety standards for new residential developments in State Responsibility Areas, which comprise much of the state's WUI areas, including standards for roads and driveways, signage, and emergency water supplies. Two weaknesses of these regulations are they do not apply to developments predating 1991, and they do not require multiple evacuation routes out of new subdivisions. Section 4291 and its regulations set standards for defensible space in wildlands by requiring partial clearance of flammable vegetation within 100 feet of structures, or to the property line if less than 100 feet from the structure. Two weaknesses of these regulations are that hazardous fuels can be nearer than 100 feet from structures if on a neighbor's property, and they do not address hazardous fuels on undeveloped parcels.

In recognition of California's wildfire emergency, some local jurisdictions, including Los Angeles, Placer, and Nevada Counties, have adopted hazardous vegetation abatement ordinances that go beyond state law to compel landowners to remove fuels that pose wildfire threats to their neighbors (Todd pers. comm.; Placer County 2019; Nevada County 2019).

Emergency warning systems are inadequate in many areas threatened by wildfire. Emergency services agencies have adopted systems based on cellphone, broadcast, and internet communications, but these efforts have so far not been highly effective. In 2017, many Santa Barbara County residents received no warning of the approaching Thomas Fire or its mandatory evacuation order (McGreevy 2018). S.B. 833, adopted in 2018, requires the state Office of

Emergency Services to develop voluntary guidelines for alerting and warning the public of an emergency by July 2019 (California Legislative Information 2018).

Scientific Consensus on the Efficacy of and Need For Fuel Treatments

We now have convincing empirical evidence that specific fuel treatments effectively reduce wildfire intensity and tree mortality when they intersect (Kennedy et al. 2019; Cal Fire 2017; Kalies and Kent 2016; Skinner et al. 2004). A separate question is whether or to what extent progressively treating the landscape for hazardous fuels reduces wildfire damages over the entire landscape over the long term. A growing body of evidence obtained from rigorously-tested simulation models strongly suggests that, as the share of a forest landscape that has received fuel treatment increases, opportunities to control wildfires increase and the portion of the landscape burned intensively decreases substantially over the long term (Nechodom 2010; Syphard et al. 2011; Tubbesing et al. 2019). Unfortunately, a few environmental organizations continue to erroneously disparage the effectiveness of fuel treatments by equating them with historical logging practices (Center For Biological Diversity 2019).

The U.S. Forest Service and the state of California have each set targets of 500,000 acres of fuel treatments per year on federal and private lands in California, respectively (USDA Forest Service 2019; Jacobson 2018). These targets far exceed historic rates of fuel treatment accomplishment and will require unprecedented resource allocations and levels of public-private cooperation to achieve or even approach this goal.

Help For Communities and Forest Landowners

State government recognizes that California is in a wildfire emergency (Office of Governor Gavin Newsom 2019) and is implementing programs to help landowners and communities respond appropriately. Senate Bill 901, which became law in 2018, authorizes $200 million per year for the next five years for Cal Fire to fund forest health and fire prevention programs. Much of this money will take the form of grants to firesafe councils and related non-profit organizations to conduct community hazardous fuel reduction projects, although local agencies and private entities may also be eligible for grants.

An alternative means of financing hazardous fuel treatments that reduces the need for public subsidies is using revenues from sales of logs and wood chips produced by the treatments. Harvesting of trees for solid wood products is covered by the Z'Berg-Negedly Forest Practice Act, and usually occurs pursuant to an approved timber harvesting plan (THP). Over the years as planning standards have become more rigorous and additional protections have been codified for public trust resources, THPs have become so expensive that their costs can exceed the potential revenues from timber harvests, especially on smaller forest parcels. To address this issue, the legislature has adopted various THP exemptions and other mechanisms that allow commercial harvesting without an approved THP, provided conditions are met that ensure the avoidance of significant environmental impacts. The most recent of these exemptions is the small timberland owner exemption, which applies to parcels up to 60 acres in coastal areas or 100 acres in interior areas "for the purpose of reducing flammable materials and maintaining a fuelbreak" (California Board of Forestry and Fire Protection 2019). The working forest management plan is another mechanism recently adopted to streamline the planning process for harvesting on ownerships up to 10,000 acres.

Trees too small to be utilized for lumber can often be chipped and delivered to biomass energy facilities for conversion to electric power without a THP. Recently adopted subsidy programs to enable more hazardous fuel removal and conversion to biomass energy include the California Public Utilities Commission's Bioenergy Renewable Auction Mechanism, which provides above-market prices for qualifying biomass energy, and the non-profit organization My Sierra Woods's Forest Biomass Transportation Incentive, which subsidizes hauling costs for deliveries of chips from land located more than 30 miles from a biomass energy facility.

Inadequate Forest Products Manufacturing Capacity

Statewide capacity to manufacture wood products and biomass energy has been declining for decades. For example, between the late 1980s and 2012, sawmilling capacity in the state declined by 70% from 6 billion board feet to 1.8 billion board feet per year (McIver et al. 2015). Similarly, the statewide capacity of active biomass energy facilities declined by 38% from approximately 900 megawatts in the mid-1990s to 560 megawatts in 2018 (Morris 2000; University of California Division of Agricultural and Life Sciences 2018). As manufacturing

facilities close, opportunities to sell forest products decline and more forestland becomes uneconomical to manage. The lack of manufacturing capacity is most acute in southern California, where there are no sawmills and almost no opportunities to sell forest products, and productive timberland is relatively scarce among the various flammable landscapes. Along with providing direct subsidies for fuel treatments and forest-resilience restoration projects, federal and state governments could provide incentives to invest in new and existing wood products manufacturing facilities, which could increase returns to landowners implementing hazardous fuel reduction and forest restoration projects.

Detection and Response: Historic Improvements Are Insufficient

In the late 19th and early 20th centuries, many American towns located in logged landscapes were destroyed by wildfires, sometimes with terrible loss of life. Governmental wildfire services developed in response to these tragedies and gradually succeeded in controlling most wildfires. By the late 1900s, fewer than 2% of wildfire ignitions escaped detection and initial attack in a typical year. For example, in 2016, only 70 of 6,959 reported wildfires in California exceeded 300 acres (Cal Fire 2016). However, as hazardous fuels proliferated and more people occupied wildlands, the relatively few fires able to escape initial attack increased in extent, severity, and destructiveness. Reducing loss of life and property to wildfire can be addressed as a quality control problem the objective of which is to reduce the frequency of outlier events represented by wildfires that escape initial attack and grow to catastrophic scale. The strategy for solving this problem includes improving ignition detection and initial response effectiveness.

Several emerging technologies have promising potential to increase rapid detection of wildfire ignitions, including systems based on use of satellites, drones, and infrared sensors, often in combination with conventional aircraft. Advances in artificial intelligence and geographic information systems could enable more reliable predictions of locations where fires are most likely to ignite on a given day, and assess how likely an ignition is to grow rapidly, thus allowing wildfire services to more efficiently focus their detection and response efforts. Other emerging technologies could improve the effectiveness of initial attacks, for example by equipping firefighters with global positioning system devices that upload continuously-updated fire maps generated by drones deployed to monitor the fire's progress. Considering the hundreds of millions of dollars in

damages associated with each megafire, increasing public subsidies for developing and implementing such technologies represents a sound long-term investment.

Powerlines and Highways

Powerlines have become a leading source of catastrophic wildfires. In 2015, electrical equipment was the cause of fires that accounted for 51% of the total acreage burned in California (Cal Fire 2015). Powerlines owned by Pacific Gas and Electric Company were recently determined to have caused the 2018 Camp Fire, the most destructive fire in state history. Wildfires often ignite when strong winds blow trees into adjacent powerlines, including trees that display no apparent signs of weakness. High winds can also blow powerlines into contact with each other, another common source of catastrophic wildfires. To reduce risks of catastrophic wildfire and protect critical utility infrastructure, all trees located within striking distance of powerlines should be cleared in very high fire severity zones.

Burning trees can also result in highway closures, either when falling trees block the roadway or when the fire creates conditions too hazardous for traffic to drive through. The consequences of roadside fires are greatest when the affected road is a critical evacuation route. However, even when the affected road is not an evacuation route, the costs of closing highways can be large. For example, in September 2018 the Delta Fire caused a 50-mile segment of Interstate 5, the most important north-south thoroughfare on the west coast, to close for five days (Medina 2018), adding at least several hours of travel time for affected motorists. Highway roadsides should be cleared of trees in very high fire severity zones.

References

Publications

California Board of Forestry and Fire Protection. 2019. Timber harvest exemptions, 2019. Sacramento, CA.

Cal Fire. 2015. 2015 Wildfire activity statistics annual report. Sacramento, CA.

Cal Fire. 2016. 2016 Wildfire activity statistics annual report. Sacramento, CA.

Cal Fire. 2017. California's forests and rangelands. 2017 assessment. Fire and Resource Assessment Program. Sacramento, CA.

California Department of Housing and Community Development 2017. California's housing future: challenges and opportunities, public draft. Statewide housing assessment 2025. Sacramento, CA.

Cascio, W.E. 2018. Wildland fire smoke and human health. Science of the Total Environment 624: 586-595.

Kalies, E.L. and L.L.Y. Kent. 2016. TAMM review: are fuel treatments effective at achieving ecological and social objectives? A systematic review. Forest Ecology and Management 375: 84-95.

Nechodom, M. 2010. Biomass to energy: forest management for wildfire reduction, energy production, and other benefits. Prepared for the California Energy Commission. USDA Forest Service, Pacific Southwest Research Station. Berkeley, CA.

Kennedy, M.C., M.C. Johnson, K. Fallon, and D. Mayer. 2019. How big is enough? Vegetation structure impacts effective fuel treatment width and forest resiliency. Ecosphere 10, 2.

McIver, C.P., J.P. Meek, M.G. Scudder, C.B. Sorenson, T.A. Morgan, and G.A. Christensen. 2015. California forest products industry and timber harvest, 2012. USDA Forest Service, Pacific Northwest Research Station. General Technical Report PNW-GTR-908.

Morris, G. 2000. Biomass energy production in California: the case for a biomass policy initiative. Final report. National Renewable Energy Laboratory. Golden, CO.

Skinner, C.N., M.W. Ritchie, T. Hamilton, and J. Symons. 2004. Effects of prescribed fire and thinning on wildfire severity: the Cone Fire, Blacks Mountain Experimental Forest. Proceedings of the 25th Vegetation Management Conference. January 2004. Redding, CA.

Syphard, A.D., R.M. Scheller, B.C. Ward, W.D. Spencer, and J.R. Strittholt. 2011. Simulating landscape-scale effects of fuel treatments in the Sierra Nevada, California, USA. International Journal of Wildland Fire. 20: 364-383.

Tubbesing, C.L., D.L. Fry, G.G. Roller, B.M. Collins, V.A. Federova, S.L. Stephens, J.J. Battles. 2019. Strategically placed landscape fuel treatments decrease fire severity and promote recovery in the northern Sierra Nevada. Forest Ecology and Management 436 (2019):45-55.

Internet Sources

Cal Fire. 2007. "Wildland Hazard & Building Codes, Fire hazard Severity Zones Maps". Accessed March 28, 2019. (http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones)

Cal Fire. 2019. "Top 20 Most Destructive Wildfires". Posted March 14, 2019. Accessed March 20, 2019.

file:///C:/Users/Nicho/Documents/SAF/CA%20SAF/Policy%20Committee/Position%20Statements/California's%20Wildfire%20Emergency/top20_destruction.pdf

California Legislative Information. 2018. "S.B. 833 Emergencies: Office of Emergency Services: alert and warning systems". Posted September 21, 2018. Accessed April 2, 2019.

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB833

Center For Biological Diversity. 2019. “Governor Newsome Urged to Pursue Community Wildfire Protection Over Outdated Logging Practices.” Posted March 22, 2019. Acessed April 1, 2019.

https://www.biologicaldiversity.org/news/press_releases/2019/logging-and-wildfires-03-22-2019.php

Hessburg, Paul. “Why Wildfires Have Gotten Worse and What We Can Do About It.” TEDxBend. May 2017. Accessed March 20, 2019.

https://www.ted.com/talks/paul_hessburg_why_wildfires_have_gotten_worse_and_what_we_can_do_about_it

Insurance Information Institute. 2019. “Facts + Statistics: Wildfire”. Posted March2019. Accessed March 25, 2019. https://www.iii.org/fact-statistic/facts-statistics-wildfires

Jacobson, David. “As Wildfires Get Larger, California Government Allocates $256 Million Towards Fire Risk Reduction.” Temblor. Posted May 11, 2018. Accessed March 12, 2019. http://temblor.net/fire-insights/california-takes-aim-at-wildfires-7152/

McGreevy, Patrick. 2018. “California Must Fix Fatal Flaws in Wildfire Warning and Evacuation Plans, Experts Tell Lawmakers.” Los Angeles Times. Posted November, 27, 2018. Accessed April 1, 2019.

https://www.latimes.com/politics/la-pol-ca-wildfire-warning-system-legislature-hearing-20181127-story.html

Medina, Allan. 2018. CBS News 10. “Delta Fire: CalTrans Reopen I-5 Freeway” Posted September 10, 2019. Accessed April 1, 2019.

https://ktvl.com/news/local/salems-plastic-shopping-bag-ban-now-in-effect-april-1

Office of Governor Gavin Newsom. 2019. “Governor Newsome Proclaims State Of Emergency On Wildfires To Protect State’s Most Vulnerable Communities”. Posted March 22, 2019. Accessed April 1, 2019.

https://www.gov.ca.gov/2019/02/28/five-counties-emergency/

Placer County. 2019. “Codes & Ordinances, Chapter 9 Public Peace, Safety and Welfare, Article 9.32 Fire Prevention, Part 4 Hazardous Vegetation Abatement on Unimproved Parcels”. Accessed April 2, 2019.

https://www.placer.ca.gov/DocumentCenter/View/1095/Placer-County-Code-PDF

Nevada County. 2019. “Title 2 General Code, Chapter 4 General Regulations, Article 7 Hazardous Vegetation Abatement.” https://qcode.us/codes/nevadacounty/view.php?topic=2-iv-7

USDA Forest Service USDA Forest Service, Pacific Southwest Region. “Ecological Restoration and Partnerships: Our California Story.” Accessed March 10, 2019. https://www.fs.usda.gov/detail/r5/landmanagement/?cid=stelprdb5412095

University of California Division of Agricultural and Natural Resources. “California Forest Products and Biomass Power Plant Map.” Accessed March 11, 2019. https://ucanr.edu/sites/WoodyBiomass/Project/California_Biomass_Power_Plants/

Personal Communication

Todd, John. Deputy fire chief. Los Angeles County Fire Department. Pasadena, CA. Email message. April 19, 2019.

Attachment
D to Letter G

California Society of American Foresters
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The Role of Mechanical Treatments in Reducing Risks of Catastrophic Wildfire in California

A Position of the California Society of American Foresters

Originally adopted on May 17, 2019. This position will expire in 2024 unless, after subsequent review, it is further extended by the CA SAF board of directors.

Position

California's strategy for reducing the frequency and destructiveness of wildfires should include reducing hazardous fuels in the wildland-urban interface (WUI) and throughout our wildland landscapes. Much of California's forestland is overstocked with relatively small trees, which pose significant risk of loss of life and property due to catastrophic wildfire. In the WUI, the proximity of hazardous fuels and residential developments poses heightened risks that require especially diligent fuel management. WUI areas should be our highest priority for reducing hazardous fuels. Mechanical timber harvesting can reduce hazardous fuels and generate revenue to enable comprehensive restoration of forest resilience. To effectively reduce risks of destructive wildfire, surface fuels, including the stand's smallest trees, shrubs, and slash (tops and limbs of felled trees), must be treated, in addition to harvesting trees large enough to qualify as timber. Although often essential to achieving forest owners' objectives, traditional timber harvesting is generally ineffective in reducing fire hazards, and often increases hazards in the short term, relative to pre-harvest conditions, because it increases fuel loads by producing slash. To be effective, mechanical treatments must be part of a comprehensive harvest prescription specifically designed to reduce fuels and

create adequate tree spacing. A large portion of California's forestland is too steep for mechanical fuels operations, which points to the need to also use fire-based fuel treatments. Mechanical treatment is virtually unique among the myriad available environmental restoration options in that it usually produces a valuable commodity, the revenues from which can offset restoration costs. Moreover, mechanical treatments are usually more readily acceptable to nearby residents and air-quality regulators than prescribed or managed fire.

Issues

Loss of life and property to catastrophic wildfire has increased in recent years, as wind-driven fires burn intensively and spread rapidly with increasing frequency across California's forestlands. The main causes of the increased frequency of destructive fires are unnaturally high fuel loads in overstocked stands and changes in climate causing longer fire seasons, more drought, and stronger winds. The main reason that fire damages have accelerated is the proliferation of homes in the WUI in recent decades.

As more fuelbreaks and related hazardous fuel treatments have been implemented and have intersected with advancing wildfires, convincing evidence has accumulated that fuel treatments reduce fire intensity and rate of spread. Research also shows that, as the portion of the landscape on which fuels have been treated increases, less of the landscape burns or burns intensively over the long term.

The main fuel treatment techniques available to natural resource managers are mechanical treatments, prescribed fire, and managed wildfire. Each of these treatments has advantages over the others in certain forest ecosystems, and the use of each is relatively constrained in other contexts. However, only mechanical treatments provide opportunities to harvest natural resources and convert them to valuable commodities.

Background

Agee and Skinner (2005) identify four principles for increasing fire resistance in dry forests, such as those in California:

- reduce surface fuels,
- increase height to live crown,
- reduce canopy density, and
- retain large, fire-resistant trees.

Mechanical treatment refers to tree removal using mechanized equipment such as mechanized harvesters and skidders and powered hand tools. Prescribed fire involves setting fires to achieve specified management objectives. Managed wildfire refers to allowing lightning-ignited wildfires to burn without suppressing them, so long as fire conditions conform to previously prescribed parameters such as maximum wind speed and rate of fire spread.

Protecting the state from destructive wildfires requires treating hazardous fuels throughout our wildland and WUI areas. The objectives and approaches for specific fuel treatments depend on whether they are located in the WUI, in the surrounding wildlands, or in more remote wildlands. As discussed below, mechanical treatments are applicable to reduce wildfire risks in many forest ecosystems, but are constrained from being applied on much of our montane forests by steep topography or other restrictions.

Defensible Space

Defensible space refers to partial removal of flammable vegetation in a WUI area to slow an approaching wildfire, reduce the likelihood of fire igniting houses and other structures, and increase opportunities for effective fire suppression. California law requires maintenance of defensible space within 100 feet of structures, or to the property line if less than 100 feet from a structure. However, to protect residential developments from wildfire, especially wind-driven fires, defensible space must be created throughout the WUI. To reduce the rate of wildfire spread, the density of the forest canopy should be reduced by creating adequate tree spacing. Mechanical treatment is an essential tool for achieving safe tree spacing for defensible space, but must be accompanied by treating

surface fuels, limbing trees to increase height to live crown, removing limbs overhanging roofs, and hardening of buildings to resist being ignited by airborne embers. In many cases, powered hand tools are more applicable to creating defensible space than mechanized equipment.

Fuelbreaks

Fuelbreaks are forest areas in which fuels have been permanently modified to make wildfires burning into them more readily controllable. Specifically, by reducing fuel continuity, fuelbreaks reduce the fuel available to a crown fire and thereby force it to the ground, so it can be directly attacked by suppression crews. The recommended width of fuelbreaks has increased as more experience has been gained with wind-driven wildfires; in the late 1990s, the Quincy Library Group proposed they be 0.25-mile wide (Agee et al. 2000). Fuelbreaks can be constructed in any forest setting, but they can be particularly effective when located on the windward side of towns or WUI areas to protect residential developments from approaching wildfire (Friedman 2017). Locating fuelbreaks along roads in valley bottoms or ridgetops can maximize their effects on fire intensity and controllability. Mechanical treatment, supplemented by slash treatment, is a necessary component of fuelbreak construction. Whole-tree logging uses mechanized harvesting equipment to transport entire felled trees to landings (staging areas), and substantially reduces the volume of slash left in the woods. Other options for slash treatment include piling and burning, mastication, and lopping and scattering.

Landscape Area Treatments

Establishing defensible space in WUIs along with fuelbreaks in surrounding forests will not, by themselves, solve California's wildfire emergency. We also need to modify unnaturally heavy fuels throughout the forest landscape. Hazardous fuels in relatively remote forests pose threats to urban areas because (1) high winds can push fires from remote areas into urbanized areas before they can be controlled, and (2) smoke from wildfires throughout the landscape is an important and growing public health problem and a major nuisance (Cascio 2018).

Prior to the onset of industrial-scale logging and concerted wildfire suppression efforts, western forests displayed a remarkable diversity of vegetation types and stand structures that imparted substantial resistance to wildfire expansion and reduced the frequency of landscape-level (i.e., covering tens of thousands of acres) fire disturbances (Hessburg 2017). Commercial logging, which removed the largest and most fire-resistant trees from much western forest land, along with commercial livestock grazing and effective fire suppression, converted formerly diverse landscapes into vast areas of relatively uniform, overstocked, highly-flammable forest susceptible to destructive wildfire covering entire landscapes.

A primary management objective for California's forests, particularly outside of private industrial forests where timber production is the primary objective, is to restore fire resilience to the landscape by thinning overstocked stands and restoring meadows and other special habitats. Restoring fire resilience in forests will allow wildfires, when they do ignite, to burn relatively safely, thus restoring fire as an important habitat element of the California landscape. Mechanical treatments are a necessary component of most such management prescriptions, although in some cases desired conditions can be achieved using prescribed fire or managed wildfire, in the absence of mechanical treatment. Of course, using fire to treat fuels also has adverse impacts, including air pollution and risk of escape.

We now have convincing empirical evidence that specific fuel treatments effectively reduce wildfire intensity and tree mortality when they intersect (Kennedy et al. 2019; Kalies and Kent 2016; Skinner et al. 2004). A separate question is whether or to what extent progressively treating the landscape for hazardous fuels reduces wildfire damages over the entire landscape over the long term. We currently lack sufficient observations of landscapes with substantially modified fuel profiles in relation to wildfires to test this hypothesis empirically. However, a growing body of evidence obtained from rigorously-tested simulation models strongly suggests that, as the share of a forest landscape that has received fuel treatment increases, opportunities to control wildfires increase and the portion of the landscape burned intensively decreases substantially over the long term (Nechodom 2010; Syphard et al. 2011; Tubbesing et al. 2019).

Access Constraints

Mechanical treatments are generally operationally infeasible on lands where slope exceeds 35%, which encompasses much of California's montane forests in need of hazardous fuel treatments. For example, a recent analysis of operational constraints on Sierra Nevada lands in watersheds with at least 25% national forest acreage found that an estimated 25.6% of the study area's productive forest is inaccessible to mechanical harvesting equipment. When administrative and legal constraints are also taken into account, the share of inaccessible productive forest increases to an estimated 43.8%. These results indicate that mechanical treatments alone are incapable of solving our catastrophic wildfire problem, and a preferred strategy might include using mechanically treatable areas as anchors from which to expand fire-based fuel treatments. However, prescribed fire and managed wildfire also face significant application constraints. The solution to California's wildfire emergency lies in the combined use of all available fuel treatment techniques. (North et al. 2015)

Economic Benefits

California faces enormous costs to protect residents from wildfire and restore fire resilience to forests. A study of converting hazardous fuels to woody biomass in the western U.S. found that the per-acre cost to cut and extract trees to the roadside from a ponderosa pine forest in the Sierra Nevada region averaged $819 (all monetary values expressed in 2018 dollars) on gentle terrain and $996 on rolling terrain (USDA Forest Service Research and Development 2003). Applying prescribed fire in western forests cost an estimated average of $134 per acre. In the Lake Tahoe Basin, mechanical thinning to remove hazardous fuels cost $2,422 - $4,238 per acre, while prescribed burning cost $484 - $1,816 per acre (Steve Holl Consulting and Wildland Rx 2007). With millions of acres of California forest needing fuel treatment, restoration costs will ultimately total billions of dollars.

Mechanical treatments can generate revenues to offset the costs of hazardous fuel treatments. Depending on the location, size, density, and species of trees present, fuel treatments can be either a net cost to or a net revenue for the landowner. An analysis of managing forests to reduce wildfires and generate biomass energy found that, for its 2.7 million-acre northern Sierra Nevada study

area, treatment costs (including costs of power production) over a 40-year timeframe totaled $85.0 million, in comparison to revenues from sales of sawlogs and power totaling $130.0 million (Nechodom 2010).

Advancements in sawmilling have increased opportunities to manufacture lumber from small trees, such as at a sawmill that produced pallet stock in Siskiyou County utilizing logs down to 4 inches in diameter (Conner pers. comm.). In addition, depending on available subsidies and proximity to biomass energy facilities, small trees from some forestlands can be economically utilized to produce electricity. The commodities produced by mechanical fuel treatments can clearly offset a large share of the cost society will incur restoring our forests. Unfortunately, much of southern California's forestland has no wood products manufacturing facility within economic hauling distance, and thus no opportunity to utilize the trees produced by mechanical treatments, so restoring these forests will require larger subsidies.

Any reductions in wildfire damages attributable to hazardous fuel treatments would be additional to wood product revenues. The 2018 Camp Fire, which was the costliest fire in California history, resulted in estimated damages of $16.5 billion (Reyes-Velarde 2019). Avoiding even one similarly devastating fire by treating hazardous fuels would produce enormous net benefits for Californians.

References

Publications

Agee, J.K. and C.N. Skinner. 2005. Basic principles of forest fuel reduction treatments. Forest Ecology and Management 211: 83-96.

Agee, J.K., B. Bahro, M.A. Finney, P.N. Omi, D.B. Sapsis, C.N. Skinner, J.W. van Wagtendonk, and C.P. Weatherspoon. 2000. The use of shaded fuelbreaks in landscape fire management. Forest Ecology and Management 127: 55-66.

Cascio, W.E. 2018. Wildland fire smoke and human health. Science of the Total Environment 624: 586-595.

Kalies, E.L. and L.L.Y. Kent. 2016. TAMM review: are fuel treatments effective at achieving ecological and social objectives? A systematic review. Forest Ecology and Management 375: 84-95.

Nechodom, M. 2010. Biomass to energy: forest management for wildfire reduction, energy production, and other benefits. Prepared for the California Energy Commission. USDA Forest Service, Pacific Southwest Research Station. Berkeley, CA.

Kennedy, M.C., M.C. Johnson, K. Fallon, and D. Mayer. 2019. How big is enough? Vegetation structure impacts effective fuel treatment width and forest resiliency. Ecosphere 10, 2.

North. M., A. Brough, J. Long, B. Collins, P. Bowden, D. Yasuda, J. Miller, and N. Sugihara. 2015. Constraints on mechanized treatment significantly limit mechanical fuels reduction extent in the Sierra Nevada. Journal of Forestry 113 (1): 40-48.

Skinner, C.N., M.W. Ritchie, T. Hamilton, and J. Symons. 2004. Effects of prescribed fire and thinning on wildfire severity: the Cone Fire, Blacks Mountain Experimental Forest. Proceedings of the 25th Vegetation Management Conference. January 2004. Redding, CA.

Steve Holl Consulting and Wildland Rx. 2007. Fuel reduction and forest restoration plan for the Lake Tahoe Basin wildland urban interface. Prepared for the Tahoe Regional Planning Agency. Folsom, CA.

Syphard, A.D., R.M. Scheller, B.C. Ward, W.D. Spencer, and J.R. Strittholt. 2011. Simulating landscape-scale effects of fuel treatments in the Sierra Nevada, California, USA. International Journal of Wildland Fire. 20: 364-383.

Tubbesing, C.L., D.L. Fry, G.G. Roller, B.M. Collins, V.A. Federova, S.L. Stephens, J.J. Battles. 2019. Strategically placed landscape fuel treatments decrease fire severity and promote recovery in the northern Sierra Nevada. Forest Ecology and Management 436 (2019):45-55.

USDA Forest Service Research and Development. 2003. A strategic assessment of forest biomass and fuel reduction treatments in the western United States. In partnership with the Western Forestry Leadership Coalition.

Internet Sources

Friedman, Sharon. "Why We Disagree About Fuel Treatments III: SPLATS, SPLOTS, and All That." The Smokey Wire: National News and Views. Posted July 24, 2017. Accessed March 19, 2019.

http://forestpolicypub.com/2017/07/24/why-we-disagree-about-fuel-treatments-iii-splats-spots-and-all-that/

Hessburg, Paul. "Why Wildfires Have Gotten Worse and What We Can Do About It." TEDxBend. May 2017. Accessed March 20, 2019.

https://www.ted.com/talks/paul_hessburg_why_wildfires_have_gotten_worse_and_what_we_can_do_about_it

Reyes-Velarde, Alexandra. "California's Camp Fire Was the Costliest Global Disaster Last Year." Los Angeles Times. Posted January 11, 2019. Accessed March 11, 2019. https://www.latimes.com/local/lanow/la-me-ln-camp-fire-insured-losses-20190111-story.html

Personal Communications

Connor, Kelly. Regional manager. Fruit Growers Supply Company. Hilt, CA. Email message. March 19, 2019.

Letter G: David Bakke, California Society of American Foresters

Response to Comment G-1

The comment expresses support for the Proposed Project. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment G-2

The comment references the inclusion of several state and national California Society of American Foresters (SAF) position papers within the comment letter. The comment does not pertain to the adequacy of the CEQA analysis. The attachments will be conveyed to the decision-makers.

Response to Comment G-3

The comment requests a more rigorous Alternative 5. See Master Response 2.

Response to Comment G-4

The comment states that ecological restoration should be a goal. See Master Response 2 under "3R's Concept: Removal, Restoration, Re-establishment of Native Species."

Response to Comment G-5

The comment states that thinning should be accompanied by a restoration strategy and recommends considering economic and environmental tradeoffs between thinning and conversion of eucalyptus stands. See Master Response 2. As stated in the objectives of the Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/restoration is not a goal of the VMP. Additionally, during VMP development, the City received feedback requesting that the plan not replace non-native trees and vegetation with native vegetation. Though the results of such a plan may meet fire hazard reduction goals, the Revised VMP does as well by addressing areas with the highest fire hazard and prioritizing treatments there.

Response to Comment G-6

The comment requests for future maintenance practices to be described in more detail in the Revised VMP. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. Additional information has been added to Section 2.4.11, page 2-87, of the Recirculated DEIR regarding treatment maintenance.

Response to Comment G-7

This comment suggests several modifications to reduce fire hazard in non-native tree stands. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. See Section 1.2.1, "Revisions to the Project Description," of the Recirculated

DEIR. As stated in Response to Comment G-5, the goals of the Project are oriented toward fire hazard reduction, rather than ecological restoration.

Response to Comment G-8

The comment states that prescribed fire as a vegetation management tool should have been considered and included in the Revised VMP. Section 8.3.8, "Prescribed Fire," of the Revised VMP discusses the effectiveness of prescribed fire, tasks included in prescribed fire, and requirements for prescribed burning such as smoke management, pre-burn site preparation, notifications, and post-burn follow-up and evaluation.

Response to Comment G-9

The comment requests that fire behavior be used to prioritize treatment areas and states uncertainty for how the highest treatment priorities were identified in Section 9.3.3 of the VMP. Section 9.3.3, "Treatment Prioritization," in the Revised VMP explains that the prioritization of vegetation treatment areas and projects involved categorizing them into three distinct groups: Priorities 1, 2, and 3. This classification is determined by various factors identified for each priority level, including proximity to structures, ridgelines, and park access gates; locations along critical access/egress routes; areas prone to increased ignition potential; and regions demonstrating the potential for extreme fire behavior.

Response to Comment G-10

This comment recommends that roadside management zones be widened to 100 feet. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1.

Response to Comment G-11

This comment recommends that adaptive management be used in light of climate change to inform ecological restoration. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The goals of the Project are oriented toward fire mitigation, as opposed to ecological restoration.

Response to Comment G-12

The comment states that mechanical treatment methods should be used for tree thinning and removal. Mechanical treatment methods are included as a treatment method in the Revised VMP and Recirculated DEIR. See Section 2.4.6 of the Recirculated DEIR (page 2-82) for more information.

Response to Comment G-13

The comment requests the use of triclopyr in the Revised VMP to prevent the resprouting of eucalyptus after stumps are cut and states that glyphosate herbicides are not effective. Triclopyr is included as an herbicide available for use under the Revised VMP. See Section 2.4.5 of the Recirculated DEIR, starting on page 2-83. Herbicide use is addressed in Mitigation Measures HAZ-3, HAZ-4, HAZ-5, BIO-2a, BIO-9, and HYD/WQ 1. See Section 2.4.6 in the Recirculated DEIR,

beginning on page 2-82, for further discussion of proposed chemical (herbicide) techniques. In addition, see Master Response 3.

Response to Comment G-14

The comment requests that an Ecological Restoration Guide be added as an appendix to the Revised VMP. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment G-15

The comment suggests that the City should consider constructing a facility to use the quantity of biomass that implementation of projects under the Revised VMP would produce, such as power generation, mulch, or lumber production. Such a facility is outside the scope of the Recirculated DEIR. The comment does not pertain to the adequacy of the CEQA analysis. The comment will be conveyed to the decision-makers.

Response to Comment G-16

This comment is a reference to Attachment A – "Forest Management, Carbon, and Climate Change," written by the Society of American Foresters in May 2020. The information in this attachment was used to support comments that are addressed elsewhere in this document. This attachment will be conveyed to the decision-makers.

Response to Comment G-17

This comment is a reference to Attachment B – "Nonnative Invasive Forest Species," written by the Society of American Foresters in May 2020. The information in this attachment was used to support comments that are addressed elsewhere in this document. This attachment will be conveyed to the decision-makers.

Response to Comment G-18

This comment is a reference to Attachment C – "California's Wildfire Emergency," written by the Society of American Foresters in May 2019. The information in this attachment was used to support comments that are addressed elsewhere in this document. This attachment will be conveyed to the decision-makers.

Response to Comment G-19

This comment is a reference to Attachment D – "The Role of Mechanical Treatments in Reducing Risks of Catastrophic Wildfire in California," written by the Society of American Foresters in May 2019. The information in this attachment was used to support comments that are addressed elsewhere in this document. This attachment will be conveyed to the decision-makers.

H

From: t compost
To: DEIR-comments@oaklandvegmanagement.org
Cc: Maxina Ventura; Isis Feral
Subject: DEIR Public Comment for Oakland VMP in the hills
Date: Wednesday, January 20, 2021 10:44:37 PM

Thank you for all the hard work and thought that has gone into the draft plan.
Here are my concerns and comments:

I disagree with the backsliding proposal to allow the use of chemical herbicides. We have ample evidence of the dangers on human and environmental health of these toxins individually. Allowing their use in combination exposes us to even more and untested hazard. With increasing drought, we must understand the importance of protecting the water in the creeks and Bay. We have already decided the dangers were too great, please do not give in to corporate pressure to use their toxic products! H-1

Secondly, I do not believe the removal of mass trees is of benefit to either the environment or fire safety. Removal of the mature tree canopy will diminish the ability of the hills to retain water and stability. We will end up with drier and weedier, fire prone plants, landslide hazards and a decimated ecosystem. It might do to remember that what we are working with today is the result of foolhardy mass removal of the primarily redwood forests, that kept the East Bay hills damp and protected. Eucalyptus is the main tree that has now found its way to being a climax species in the new environment left by the devastation of that logging. It is now a key species holding the hills up, providing habitat and evolving toward stability. Cutting them down with the idea that it will lessen fire hazards, is foolish. I clearly recall driving around the hills after the devastating 1991 fires and seeing plot after plot with houses burned to their handrail and mature, living eucalyptus trees standing nearby, scalded but green and alive. To be honest limiting the number of houses built in the hills would be more protective than cutting down the Eucalyptus trees. H-2

I applaud efforts to reestablish native over story like Oak, Bay and Redwood but I believe this will be better achieved by careful transition. Clearcutting would cause the ground to dry, weeds to dominate and inhibit the development of microclimates that can mimic conditions that will allow these natives to thrive. H-3

Thank you for hearing my concerns,
Terri Compost

Eucalyptus on the H-4

right..

Letter H: Terri Compost

Response to Comment H-1

The comment expresses opposition to the use of herbicides because of human and environmental health effects. See Master Response 3, under "Human and Environmental Health."

Response to Comment H-2

The comment expresses opposition to mass removal of trees. The comment states that removal of the mature tree canopy would reduce the ability of hills to retain water and combat erosion. In addition, the comment expresses that eucalyptus trees survived the 1991 fire adjacent to houses that were burned. See Master Response 5.

Response to Comment H-3

The comment expresses the belief that re-establishment of native trees is better achieved by careful transition rather than clearcutting. See Master Response 5.

Response to Comment H-4

The comment presents photos that illustrate the aftermath of the 1991 fire and show burned homes and nearby intact eucalyptus trees. See Master Response 5.

I

From: Megan Jones
To: DEIR-comments@oaklandvegmanagement.org
Cc: Rex
Subject: Issue regarding trees near 6308 Crown Ave.
Date: Sunday, January 3, 2021 12:48:44 PM

Dear Mr. Schwarz,

Below you will see an email I recently sent to oak311@oaklandca.gov.

Since this email, I have spoken to a supervisor by the name of Arturo Olortegui. He is looking into the matter and has reopened Service Request 621570. He will have his arborist return to the trees and let him know what he/she sees. Please note that the arborist has already looked at the trees and has determined that two (2) trees need to be removed and (two) 2 other trees trimmed.

I-1

Over the past five years, I have spoken to supervisors, arborists (both the one associated with the City of Oakland and my own) and the fire department. The arborists and firemen agree the trees need attention. Over the past five years, I have cringed during wind storms and weather systems praying I don't get a phone call that the trees have destroyed property, or worse, harmed or killed someone.

I feel five years is too long to wait.

There was recently a fire on Crown Ave. that burned two houses. Thankfully, we had fast-acting citizens and a terrific fire department that were able to contain the fire. Please note that this was during one of PG&E's power shutoffs due to high winds in the area. If the fire had made it to these uncared for trees (with ivy reaching to the top of these pine trees) at the top of this hill, the consequences could have been enormous.

It just shouldn't take this long to attend to these kinds of matters.

Sincerely,

Megan Crum

December 28, 2020

To Whom It May Concern,

My name is Megan Crum, and I own the residential property at 6308 Crown Ave. in Oakland. I am writing to you regarding a matter involving dead/dying/diseased trees that are the source of a potentially hazardous situation to my property and the tenants within.

On Dec. 24, 2020, I received an email regarding Service Request No. 621570. This was

a request for the city to cut down a series of trees across from my property. These trees are old, and possibly dying, and should they fall due to a matter such as high winds, could severely damage my property, and also provide a clear and present danger to the safety of my tenants and anyone walking on the street near my property.

The email I received said the service request was closed as of 11:43 a.m. on Dec. 24, 2020…It should be noted that this closing occurred more than five years after my original report of Dec. 8, 2015 at 11:58 a.m. (These dates and times came directly from the City of Oakland in the email sent on Dec. 24, 2020.)

While the city may call this matter "closed", I argue that this matter has not been resolved in any way as to provide a safer situation to my property, and for anyone living there or walking on the street in front of my property. While it does appear one branch was cut, there remain multiple dead and dying trees that provide a safety hazard. Many of these trees are covered in ivy that is climbing to the tree tops. As you may know, ivy strangles and kills trees. I am including pictures I took of the scene on Dec. 28, 2020, four days after I received the City of Oakland's letter closing the case.

I would like your department to re-investigate this matter. You will see that these trees still remain dangerous in the event of breakage and falling onto my property or any pedestrians in the area. Please re-open this request at your immediate convenience so that it can be fully resolved in a timely manner.

I look forward to hearing from you soon.

Sincerely,

Megan Crum
309 Taurus Ave.
Oakland, CA 94611
510-594-8377 (H)
510-206-8377 (M)
510-205-9887 (M)

Picture 1: Trees In Question Across From 6308 Crown Ave.

Picture 2: Trees In Question:

Picture 3: Hazardous Trees Across From 6308 Crown Ave.

Picture 4. Another View of Hazardous Trees On Crown Ave.

Picture No. 5. View of 6308 Crown Ave. From Across Street At Site of Hazardous Trees.

Letter I: Megan Crum

Response to Comment I-1

The comment outlines the history of the commenter's communications about dead and dying trees near her property, and about the length of time for action to be taken. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. As described in Section 1.2, "Plan Area Location," of the Recirculated DEIR, the City has expanded the Revised VMP area to encompass the area from 30 feet to 100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees (as determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property and could strike the road if they fell.

J

From: Soula Culver
To: DEIR-comments@oaklandvegmanagement.org
Subject: Defend Oakland"s Pesticide Ban
Date: Friday, January 22, 2021 4:58:56 PM

As one of the founding members of East Bay Pesticide Alert, I am appalled at the lack of progress in what should have been by now the complete outlawing of the use of pesticides/herbicides, whereas instead of that there is a move to exempt glyphosate, triclopyr, and imazapyr in the EIR that the City of Oakland is preparing. Shame shame shame -- there is no excuse good enough for this. I personally have been increasingly harmed by exposure to pesticides/herbicides, and I bear witness to the dangers to all life they represent. Stop this now.

J-1

--Soula Culver

Letter J: Soula Culver

Response to Comment J-1

The comment expresses opposition to the use of pesticides on the basis of human and ecological health. See Master Response 3 under "Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides."

K

From: Robin
To: DEIR-comments@oaklandvegmanagement.org
Subject: Please! No pesticides in Oakland
Date: Thursday, January 21, 2021 5:15:17 PM

Hello,

I understand that this week the City of Oakland is preparing an (EIR) which may roll back a local law that restricts pesticide use on public lands. The herbicides glyphosate, triclopyr, and imazapyr would be exempted for use in the Oakland hills

Oakland's 1997 IPM ordinance was a lifesaver for people like myself, who are sensitive to chemicals. I do not want to live in a place where I'm at risk of chemicals affecting me without any control.

K-1

I also know that pesticides have long term effects on other creatures/plants aside from just bugs.

Please sustain the ban on pesticides in the East Bay.

Thank you.

Robin Dolan

Letter K: Robin Dolan

Response to Comment K-1

The comment expresses opposition to the use of herbicides and support for the City's 1997 IPM ordinance on the basis that herbicides affect human health and all other plant and animal life. See Master Response 3 under "Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides."

L

From: beneficialbug@sonic.net
To: t compost
Cc: DEIR-comments@oaklandvegmanagement.org; Isis Feral
Subject: Re: DEIR Public Comment for Oakland VMP in the hills
Date: Wednesday, January 20, 2021 11:31:17 PM
Attachments: Cal Fire letter 1.2021.pdf

Great to have you comments in the mix!

I'm going to attach what I wrote recently to CalFire abotu UC and wonder whether you might want to send what you wrote here with some kind of intro about CalFire not funding UC's tree decimation and pesticiding? I was so glad to hear you talking about synergism.

L-1

Someone in the Coalition to Defend East Bay Forests sent this so I sent my comments to these 4:

<<

Natalie Burke is on extended leave. Her automatic reply referred people to Deepti.Sharma@fire.ca.gov, Steven.Hawks@fire.ca.gov She also provided an address to grants administration, but the address is not functional. This address for grants administration worked: CNRgrants@fire.ca.gov

I sent my complaint to 11 people in Cal Fire. The only reply I received was from Edgar.Orre@fire.ca.gov. Ed is directly responsible for the Claremont project.

>>

Max

Maxina Ventura
Classical Homeopathy, Non-toxic Medicine
All Ages, All Genders
WiseWomanHealth.com

On 2021-01-20 22:44, t compost wrote:

> Thank you for all the hard work and thought that has gone into the draft plan.
> Here are my concerns and comments:
>
> I disagree with the backsliding proposal to allow the use of chemical herbicides. We have ample evidence of the dangers on human and environmental health of these toxins individually. Allowing their use in combination exposes us to even more and untested hazard. With increasing drought, we must understand the importance of protecting the water in the creeks and Bay. We have already decided the dangers were too great, please do not give in to corporate pressure to use their toxic products!
>
> Secondly, I do not believe the removal of mass trees is of benefit to either the environment or fire safety. Removal of the mature tree canopy will diminish the ability of the hills to retain water and stability. We will end up with drier and weedier, fire prone plants, landslide hazards and a decimated ecosystem. It might do to remember that what we are working with today is the result of foolhardy mass removal of the primarily redwood forests, that kept the East Bay hills damp and protected. Eucalyptus is the main tree that has now found its way to being a climax species in the new environment left by the devastation of that logging. It is now a key species holding the hills up, providing habitat and evolving toward stability. Cutting them down with the idea that it will lessen fire hazards, is foolish. I clearly recall driving around the hills after the devastating 1991 fires and seeing plot after plot with houses burned to their handrail and mature, living eucalyptus trees standing nearby, scalded but green and alive. To be honest limiting the number of houses built in the hills would be more protective than cutting down the Eucalyptus trees.

L-2

I applaud efforts to reestablish native over story like Oak, Bay and Redwood but I believe this will be better achieved by careful transition. Clearcutting would cause the ground to dry, weeds to dominate and inhibit the development of microclimates that can mimic conditions that will allow these natives to thrive.

L-2, cont'd

Thank you for hearing my concerns,
Terri Compost

Eucalyptus on the right..

Inline image

Inline image

Attachment
to Letter L

1/18/21

UC Berkeley has taken fraudulent action in the East Bay Hills for a couple decades, as has UCSF on Mt. Sutro, downing healthy, life-sustaining trees and pesticiding while masquerading native plant restoration projects as wildfire safety actions. FEMA agreed, and now we need Cal Fire and Governor Newsom to understand that there is a long history to demonstrate this reality. I wish every Cal Fire person and the Governor would watch this video of an event we put together in July, 2015, as fires were raging in Lake County. Among other things, one can learn a lot about biological history of species movement (great slideshow/talk) by a conservation biologist) and also listen to and watch a wildfire fire investigator brought in by the mayors of Berkeley and Oakland to analyze the '91 hills fire and make safety suggestions. Sadly, those were ignored. But his talk and fire demonstration has helped many understand the danger of downing the Eucs and other tall trees in the hills. http://www.eastbaypesticidealert.org/wildfire.html Scroll down just past the Measure FF section (very close to the top of the page)

If you do an Internet search of "2020 California wildfires" (or 2015, 2017, 2018, 2019) you can view the realty of Eucalyptus NOT burning while fires follow gas lines for buildings, car gas tanks, and hot water heaters. Eucs are dense wood, and store water in roots and their trunks like camels do in their humps, releasing slowly as needed.

Trees are not quick to burn and as the Dean of the College of Natural Resources acknowledged during a talk at the UCB 150th anniversary as people yelled, "Get rid of all the Eucalyptus trees," the '91 conflagration was NOT started by Eucs, as is the commonly-perpetrated myth, but houses caught Eucs and other trees on fire. The fire started in vegetation when a construction crew created a trash fire that escaped their control and spread through dry brush, up the hill. OFD did NOT monitor for 24 hours, though they were supposed to do. The winds came through and whipped up the fire from the smoldering embers. This was a fatal human mistake. It took off in the grasses and then spontaneous combustion under eaves of houses resulted in houses exploding as the gas lines and gas appliances and car gas tanks blew up. I watched and listened to it before evacuating. Eucalyptus trees, maligned by many who do not understand their history in California being planted as windbreaks, are unlikely to realize some of the houses survived because of moist soil around Eucs which still stand proud in the hills, and likely some people remain alive due to these majestic, water-laden trees acting as fire breaks.

Who profits by our being scared of nature? When you hear 'invasive species' start looking at who pushes that language which others just parrot: Pesticide companies. UC's history of tree destruction is legend, and always is paired with massive pesticide use. You can read up on some of the specifics by going to this page and scrolling down the left side to to read up on the toxicology of UC's actions: http://www.eastbaypesticidealert.org/wpad.html

And just to disavow people's romantic notions about Oak-studded hills, the expectation is that there will be no more Oaks in our hills within 20-30 years. UC's approach to Sudden Oak Death has been to use fungicide pesticides on already-drought-beleagured trees, weakening their immune systems further, and by removing tall trees like Eucs and Monterey Pines, we've been losing the very fog drip which safeguards the hills by keeping the soil shaded and moist.

You want the rolling grasslands and Oaks? The hills are studded with tens of thousands of dead Oaks which already are crisp tinder, plus have branches low to the ground, creating excellent fire ladders. And grasses is where every wildfire takes off. Add our beautiful Golden Gate winds and you now have massive fire danger.

People worldwide are planting trees by the literal billions while around the U.S. the lumber barons and pesticide companies are making out as bandits. They label vegetation and insects or animals as 'not-native', or 'invasive'. The xenophobic language is unmistakable, and dangerous. In nature, there is no even, no set and rigid correct landscape. Just as humans have survived by acclimation over thousands of years in these hills, and in a century and one-half of European-Americans' and others' Berkeley settlement, people have made changes to the landscape, for better or worse, and habitats have developed in an intricate web of life.

Yes, it would be best not to have anyone living in the hills in these times but as long as people are living in the hills, as much fog drip as can be retained will help safeguard people. You don't get that by clearcutting.

We have to have a holistic look. Mowing down trees is about the worst action we could see in the hills, and adding pesticide poisons is just as anti-life as could be, killing off mycorrhizal fungi, as we pointed out in 2005, in our earliest work specifically to stop pesticide use in the hills when any trees were removed, before we realized the plans were to clearcut massive swaths of hundreds of thousands of hills trees, the model UC has pushed. The damage will result, realistically, in more chronic illness in the Bay Area. You can check out www.EastBayPesticideAlert.org to get a lot of the history of UC's toxics use, and UC pushing Oakland, EBRPD, EBMUD, and other agencies with oversight of land in the hills.

Following the Claremont Canyon tree massacre have been many unexplained very bad air days in spite of way too much sun in these times of climate chaos, which normally would burn off coastal inversion layers. A likely explanation is that we are being hit hard with masses of formerly-sequestered carbon let loose. As someone with Asthma, I have been feeling it and have been limited in what I can do in daily life these weeks in order to safeguard my lungs, mostly at home by one of our 3 air filters.

There is one solid response in addition to saving trees from destruction and poisoning the environment with pesticides and massive carbon releases, and that is to make a mighty call to politicians and FEMA and Cal Fire to create a massive fund to buy out willing sellers, fearful people who live in the hills but would be willing to move. Then put people to work learning safe deconstruction of houses (lead and asbestos abatement safety procedures, gas, electrical work) and over time break up the gas grid. While some people may still live in the hills, over time the gas lines may be more broken up rather than existing in a dense grid, so evacuations will be easier.

The hills became more dangerous after the '91 fire as developers crowded more monster houses in the hills, narrow winding streets were NOT made safer as many were suggesting, and people got bigger vehicles which block the streets. Not one more fire person should be endangered or killed due to crowded developments like these being allowed.

History so quickly has been forgotten. Eucs also were planted over 100 years ago to hold creek beds, which they've done beautifully throughout the hills. UC, however, has created mudslides with each clearcut it's done last couple decades.

The best we might get out of this recent tree destruction (and pesticiding) is a big lesson when the next fire hits, which of course it will. The narrative again will be that trees caused fire, while it's grasses and shrubby vegetation which always is where wildfires take off. We have a chance for people to learn through this destruction, if we so choose. We all need to pay attention to how this action is especially endangering our neighbors in Contra Costa County, east of us, because that's where the fire will race without the windbreaks and moist soil of a dense forest floor. Just keep eyes open to the reality when that happens, and ask whether we've been responsible neighbors.

UC must be held accountable for the damage created in Claremont Canyon, and must restore the money taken fraudulently from Cal Fire. This state needs the money for honest wildfire safety plans and work.

Thank you for thoughtful consideration.

Sincerely,

Maxina Ventura,

Berkeley, 94703

beneficialbug@sonic.net

Representing East Bay Pesticide Alert, a grassroots group which exists to share information and advocate for no use of pesticides (which is what always, and wrongfully, accompanies clear-cutting and other tree decimation projects in California)

** Sent to the governor, also

Letter L: Maxina Ventura, East Bay Pesticide Alert

Response to Comment L-1

The comment introduces an attachment to the comment letter, an email addressed to CAL FIRE. The comment does not pertain to the adequacy of the CEQA analysis.

Response to Comment L-2

The comment expresses opposition to the use of herbicides. See Master Response 3, including the list of Recirculated DEIR mitigation measures that address impacts of herbicide use under "Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP.

This comment also expresses opposition to the removal of eucalyptus trees. See Master Response 2 and Master Response 5. See Section 9.4.1.2, "Tree/Woodland/Forest - Specific Standards," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

M

From: beneficialbug@sonic.net
To: DEIR-comments@oaklandvegmanagement.org
Cc: East Bay Hills Forest Defense
Subject: East Bay Pesticide Alert"s DEIR veg. mgmt. comments
Date: Friday, January 22, 2021 3:31:03 PM
Attachments: Oakland Veg. Mgmt. DEIR, 2021.pdf
Cal Fire letter 1.2021.pdf

Comments on the City of Oakland Vegetation Management Plan and its Draft Environmental Impact Report, submitted by Maxina Ventura, Chronic Effects Researcher for East Bay Pesticide Alert, on behalf of East Bay Pesticide Alert, 1/22/21

First of all, the city's website has incorrect information which still says the deadline was the 7th, which was changed due to noticing mistake, changed to 1/22/21. Here is the link which someone questioned when planning to write comments, believing she was past the deadline. It says 1/7/21: https://web.archive.org/web/20210122042910/https://www.oaklandca.gov/projects/oakland-vegetation-management-plan. This is cause for having the comments time extended once again, due to the city's mistakes. We have no idea how many people did not submit comments when we alerted them, because they believed their comments would not be accepted or considered. M-1

East Bay Pesticide Alert objects to any vegetation management plan that includes the use of pesticides, including herbicides. Oakland's DEIR has not addressed essentially anything from the Scoping comments submitted 12/12/19. Further, the collaborators and authors go to great effort to suggest that Glyphosate-containing products are safe. They continue M-2

We are re-submitting this whole document and will follow with many more comments.
"No Project" is the only choice we can support. M-3

Comments on the City of Oakland Fire Department Revised Draft Vegetation Management Plan and Environmental Impact Report Scoping Period, submitted by Maxina Ventura, Chronic Effects Researcher for East Bay Pesticide Alert, on behalf of East Bay Pesticide Alert, 12/12/19

History of East Bay Pesticide Alert's Work To Stop the Attempt to Overturn a Ban on Pesticide Use on the Hills Land it Oversees

In this struggle around hills deforestation and pesticide use since January, 14, 2005, for 15 years, we object to this whole plan as wildfire-dangerous, creating dry, flammable conditions and precisely in the path of Golden Gate winds, with the euphemistic "thinning" of trees creating wind tunnels. Additionally, this plan might as well have been written by the pesticide industry as all of our alternatives to pesticide use, all of them, have been ignored for 15 years in favor of pesticides which harm people, pets, wildlife, flora and fauna, insects, and especially poor people who forage in the hills for food among the many targeted food and medicinal plants. We've provided that clarification for 15 years. M-4

Tall Trees, Moist Soil, Shadows, Forest Habitat, Experts' Presentations

Some of the cast of pushers has changed over time so it is interesting to us that, the plan remains in effect the same, though with attention to language so as to confuse people who do not understand that removing any tree with a trunk less than 8" assures that a forest will die, be gone as trees exist and thrive in families, and regeneration is a natural process resulting in trees of differing ages and sizes making up the forest, along with other trees and vegetation. To remove all the smaller trees cuts down on the shaded areas of a forest which results from vegetation of varying heights casting shadows in different areas, and is tremendously arrogant an action to take. Biologists not being paid by agencies promoting deforestation and pesticide use remind us that, you remove one thing from a biological web and we have no way of knowing all of what will result from that. For evidence, please view the 2008 presentation by UCSC Arboretum director Daniel Harder https://www.youtube.com/watch?v=9byivboT4kk&feature=youtu.be at 1:17:40 and for an overview of natural processes, please view Invasion Biologist David Theodoropoulos' M-5

presentation in July, 2015, to understand more of who is behind the Native Plant Restoration Movement which is focused on deforestation and pesticiding. You can find that at http://www.eastbaypesticidealert.org/wildfire.html
(00:19) MAXINA VENTURA, Chronic Effects Researcher, East Bay Pesticide Alert, (in my opening, I give a 5-minute rundown of history of these hill projects. At the same presentation you can watch:
(05:14) DAVID THEODOROPOULOS, Conservation Biologist; Author: Invasion Biology - Critique of a Pseudoscience; Slideshow Presentation, http://dtheo.org/.
To see a fire demonstration by a fire expert, you can view:
(1:23:41) DAVID MALONEY, Retired Oakland Fire Department; Chief, Fire Prevention, Oakland Army Base; appointed to 1991 Oakland-Berkeley Mayors' Task Force on Emergency Preparedness and Community Restoration; Fire Demonstration. Yes… appointed by mayors of two cities, and promptly ignored. On that East Bay Pesticide Alert wildfire page, you can find his papers, which I ask you to read. In fact, a paper he put out in 2016 clarified the danger of deforesting our EB Hills as the Eucs and Pines (and also Acacias) catch fog drip and transpire it onto the forest floor to keep soil moist, exactly what created some of the fire breaks during the '91 fire. Some homes were saved, and possibly some lives were saved due to these firebreaks. Mr. Maloney clarifies that in the fire "bible" in every fire dept, every tree is referred to as a 'fire mitigation factor' because water is stored in the trunk and roots, keeping soil moist, and helps create fire breaks.

M-5, cont'd

SLEIGHT OF HAND

We must point out that, in the past we have offered information about the experts we've brought together who are not being paid to support the big business of killing trees and pesticiding everywhere (because when you use herbicides they translocate through air and soil, are moved by animals eating pesticided vegetation and depositing their feces elsewhere, and are translocated through water). All the resources we've offered over 15 years are absent from this document. All the alternatives to pesticides we offered early in 2005, and on, are absent. We do not see this document as a true reflection of anything other than another attempt at sleight of hand by referring to thinning when the long-range plan is to end up with denuded hills, our lungs and climate change mitigators of tall trees gone. Who profits? U.C.'s business partners.

M-6

WILDFIRE PHOTOS DEMONSTRATE TALL TREES SURVIVE

I will refer you to internet searches for any wildfire at all, and you'll see what David Ackerly of the U.C. Berkeley College of Natural Resources had to admit to an audience at a public talk during the 150th Anniversary of UCB when people were yelling out things such as, "Get rid of dangerous Eucalyptus!" He said that in the '91 hills fire it was not trees which ignited houses, but houses igniting trees. Photos of wildfires show that fire follows gas tanks, gas lines, car gas tanks and other gas appliances. Homes and cars and appliances are burnt to a crisp while often they are totally surrounded by live trees, whether Eucalyptus, Pines, or other trees, or trunks are just singed and you look at photos one year later and the trees are healthy. But when you see dead trees, we have to remember that when something gets hot enough, anything will burn. But, again, you can find thousands of photos from any wildfire and see huge neighborhoods (such as Coffey Park, in Santa Rosa) where everything was decimated but a bunch of tall trees. The soil below the trees is moist, especially below these tall trees, which is why it is ironic that these trees are first on the hit list of U.C., Oakland, EBRPD, and other agencies colluding in these attacks not only in the East Bay Hills, but on Mt. Sutro in SF (UCSF killing healthy trees in that cloud forest… no longer is there predictable mist down at Dolores Park since some recent UCSF tree kills), and the city of Mill Valley which is being pushed to kill Eucalyptus. The most destructive wildfire in known history of Angel Island followed the decimation of Eucalyptus on the island. Near total destruction where there had been a healthy, moist forest habitat.

M-7

NATIVE PLANT RESTORATION RELIGION

Look, we've had to go to battle with the Native Plant Restoration movement (look at David Theodoropoulos' slide presentation for history) as it has called for (and killed) even Redwoods! Dimond Park's Redwood forest which created a shady, damp habitat for the past 100 years was decimated by a movement which a USDA tree expert said to me is like a religion. I would add that it functions like a cult, relieving members of the difficulty of looking at true biological fact as it plows forward in massive gardening projects. Biology is missing; you get rid of tall trees and you lose the raptors which keep rodents in check and of course keep soil moist. You lose the overwintering habitat for endangered Monarch butterflies. The list of unintended consequences known is long, and the list of not-yet-known consequences would show itself over time.

M-8

The Cal-IPC Weed Killer Handbook is entirely inappropriate for a host of reasons, not the least of which is that only one Licensed Pesticide Applicator is needed for a project and that person simply sends people out to do the dirty work, the deadly work. As evidenced over decades, they do not even have to be on site. And as always is the case, often those doing this most dangerous work do not speak English, and are not necessarily going to understand directions from the LPA's prescription for use. This is a most classic cause of some of the most heart-rending sights in any agricultural area, or with any statewide or federal pesticiding program; one sees people applying not even wearing gloves or protective gear of any sort.

East Bay Pesticide's predecessor, Sonoma Pesticide Alert, brought in Marion Moses, MD, who worked with Caesar Chavez, to present a slideshow in 1998 showing how even in the "best" of protective gear, pesticides get in via many pathways, including around the neck or wrists, and around glasses into mucus membranes. Just STOP promoting the idea that Cal-IPC is in any manner an appropriate source of information. Again, I'd refer you back to David Theodoropoulos' presentation where he goes into these Invasive Plant Councils and how they came to be (pesticide companies). Again: http://www.eastbaypesticidealert.org/wildfire.html (05:14) DAVID THEODOROPOULOS, Conservation Biologist; Author: Invasion Biology - Critique of a Pseudoscience; Slideshow Presentation, http://dtheo.org/. M-9

EUCALYPTUS HERITAGE IN CALIFORNIA

For over 150 years, Eucs have been planted as windbreaks all over the state. They are iconic. In fact Olmsted, who designed Golden Gate Park, planted them everywhere and they thrive. In our changing climate, we need these trees which store water and also carbon so profusely they can survive what is coming. M-10

LIVING TO KILL

Funny how many people are being paid to kill: Kill trees, and kill what's left behind. All those of you who are falling into step by taking consulting jobs on the public dime (or $1000 bill, I should say), are participating in a travesty and it seems to depend on a cult-like adherence to thinking a particular tree, or two, or three, or four are bad. Who profits from these plans? Well, the tree decimators gain major profits. And the pesticiders and pesticide companies. There is no safe use of pesticides and the industry-speak would have you think there is, but it's illegal to say so. In fact, early in this struggle, a lawn care company in apparent alarm quoted me, though the plans had nothing to do with pesticiding lawns in the hills. But they understood that they profit if the Oakland urban public is led to believe pesticides are safe because if the city is using them, they must be safe. M-11

NEW USE OF PESTICIDES, ADDED ACREAGE

In fact, in this document we see significant acreage which was never part of Oakland's request for another exemption to what they were calling a city ban on pesticides which had been in place for close to 9 years at that point. This would be, in fact, adding new pesticide use where there has not been legal pesticide use by the city, which is the source of this very EIR process. East Bay Pesticide Alert wholly objects to this addition in the process.

Surely, some people in on this project don't even know how long we've been fighting it, or the deception inherent in it from Day One. We beseech you: look at the history around the WPAD at our WPAD page which includes writings from before we realized this was a massive deforestation project, at first getting involved because of the pesticide use which we pointed out would never be the answer, and provided information about a host of alternatives when there was a tree removed for what we saw as legitimate reasons, such as one which was about to fall over a path in a park. Here's an informative page from our website: http://www.eastbaypesticidealert.org/wpad.html If you keep in mind that we didn't know at that time that, this is a massive deforestation project, you can get a quick understanding of the deceit by reading, 'There is No Quick Fix!' on that page. M-12

THINNING MEANS KILLING OFF WHOLE HABITATS

The true deforestation by your euphemistic "thinning" according to Specific Standards in 9.1.4.2 would remove anything with less than an 8' trunk, and leave 30' between Acacias, about 36 trees per acre, which you call 'urban'. In effect, that would outlaw Acacias in most if not all Oakland urban areas. Monterey Pines which are endangered, and are from about 75 miles away, are referred to as non-Native(!) and are under attack through this plan. Cypress is M-13

listed as 30' apart, or 48 trees per acre. 'Mature' trees are planned for a density of 25' between trunks with 108 trees per acre. Young Redwoods are decimated at a rate of all new re-sprouts other than 3 per stump. This defies Nature's most basic biology. It appears that the planners for this project do not understand that when a Redwood dies, either naturally of old age, or because it was killed by projects like these, it sends out Growth Hormone in order to assure the future of a family and grove. What are referred to as 'Fairy Rings' by rangers in parks all over the country are exactly this: a new generation created by a stately old Redwood sending out Growth Hormone around it. Removing all but 3 sprouts? Do you really think it is wise to go against Nature of trees dating back thousands of years? Do you think the scientists leading your programs of destruction understand these basic functions of biology? What about leaving Bay trees which contain more flammable oils than Eucs, and the great flame lengths of many so-called Native grasses?

M-13, cont'd

And what of Oaks which clearly will be gone from the hills? They started to falter with what was called Sudden Oak Death Syndrome first discussed publicly in 1995 where in Sonoma a drought crisis was manufactured by the water table being low due to wine grape growers draining things. That's what happened in wine grape growing coastal or just-inland areas up and down the state and then drought conditions furthered in the EB Hills. The acclimation of drought. It is pure fantasy to suggest Oaks will stud our hills in the future if we just kill off most every other tree. Pure fantasy.

Language is nicer in this document, meant to assuage forest lovers' natural concern for nature. But words don't lie unless you understand history of a project and compare what was proposed in January, 2005, to what remains in the plans, basically all of it. Our questions over time have been ignored.

HOMELESS PEOPLE ARE UNDER ATTACK WITH THESE PLANS

M-14

While most of us have a roof over our heads, the poorest among us have found at least minimal shelter from rain and a place to sleep in the hills, and food in some of the vegetation. Fifteen years later, still this reality is not showing up in your documents.

EAST BAY PESTICIDE ALERT RECOMMENDS NO DEFORESTATION UNDER ANY NAME, and NO PESTICIDE USE

M-15

Pesticide Toxicity has been presented by others in our Coalition to Defend East Bay Forests, but I'll again refer you to some of the relevant toxicology we've had on our website for a decade and one-half: http://www.eastbaypesticidealert.org/wpad.html and which I provided in person to agencies involved 1/26/05.

Sincerely,
Maxina Ventura for
East Bay Pesticide Alert 12/12/19

////////////////////////////////////

1/22/21

East Bay Pesticide Alert takes great offense at the following, misleading statement in this DEIR:

"While use of glyphosate is proposed, some recent studies have indicated that the Roundup formulation of glyphosate may be toxic to humans. Out of an abundance of caution, the Roundup formulation of glyphosate is not proposed for use within the VMP area." (footnote pg 2-66)

M-16

This information is nothing recent, and Oakland and all the other agencies and entities present at the public hearing at City Hall 1/26/2005 received a thick packet full of toxicology of proposed toxics plus another included in the packet which was being used by EBRPD. We though they might suggest to Oakland, and we alerted them, too, to toxics being used by UC, the driving force behind this ecological disaster underway.

We have data on toxicology of RoundUp referencing all the way back to 1988 which we submitted 1/26/2005 to UC, Oakland, EBMUD, and others, as well as EBRPD's IPM coordinator, Nancy Brownfield. We noted among ourselves how ironic her name was as pesticide use increased under her tenure, and we understand she later died of

cancer. But not before telling a another activist, and me, as we handed her 1997 and 2004 toxicological profiles of RoundUp that, she wasn't concerned about RoundUp. I wonder what she would have said on her deathbed.

Glyphosate itself is toxic and in formulations, whether RoundUp, Accord, or Rodeo, there is no testing by the makers for synergism of chemicals, nor is there accounting here for the continually-changing formulations which use the same names. New formulations are a fact of life in toxics use because just as with antibiotic use, we see resistance and we see more aggressive forms of vegetation or insects thrive as the chemicals succeed in killing off the weakest to make space for the strongest to take over. How does Oakland plan to deal with this issue?

M-16, cont'd

"Note: Types of herbicides that may be used at select VMP treatment areas include glyphosate (Accord or Rodeo formulation), triclopyr, and imazapyr." (note pg 2-67)

"In 1997, the City adopted an Integrated Pest Management (IPM) Policy that limits the use of pesticides to manage pest problems on City-owned property. In 2005, the City adopted Resolution 79133 authorizing staff to evaluate an additional exemption from the IPM Policy that would permit the use of glyphosate and triclopyr on City-owned land within the WPAD to "improve fire prevention and reduce wild land fuels in a cost effective and environmentally sensitive way." The revised herbicide policy is part of the project being evaluated in this EIR." (pg 3.1-4)

Thoughtful public opposition to this foolhardy plan led to this EIR process but it has seemed to be treated as one big joke by those who are expected carefully to consider issues. A risk assessment model where the most vulnerable are scarified at the altar of either ignorance, or greed, is unacceptable. The fact is that with all the information we have shared over years, you refer to the misnomer of 'low toxicity' when the world's second largest medical system after Chinese Medicine, Homeopathy, around for some 225 years, is based on dilution, in many cases beyond Avogadro's number. The fact that it works on babies and animals should be a reminder that it's real, not placebo as Big Pharma suggests in their regular attacks since its inception. The following statement at best shows ignorance of synergism of chemicals:

M-17

Table 3.10-1 from the CalVTP EIR specifically lists Roundup products, but the analysis in Appendices HAZ-1 and HAZ-2 of the CalVTP EIR considers potential human health impacts from glyphosate generally (including other product formulations). Thus, the conclusions of overall low toxicity and unlikely human carcinogenicity would apply to other products using glyphosate as an active ingredient (e.g., Rodeo and Accord). USEPA's pesticide/herbicide registration process considers the identity and quantity of all chemicals in the product, including any inactive or inert ingredients that could potentially pose a health hazard. (This clarifies that it is individual chemicals, only, which are considered, one by one, not as part of a complex in which one chemical is there to affect others, potentiating the overall effect)

Though you've received toxicology from us, and from others, and will be receiving more toxicology from members of the Coalition to Defend East Bay Forests, here is some relating to UC's use which is important to share with Oakland as UC has been driving this environmental tree decimation and toxic pesticide push (toxicology follows this DEIR's disingenuous statement):

2. The large majority of medical and scientific research supports the conclusion that glyphosate is not a likely carcinogen. Although glyphosate has been listed under Proposition 65 based on the International Agency for Research on Cancer's (IARC) classification of glyphosate as probably carcinogenic (based on one study in mice), federal courts in two separate decisions found that California could not require warnings on glyphosate products because warnings stating that glyphosate is a carcinogen are misleading, and that requiring the warnings would violate the First Amendment. In 2020, Judge Shubb in the District Court for the Eastern District of California found that "the Proposition 65 warning requirement for glyphosate was false and misleading given the weight of authority" and issued a permanent injunction preventing the state of California from requiring warnings on glyphosate products. The Court relied upon decades of actual laboratory and field testing of glyphosate that conclude that glyphosate is not likely to be carcinogenic to humans and that no other meaningful risks to human health occur when the product is used according to the label. Recent expert panels have been convened to directly evaluate the claims of the IARC that glyphosate is carcinogenic to humans. Reports of these panels strongly counter that claim and indicate there is insufficient evidence that glyphosate is carcinogenic. (Appendix HAZ-1 of the CalVTP EIR for more detailed information regarding glyphosate and human health risks. Although several juries have awarded damages to plaintiffs alleging personal injuries as a result of exposure to Roundup, there is significant question regarding the toxicological basis for these verdicts.

M-18

(pgs 3.8-30, 31)

It takes no more than the most basic internet search of the judge's name to discover that he was put into his role in August of 1990 by Pres. Bush, working in the state's agricultural world of mostly conventional, toxic agriculture. He was just in time to oversee the wildly-increasing pesticide use in CA which by 1998 was consuming over 25% of the pesticides used in the United States. Maybe not such a good reference for anyone discussing health.

M-18, cont'd

//////////////

THE TOXICOLOGY:

M-19

1/26/05 at http://www.eastbaypesticidealert.org/wpad.html (scroll way down on left side of page:
Glyphosate (Roundup & Rodeo) Proposed for use in Oakland, used by UC Berkeley, EBMUD, EBRPD

Roundup - 2004 fact sheet from NCAP *, presented to Jean Quan subsequent to Jan 26 Forum. New studies link Roundup to non-Hodgkin's lymphoma in men, increased risk of miscarriage in women
From the introduction to this 2004 toxicological profile:
<< Glyphosate herbicides (one common brand name is Roundup) are the mostly commonly used herbicides in the U.S. and the world. In agriculture they are widely used with genetically-modified glyphosate-tolerant crops, but they are also widely used in yards, gardens, and other nonagricultural areas.
Symptoms of exposure to glyphosate include eye irritation, burning eyes, blurred vision, skin rashes, burning or itchy skin, nausea, sore throat, asthma and difficulty breathing, headache, lethargy, nose bleeds, and dizziness.
Glyphosate and glyphosate-containing herbicides caused genetic damage in laboratory tests with human cells, as well as in tests with laboratory animals.
Studies of farmers and other people exposed to glyphosate herbicides have shown that this exposure is linked with increased risks of the cancer non-Hodgkin's lymphoma, miscarriages, and attention deficit disorder. For each of the hazards identified in these studies there are also laboratory studies with results that are consistent with the studies of exposed people.
There is also laboratory evidence that glyphosate herbicides can reduce production of sex hormones.
Studies of glyphosate contamination of water are limited, but new results indicate that it can commonly contaminate streams in both agricultural and urban areas.
Problems with drift of glyphosate herbicides occur frequently. Only one other herbicide causes more drift incidents.
Glyphosate herbicides caused genetic damage and damage to the immune system in fish. In frogs, glyphosate herbicides caused genetic damage and abnormal development.
Application of glyphosate herbicides increases the severity of a variety of plant diseases.
>>
Roundup - fact sheet from CATs, presented to Jean Quan and representatives of UC, EBRPD, Oakland, and various agencies and pesticide users and pushers at Jan 26, 2005 Forum
The following mid-90's profile was based on studies going back to 1980:

Triclopyr (Garlon 4 & Pathfinder)* Proposed for use in Oakland, used by UC Berkeley, EBMUD, EBRPD
From the introduction to the 2000 Garlon (Triclopyr) toxicological profile based on studies going back to at least 1974, which we provided Tom Klatt of UC in Jan., 2005, just to give an overview of what seems to be taken lightly in this EIR process, and to clarify that, yes, Garlon is highly mobile in soil. It translocates and contaminates water sources:
<<
Triclopyr is a broadleaf herbicide used primarily on pastures, woodlands, and rights of way. Garlon 3A and Garlon 4 are brand names of common triclopyr herbicides. Two forms of triclopyr are used as herbicides: the triethylamine salt (found in Garlon 3A) and the butoxyethyl ester (found in Garlon 4) .
The amine salt of triclopyr is corrosive to eyes. Both the amine salt and the ester are sensitizers and can cause allergic skin reactions.
In laboratory tests, triclopyr caused an increase in the incidence of breast cancer as well as an increase in a type of genetic damage called dominant lethal mutations. Triclopyr also is damaging to kidneys and has caused a variety of reproductive problems.

The ester form of triclopyr is highly toxic to fish and inhibits behaviors in frogs that help them avoid predators. Feeding triclopyr to birds decreases the survival of their nestlings.
Triclopyr inhibits the growth of mycorrhizal fungi, beneficial fungi that increase plants' ability to take up nutrients. Triclopyr also interferes with one step in the process by which atmospheric nitrogen is transformed by microorganisms into a form that is usable by plants.
Triclopyr is mobile in soil and has contaminated wells, streams, and rivers. Contaminated water has been found near areas where triclopyr is used in agriculture, in forestry, on urban landscapes, and on golf courses.
The major breakdown product of triclopyr (3,5,6-trichloro-2-pyridinol) disrupts the normal growth and development of the nervous system. In laboratory tests, it also accumulates in fetal brains when pregnant animals are exposed.
>>
Imazapyr (Stalker) * used by UC Berkeley. Provided to Tom Klatt of UC, and Quan of Oakland, and other agencies' reps at 1/26/05 Forum
From the introduction to the 1996 Imazapyr toxicological profile based on studies going back to at least 1984, provided in the packet:

<<
Imazapyr is a broad-spectrum herbicide in the imidazolinone family. Its primary uses in the U.S. are for vegetation control in forests and rights-of-way.
Imazapyr is corrosive to eyes and can cause irreversible damage. Imazapyr-containing herbicides are irritating to both eyes and skin.
Adverse effects found in laboratory animals after chronic exposure to imazapyr include the following: fluid accumulation in the lungs of female mice, kidney cysts in male mice, abnormal blood formation in the spleen of female rats, an increase in the number of brain and thyroid cancers in male rats, and an increase in the number of tumors and cancers of the adrenal gland in female rats.
Imazapyr can persist in soil for over a year. Persistence studies suggest that imazapyr residues damage plants at concentrations that are not detectable by laboratory analysis.
Imazapyr moves readily in soil. It has contaminated surface and ground water following aerial and ground forestry applications.
Small amounts of imazapyr (as little as 1/50 of a typical application rate) can damage crop plants. Imazapyr exposure also has the potential to seriously impact rare plant species. The U.S. Fish and Wildlife Service has identified 100 counties in 24 states east of the Mississippi River where endangered species may be jeopardized by use of imazapyr.
Over a half-dozen weedy plant species have developed resistance to imazapyr.
>>
Clopyralid (Stinger and Reclaim) used by UC Berkeley, also part of 1/26/05 packet
From the beginning of the 1998 toxicological profile we provided which was based on 90's studies:
The herbicide clopyralid is commonly sold under the brand names Transline, Stinger, and Confront. It is used to kill unwanted plants in lawn and turf, range, pasture, rights-of-way, sugarbeets, mint, and wheat. Clopyralid and the products containing it are irritating to eyes, some severely. The eye hazards of four clopyralid products include permanent impairment of vision or irreversible damage. In laboratory tests, clopyralid caused what a U.S. Environmental Protection Agency (EPA) reviewer called "substantial" reproductive problems. These include a reduction in the weight of fetuses carried by rabbits who ingested clopyralid, an increase in skeletal abnormalities in these fetuses at all doses tested, and an increase in the number of fetuses with hydrocephaly, accumulation of excess fluid around the brain. "Inert" ingredients in clopyralid products include cyclohexanone (produces tearing and burning of the eyes, vomiting, diarrhea, and dizziness), triethylamine (a severe eye irritant and cause of chemical pneumonia), and polyethoxylated tallow amines (cause eye burns, nausea, and are acutely toxic to fish). Clopyralid is "persistent" in soil, according to an EPA review, and field studies have measured persistence as long as 14 months. It has the chemical characteristics that make it a likely water contaminant; despite its relatively low level of use it has been found in 2 of the 20 river basins studied by the U.S. Geological Survey. Potatoes are extremely sensitive to clopyralid with damage occurring when plants are exposed to 0.07 percent of typical agricultural rates. When tubers from these damaged plants were grown in unsprayed fields, the new generation of plants also showed damage symptoms.
>>

From the introduction of the 2001 Surflan (Oryzalin) toxicological profile we included in the Jan., 2005 packet given to Tom Klatt, based on studies going back to 1972:

<<
Oryzalin is an herbicide used to control weeds in turf, in orchards and vineyards, around ornamental plants, and along rights of way. At least 2 million pounds of oryzalin are used annually in the U.S.
Many oryzalin-containing herbicides cause eye irritation and also can cause skin allergies.
In laboratory tests, oryzalin causes anemia. In addition, exposure of pregnant animals caused embryo loss, a reduction in the number of offspring in each litter, and a decrease in the weight of offspring. In a test of oryzalin's ability to cause cancer, exposed animals had more breast tumors, skin tumors, and thyroid tumors than unexposed animals. The U.S. Environmental Protection Agency (EPA) classifies oryzalin as a "possible human carcinogen."
Oryzalin can persist in soil up to three years after application, and, according to EPA, is a "moderately mobile" herbicide in soil. Therefore it is not surprising that it often contaminates water. The U.S. Geological Survey found oryzalin in rivers, streams, or wells in almost half (16 of 36) of the river basins that the agency has tested nationwide.
Animals can be adversely affected by oryzalin. Birds fed oryzalin gained weight more slowly than unexposed birds. It is also moderately toxic to freshwater fish, particularly juvenile fish, and is highly toxic to oysters.
Oryzalin can have unexpected effects on plants that are not a target of the herbicide. For example, oryzalin increases the virulence of a rust that attacks flax plants. At concentrations that occur in soil after applications at typical rates, it decreases the growth of mycorrhizal fungi, beneficial fungi that grow in association with the roots of many plants.
>>
About SNAPSHOT, from the Material Safety Data Sheet produced by Dow, the manufacturer:
<<
Hazard classification
800-992-5994
info@dow.com
This material is hazardous under the criteria of the Federal OSHA Hazard Communication Standard 29CFR 1910.1200.Acute toxicity - Category 3 - InhalationCarcinogenicity - Category 1A
Specific target organ toxicity - repeated exposure - Category 1
Signal word: DANGER!
Hazards
Toxic if inhaled.May cause cancer.Causes damage to organs through prolonged or repeated exposure.
Toxicological information appears in this section when such data is available.
Acute toxicityAcute oral toxicity
Low toxicity if swallowed. Small amounts swallowed incidentally as a result of normal handling operations are not likely to cause injury; however, swallowing larger amounts may cause injury.
As product:LD50, Rat, > 2,500 mg/kg
Acute dermal toxicity
Prolonged skin contact is unlikely to result in absorption of harmful amounts.
As product:LD50, Rabbit, > 5,000 mg/kg
Acute inhalation toxicity
As product:LC50, Rat, male, 4 Hour, Dust, > 4.6 mg/l As product:LC50, Rat, female, 4 Hour, Dust, > 0.5 - < 4.6 mg/l Excessive exposure may cause irritation to upper respiratory tract (nose and throat). Prolonged excessive exposure may cause serious adverse effects, even death.
Skin corrosion/irritation
Prolonged contact may cause slight skin irritation with local redness.
Serious eye damage/eye irritation
Solid or dust may cause irritation due to mechanical action.
Sensitization
Did not cause allergic skin reactions when tested in guinea pigs. Did not demonstrate the potential for contact allergy in mice.
For respiratory sensitization: No relevant information found.
Specific Target Organ Systemic Toxicity (Single Exposure)
Evaluation of available data suggests that this material is not an STOT-SE toxicant.
Specific Target Organ Systemic Toxicity (Repeated Exposure)
For the active ingredient(s):In animals, effects have been reported on the following organs:Kidney.Liver.Blood.Repeated excessive exposure to crystalline silica may cause silicosis, a progressive and disabling disease of the lungs.
Carcinogenicity
Crystalline silica has been shown to cause cancer in laboratory animals and humans. An increase in nonmalignant

liver tumors was observed with isoxaben in one of two species tested. A low incidence of urinary tract tumors was seen in only 1 of 5 chronic studies in rats with trifluralin. Trifluralin is not anticipated to be a carcinogenic risk to man.
Teratogenicity
For the active ingredient(s): Trifluralin. Has been toxic to the fetus in laboratory animals at doses toxic to the mother. Isoxaben. Has caused birth defects in laboratory animals only at doses toxic to the mother.
Reproductive toxicity
For the active ingredient(s): Isoxaben. In animal studies, has been shown to interfere with reproduction in females.
Mutagenicity
For the active ingredient(s): Trifluralin. In vitro genetic toxicity studies were negative in some cases and positive in other cases. Animal genetic toxicity studies were negative.
Based on information for component(s): Crystalline Silica. In vitro genetic toxicity studies were negative in some cases and positive in other cases.
Aspiration Hazard
Based on physical properties, not likely to be an aspiration hazard.
Carcinogenicity Component List Silica, crystalline (quartz) IARC
Classification
Group 1: Carcinogenic to humans ACGIH A2: Suspected human carcinogen
>>
Not part of the 1/26/05 but important to include here is:
MORE ABOUT GLYPHOSATE, what is called the 'active ingredient' in Roundup and is in at least hundreds of products foisted upon the world, comes from healthcare provider Kate Birch in her 2019 book Glyphosate Free:
<< Glyphosate affects purinergic signaling of the immune system and neurotransmitters. The purine bases of RNA are guanine and adenine which form guanosine and adenosine respectively, which are both glycine dependent. Each interact with their specific receptor sites in cell membranes. The pyrimidine bases formed are cytosine, thiamine, and uracil. Purines and pyrimidines are signaling agents that act as antagonists to each other in various functions by engaging with these receptor sites throughout living organisms. In humans, purinergic signaling to the immune system inhibits and activates many different cell types, regulates neurotransmitter and hormonal function, and specific cellular receptor sites in various organs and glands throughout the body. >>
AND
<< Glyphosate interferes with DNA and RNA editing. >>
AND
<< As glyphosate interferes with nucleotide synthesis, specifically the purines that need glycine…… an imbalance in their ratios will have a direct effect on functionality and expression of the enzymes and regulatory processes they govern. >>
AND
<< As a pesticide it interferes with the mitochondria's ability to produce ATP, Adenosine Triphosphate (which is responsible for intra- and extra- cellular functions)…. As glyphosate interferes with the functioning of mitochondria, it follows that human cell death will also occur at higher concentrations. Reduction in ATP production reduces the energy available for all enzymatic and cellular processes. >>
AND
<< Those enzymes that are glycine dependent will uptake glyphosate instead of glycine. If glyphosate stimulates defective editing of RNA protein synthesis then a host of issues will follow such as gene mutation, and dysfunctional proteins and enzymes. >>
There are hundreds of pages in just this book specific to the toxicity of glyphosate, but then there is the reality that, this chemical does not appear alone; it appears in a synergistic mix of toxins in products such as the well-known Roundup which has had endless formulations as resistance has been created over time, just as in antibiotic resistance wherein bacteria adapt and the strongest of those with which we may not want to share quarters survive.

SYNERGISM
Near the top of the page (http://www.eastbaypesticidealert.org/lbam.html) under the "INERT" INGREDIENTS section, see the article Synergism by Ingrid Pollyak
While government agencies and pesticide manufacturers downplay the importance of synergism, this essay, by a teen who homeschooled, illustrates that understanding synergistic effects of chemicals does not require a Ph.D.

Our questions, and resources we've offered over time have been ignored.

Other relevant toxicology will be coming your way via others' comments.
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The precautionary principle shows up nowhere in the DEIR and, indeed, there is nothing precautionary about the plan. Also, though we brought up David Theodoropoulos, Conservation Biologist, and gave the link to his slideshow presentation on our website, his name and reference to his work is nowhere in the DEIR. M-21

We note here that, all these hills projects are linked, though those responsible present them as separate:
- The 2010, on, attack on Eucalyptus in San Leandro Creek, and the use of pesticides (native plant restoration project). The lower creek area where the poorer people live is now hot, dry
- The 2012 attack on Redwoods and other trees in Dimond Park's Sausal Creek (native plant restoration project). The whole park became warmer, dryer
- Not long after, the attack on Eucalyptus trees in San Leandro's Chabot Park, a city park whose vegetation management was being done by EBMUD (native plant restoration project). Areas which were cool, shady, are now sunny, hot, dry
- Ongoing: EBRPD's attacks on Eucalyptus and anything "non-native" (native plant restoration project)
- Ongoing for a couple decades: UC's clearcutting of Eucalyptus, Monterey Pines, Acacias (native plant restoration projects)
- Ongoing over decades with a big decimation of the little forest on the east side of People's Park (over 40 healthy trees winter 2 years ago). This just an attack on poor people, but using trees, or lack of, as a weapon, but more contracts which do not benefit "the public". So UC, the "brains" behind the plan to denude the hills of nearly 1/2 million trees, and pesticiding, is demolishing urban forests, handing out contracts for clearcutting and pesticiding like candy
- UC decimating the cloud forest of Eucalyptus on Mt. Sutro (native plant restoration project). M-22

We end our formal comments here with what we just submitted to Cal Fire which clarifies the lack of honesty by UC which, again, has driven Oakland to make an exemption to what concerned people in Oakland got passed in 1997, a resolution which is supposed to give guidance, and which did reasonably well until UC came along and begged Oakland and EBRPD to jump on board and become users as it appears to be up to us to keep history alive and hope that someone reading this either leads a charge to just drop these dangerous and toxic plans, or just quits and speaks out. Everyone needs a paycheck, but not this way. M-23

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1/18/21
UC Berkeley has taken fraudulent action in the East Bay Hills for a couple decades, as has UCSF on Mt. Sutro, downing healthy, life-sustaining trees and pesticiding while masquerading native plant restoration projects as wildfire safety actions. FEMA agreed, and now we need Cal Fire and Governor Newsom to understand that there is a long history to demonstrate this reality. I wish every Cal Fire person and the Governor would watch this video of an event we put together in July, 2015, as fires were raging in Lake County. Among other things, one can learn a lot about biological history of species movement (great slideshow/talk) by a conservation biologist) and also listen to and watch a wildfire fire investigator brought in by the mayors of Berkeley and Oakland to analyze the '91 hills fire and make safety suggestions. Sadly, those were ignored. But his talk and fire demonstration has helped many understand the danger of downing the Eucs and other tall trees in the hills.
http://www.eastbaypesticidealert.org/wildfire.html Scroll down just past the Measure FF section (very close to the top of the page) M-24

If you do an Internet search of "2020 California wildfires" (or 2015, 2017, 2018, 2019) you can view the realty of Eucalyptus NOT burning while fires follow gas lines for buildings, car gas tanks, and hot water heaters. Eucs are dense wood, and store water in roots and their trunks like camels do in their humps, releasing slowly as needed. Trees are not quick to burn and as the Dean of the College of Natural Resources acknowledged during a talk at the UCB 150th anniversary as people yelled, "Get rid of all the Eucalyptus trees," the '91 conflagration was NOT started by Eucs, as is the commonly-perpetrated myth, but houses caught Eucs and other trees on fire. The fire started in vegetation when a construction crew created a trash fire that escaped their control and spread through dry brush, up the hill. OFD did NOT monitor for 24 hours, though they were supposed to do. The winds came through and M-25

whipped up the fire from the smoldering embers. This was a fatal human mistake. It took off in the grasses and then spontaneous combustion under eaves of houses resulted in houses exploding as the gas lines and gas appliances and car gas tanks blew up. I watched and listened to it before evacuating. Eucalyptus trees, maligned by many who do not understand their history in California being planted as windbreaks, are unlikely to realize some of the houses survived because of moist soil around Eucs which still stand proud in the hills, and likely some people remain alive due to these majestic, water-laden trees acting as fire breaks.

M-25, cont'd

Who profits by our being scared of nature? When you hear 'invasive species' start looking at who pushes that language which others just parrot: Pesticide companies. UC's history of tree destruction is legend, and always is paired with massive pesticide use. You can read up on some of the specifics by going to this page and scrolling down the left side to to read up on the toxicology of UC's actions: http://www.eastbaypesticidealert.org/wpad.html
And just to disavow people's romantic notions about Oak-studded hills, the expectation is that there will be no more Oaks in our hills within 20-30 years. UC's approach to Sudden Oak Death has been to use fungicide pesticides on already-drought-beleagured trees, weakening their immune systems further, and by removing tall trees like Eucs and Monterey Pines, we've been losing the very fog drip which safeguards the hills by keeping the soil shaded and moist.
You want the rolling grasslands and Oaks? The hills are studded with tens of thousands of dead Oaks which already are crisp tinder, plus have branches low to the ground, creating excellent fire ladders. And grasses is where every wildfire takes off. Add our beautiful Golden Gate winds and you now have massive fire danger.

M-26

People worldwide are planting trees by the literal billions while around the U.S. the lumber barons and pesticide companies are making out as bandits. They label vegetation and insects or animals as 'not-native', or 'invasive'. The xenophobic language is unmistakable, and dangerous. In nature, there is no even, no set and rigid correct landscape. Just as humans have survived by acclimation over thousands of years in these hills, and in a century and one-half of European-Americans' and others' Berkeley settlement, people have made changes to the landscape, for better or worse, and habitats have developed in an intricate web of life.

M-27

Yes, it would be best not to have anyone living in the hills in these times but as long as people are living in the hills, as much fog drip as can be retained will help safeguard people. You don't get that by clearcutting. We have to have a holistic look. Mowing down trees is about the worst action we could see in the hills, and adding pesticide poisons is just as anti-life as could be, killing off mycorrhizal fungi, as we pointed out in 2005, in our earliest work specifically to stop pesticide use in the hills when any trees were removed, before we realized the plans were to clearcut massive swaths of hundreds of thousands of hills trees, the model UC has pushed. The damage will result, realistically, in more chronic illness in the Bay Area. You can check out www.EastBayPesticideAlert.org to get a lot of the history of UC's toxics use, and UC pushing Oakland, EBRPD, EBMUD, and other agencies with oversight of land in the hills.
Following the Claremont Canyon tree massacre have been many unexplained very bad air days in spite of way too much sun in these times of climate chaos, which normally would burn off coastal inversion layers. A likely explanation is that we are being hit hard with masses of formerly-sequestered carbon let loose. As someone with Asthma, I have been feeling it and have been limited in what I can do in daily life these weeks in order to safeguard my lungs, mostly at home by one of our 3 air filters.

M-28

There is one solid response in addition to saving trees from destruction and poisoning the environment with pesticides and massive carbon releases, and that is to make a mighty call to politicians and FEMA and Cal Fire to create a massive fund to buy out willing sellers, fearful people who live in the hills but would be willing to move. Then put people to work learning safe deconstruction of houses (lead and asbestos abatement safety procedures, gas, electrical work) and over time break up the gas grid. While some people may still live in the hills, over time the gas lines may be more broken up rather than existing in a dense grid, so evacuations will be easier.

M-29

The hills became more dangerous after the '91 fire as developers crowded more monster houses in the hills, narrow winding streets were NOT made safer as many were suggesting, and people got bigger vehicles which block the streets. Not one more fire person should be endangered or killed due to crowded developments like these being allowed.

M-30

History so quickly has been forgotten. Eucs also were planted over 100 years ago to hold creek beds, which they've done beautifully throughout the hills. UC, however, has created mudslides with each clearcut it's done last couple decades.

M-30, cont'd

The best we might get out of this recent tree destruction (and pesticiding) is a big lesson when the next fire hits, which of course it will. The narrative again will be that trees caused fire, while it's grasses and shrubby vegetation which always is where wildfires take off. We have a chance for people to learn through this destruction, if we so choose. We all need to pay attention to how this action is especially endangering our neighbors in Contra Costa County, east of us, because that's where the fire will race without the windbreaks and moist soil of a dense forest floor. Just keep eyes open to the reality when that happens, and ask whether we've been responsible neighbors. UC must be held accountable for the damage created in Claremont Canyon, and must restore the money taken fraudulently from Cal Fire. This state needs the money for honest wildfire safety plans and work.

M-31

Thank you for thoughtful consideration.

Sincerely,
Maxina Ventura,
Berkeley, 94703
beneficialbug@sonic.net
Representing East Bay Pesticide Alert, a grassroots group which exists to share information and advocate for no use of pesticides (which is what always, and wrongfully, accompanies clear-cutting and other tree decimation projects in California)
** Sent to the governor, also
//////////////////////////

Again, we advocate "No Project". Let the forests try to build back up after the damage already done by UC and EBRPD, and do not contribute to environmental degradation.

M-32

Sincerely,
Maxina Ventura, Chronic Effects Researcher
East Bay Pesticide Alert (PLEASE ACKNOWLEDGE ORGANIZATIONAL AFFILIATION IN EIR)

--
Maxina Ventura
Classical Homeopathy, Non-toxic Medicine
All Ages, All Genders
WiseWomanHealth.com

1/18/21

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** Sent to the governor, also

Comments on the City of Oakland Vegetation Management Plan and its Draft Environmental Impact Report, submitted by Maxina Ventura, Chronic Effects Researcher for East Bay Pesticide Alert, on behalf of East Bay Pesticide Alert, 1/22/21

First of all, the city's website has incorrect information which still says the deadline was the 7th, which was changed due to noticing mistake, changed to 1/22/21. Here is the link which someone questioned when planning to write comments, believing she was past the deadline. It says 1/7/21: https://web.archive.org/web/20210122042910/https://www.oaklandca.gov/projects/oakland-vegetation-management-plan. This is cause for having the comments time extended once again, due to the city's mistakes. We have no idea how many people did not submit comments when we alerted them, because they believed their comments would not be accepted or considered.

East Bay Pesticide Alert objects to any vegetation management plan that includes the use of pesticides, including herbicides. Oakland's DEIR has not addressed essentially anything from the Scoping comments submitted 12/12/19. Further, the collaborators and authors go to great effort to suggest that Glyphosate-containing products are safe. They continue

We are re-submitting this whole document and will follow with many more comments.
"No Project" is the only choice we can support.

Comments on the City of Oakland Fire Department Revised Draft Vegetation Management Plan and Environmental Impact Report Scoping Period, submitted by Maxina Ventura, Chronic Effects Researcher for East Bay Pesticide Alert, on behalf of East Bay Pesticide Alert, 12/12/19

History of East Bay Pesticide Alert's Work To Stop the Attempt to Overturn a Ban on Pesticide Use on the Hills Land it Oversees

In this struggle around hills deforestation and pesticide use since January, 14, 2005, for 15 years, we object to this whole plan as wildfire-dangerous, creating dry, flammable conditions and precisely in the path of Golden Gate winds, with the euphemistic "thinning" of trees creating wind tunnels. Additionally, this plan might as well have been written by the pesticide industry as all of our alternatives to pesticide use, all of them, have been ignored for 15 years in favor of pesticides which harm people, pets, wildlife, flora and fauna, insects, and especially poor people who forage in the hills for food among the many targeted food and medicinal plants. We've provided that clarification for 15 years.

Tall Trees, Moist Soil, Shadows, Forest Habitat, Experts' Presentations

Some of the cast of pushers has changed over time so it is interesting to us that, the plan remains in effect the same, though with attention to language so as to confuse people who do not understand that removing any tree with a trunk less than 8" assures that a forest will die, be gone as trees exist and thrive in families, and regeneration is a natural process resulting in trees of differing ages and sizes making up the forest, along with other trees and vegetation. To remove all the smaller trees cuts down on the shaded areas of a forest which results from vegetation of varying heights casting shadows in different areas, and is tremendously arrogant an action to take. Biologists not being paid by agencies promoting deforestation and pesticide use remind us that, you remove one thing from a biological web and we have no way of knowing all of what will result from that. For evidence, please view the 2008 presentation by
UCSC Arboretum director Daniel Harder https://www.youtube.com/watch?v=9byivboT4kk&feature=youtu.be at 1:17:40 and for an overview of natural processes, please view Invasion Biologist David Theodoropoulos' presentation in July, 2015, to understand more of who is behind the Native Plant Restoration Movement which is focused on deforestation and pesticiding. You can find that at http://www.eastbaypesticidealert.org/wildfire.html
(00:19) **MAXINA VENTURA, Chronic Effects Researcher, East Bay Pesticide Alert**, (in my opening, I give a 5-minute rundown of history of these hill projects. At the same presentation you can watch:
(05:14) **DAVID THEODOROPOULOS, Conservation Biologist; Author: Invasion Biology - Critique of a Pseudoscience**; Slideshow Presentation, http://dtheo.org/.
To see a fire demonstration by a fire expert, you can view:
(1:23:41) **DAVID MALONEY, Retired Oakland Fire Department; Chief, Fire Prevention, Oakland Army Base; appointed to 1991 Oakland-Berkeley Mayors' Task Force on Emergency Preparedness and Community Restoration**; **Fire Demonstration**. Yes… appointed by mayors of two cities, and promptly ignored. On that East Bay Pesticide Alert wildfire page, you can find his papers, which I ask you to read. In fact, a paper he put out in 2016 clarified the danger of deforesting our EB Hills as the Eucs and Pines (and also Acacias) catch fog drip and transpire it onto the forest floor to keep soil moist, exactly what created some of the fire breaks during the '91 fire. Some homes were saved, and possibly some lives were saved due to these firebreaks. Mr. Maloney clarifies that in the fire "bible" in every fire dept, every tree is referred to as a 'fire mitigation factor' because water is stored in the trunk and roots, keeping soil moist, and helps create fire breaks.

SLEIGHT OF HAND

We must point out that, in the past we have offered information about the experts we've brought together who are not being paid to support the big business of killing trees and pesticiding everywhere (because when you use herbicides they translocate through air and soil, are moved by animals eating pesticided vegetation and depositing their feces elsewhere, and are translocated through water). All the resources we've offered over 15 years are absent from this document. All the alternatives to pesticides we offered early in 2005, and on, are absent. We do not see this document as a true reflection of anything other than another attempt at sleight of hand by referring to thinning when the long-range plan is to end up with denuded hills, our lungs and climate change mitigators of tall trees gone. Who profits? U.C.'s business partners.

WILDFIRE PHOTOS DEMONSTRATE TALL TREES SURVIVE

I will refer you to internet searches for any wildfire at all, and you'll see what David Ackerly of the U.C. Berkeley College of Natural Resources had to admit to an audience at a public talk during the 150th Anniversary of UCB when people were yelling out things such as, "Get rid of dangerous Eucalyptus!" He said that in the '91 hills fire it was not trees which ignited houses, but houses igniting trees. Photos of wildfires show that fire follows gas tanks, gas lines, car gas tanks and other gas appliances. Homes and cars and appliances are burnt to a crisp while often they are totally surrounded by live trees, whether Eucalyptus, Pines, or other trees, or trunks are just singed and you look at photos one year later and the trees are healthy. But when you see dead trees, we have to remember that when something gets hot enough, anything will burn. But, again, you can find thousands of photos from any wildfire and see huge neighborhoods (such as Coffey Park, in Santa Rosa) where everything was decimated but a bunch of tall trees. The soil below the trees is moist, especially below these tall trees, which is why it is ironic that these trees are first on the hit list of U.C., Oakland, EBRPD, and other agencies colluding in these attacks not only in the East Bay Hills, but on Mt. Sutro in SF (UCSF killing healthy trees in that cloud forest… no longer is there predictable mist down at Dolores Park since some recent UCSF tree kills), and the city of Mill Valley which is being pushed to kill Eucalyptus. The most destructive wildfire in known history of Angel Island followed the decimation of Eucalyptus on the island. Near total destruction where there had been a healthy, moist forest habitat.

NATIVE PLANT RESTORATION RELIGION

Look, we've had to go to battle with the Native Plant Restoration movement (look at David Theodoropoulos' slide presentation for history) as it has called for (and killed) even Redwoods! Dimond Park's Redwood forest which created a shady, damp habitat for the past 100 years was decimated by a movement which a USDA tree expert said to me is like a religion. I would add that it functions like a cult, relieving members of the difficulty of looking at true biological fact as it plows forward in massive gardening projects. Biology is missing; you get rid of tall trees and you lose the raptors which keep rodents in check and of course keep soil moist. You lose the overwintering habitat for endangered Monarch butterflies. The list of unintended consequences known is long, and the list of not-yet-known consequences would show itself over time.

The Cal-IPC Weed Killer Handbook is entirely inappropriate for a host of reasons, not the least of which is that only one Licensed Pesticide Applicator is needed for a project and that person simply sends people out to do the dirty work, the deadly work. As evidenced over decades, they do not even have to be on site. And as always is the case, often those doing this most dangerous work do not speak English, and are not necessarily going to understand directions from the LPA's prescription for use. This is a most classic cause of some of the most heart-rending sights in any agricultural area, or with any statewide or federal pesticiding program; one sees people applying not even wearing gloves or protective gear of any sort.

East Bay Pesticide's predecessor, Sonoma Pesticide Alert, brought in Marion Moses, MD, who worked with Caesar Chavez, to present a slideshow in 1998 showing how even in the "best" of protective gear, pesticides get in via many pathways, including around the neck or wrists, and

around glasses into mucus membranes. Just STOP promoting the idea that Cal-IPC is in any manner an appropriate source of information. Again, I'd refer you back to David Theodoropoulos' presentation where he goes into these Invasive Plant Councils and how they came to be (pesticide companies). Again: http://www.eastbaypesticidealert.org/wildfire.html (05:14) **DAVID THEODOROPOULOS, Conservation Biologist; Author: Invasion Biology - Critique of a Pseudoscience**; Slideshow Presentation, http://dtheo.org/.

EUCALYPTUS HERITAGE IN CALIFORNIA

For over 150 years, Eucs have been planted as windbreaks all over the state. They are iconic. In fact Olmsted, who designed Golden Gate Park, planted them everywhere and they thrive. In our changing climate, we need these trees which store water and also carbon so profusely they can survive what is coming.

LIVING TO KILL

Funny how many people are being paid to kill: Kill trees, and kill what's left behind. All those of you who are falling into step by taking consulting jobs on the public dime (or $1000 bill, I should say), are participating in a travesty and it seems to depend on a cult-like adherence to thinking a particular tree, or two, or three, or four are bad. Who profits from these plans? Well, the tree decimators gain major profits. And the pesticiders and pesticide companies. There is no safe use of pesticides and the industry-speak would have you think there is, but it's illegal to say so. In fact, early in this struggle, a lawn care company in apparent alarm quoted me, though the plans had nothing to do with pesticiding lawns in the hills. But they understood that they profit if the Oakland urban public is led to believe pesticides are safe because if the city is using them, they must be safe.

NEW USE OF PESTICIDES, ADDED ACREAGE

In fact, in this document we see significant acreage which was never part of Oakland's request for another exemption to what they were calling a city ban on pesticides which had been in place for close to 9 years at that point. This would be, in fact, adding new pesticide use where there has not been legal pesticide use by the city, which is the source of this very EIR process. East Bay Pesticide Alert wholly objects to this addition in the process.

Surely, some people in on this project don't even know how long we've been fighting it, or the deception inherent in it from Day One. We beseech you: look at the history around the WPAD at our WPAD page which includes writings from before we realized this was a massive deforestation project, at first getting involved because of the pesticide use which we pointed out would never be the answer, and provided information about a host of alternatives when there was a tree removed for what we saw as legitimate reasons, such as one which was about to fall over a path in a park. Here's an informative page from our website:

http://www.eastbaypesticidealert.org/wpad.html If you keep in mind that we didn't know at that time that, this is a massive deforestation project, you can get a quick understanding of the deceit by reading, 'There is No Quick Fix!' on that page.

THINNING MEANS KILLING OFF WHOLE HABITATS

The true deforestation by your euphemistic "thinning" according to Specific Standards in 9.1.4.2 would remove anything with less than an 8' trunk, and leave 30' between Acacias, about 36 trees per acre, which you call 'urban'. In effect, that would outlaw Acacias in most if not all Oakland urban areas. Monterey Pines which are endangered, and are from about 75 miles away, are referred to as non-Native(!) and are under attack through this plan. Cypress is listed as 30' apart, or 48 trees per acre. 'Mature' trees are planned for a density of 25' between trunks with 108 trees per acre. Young Redwoods are decimated at a rate of all new re-sprouts other than 3 per stump. This defies Nature's most basic biology. It appears that the planners for this project do not understand that when a Redwood dies, either naturally of old age, or because it was killed by projects like these, it sends out Growth Hormone in order to assure the future of a family and grove. What are referred to as 'Fairy Rings' by rangers in parks all over the country are exactly this: a new generation created by a stately old Redwood sending out Growth Hormone around it. Removing all but 3 sprouts? Do you really think it is wise to go against Nature of trees dating back thousands of years? Do you think the scientists leading your programs of destruction understand these basic functions of biology? What about leaving Bay trees which contain more flammable oils than Eucs, and the great flame lengths of many so-called Native grasses?

And what of Oaks which clearly will be gone from the hills? They started to falter with what was called Sudden Oak Death Syndrome first discussed publicly in 1995 where in Sonoma a drought crisis was manufactured by the water table being low due to wine grape growers draining things. That's what happened in wine grape growing coastal or just-inland areas up and down the state and then drought conditions furthered in the EB Hills. The acclimation of drought. It is pure fantasy to suggest Oaks will stud our hills in the future if we just kill off most every other tree. Pure fantasy.

Language is nicer in this document, meant to assuage forest lovers' natural concern for nature. But words don't lie unless you understand history of a project and compare what was proposed in January, 2005, to what remains in the plans, basically all of it. Our questions over time have been ignored.

HOMELESS PEOPLE ARE UNDER ATTACK WITH THESE PLANS

While most of us have a roof over our heads, the poorest among us have found at least minimal shelter from rain and a place to sleep in the hills, and food in some of the vegetation. Fifteen years later, still this reality is not showing up in your documents.

EAST BAY PESTICIDE ALERT RECOMMENDS NO DEFORESTATION UNDER ANY NAME, and NO PESTICIDE USE

Pesticide Toxicity has been presented by others in our Coalition to Defend East Bay Forests, but I'll again refer you to some of the relevant toxicology we've had on our website for a decade and one-half: http://www.eastbaypesticidealert.org/wpad.html and which I provided in person to agencies involved 1/26/05.

Sincerely,
Maxina Ventura for
East Bay Pesticide Alert **12/12/19**

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1/22/21

East Bay Pesticide Alert takes great offense at the following, misleading statement in this DEIR:

"While use of glyphosate is proposed, some recent studies have indicated that the Roundup formulation of glyphosate may be toxic to humans. Out of an abundance of caution, the Roundup formulation of glyphosate is not proposed for use within the VMP area." (footnote pg 2-66)

This information is nothing recent, and Oakland and all the other agencies and entities present at the public hearing at City Hall 1/26/2005 received a thick packet full of toxicology of proposed toxics plus another included in the packet which was being used by EBRPD. We though they might suggest to Oakland, and we alerted them, too, to toxics being used by UC, the driving force behind this ecological disaster underway.

We have data on toxicology of RoundUp referencing all the way back to 1988 which we submitted 1/26/2005 to UC, Oakland, EBMUD, and others, as well as EBRPD's IPM coordinator, Nancy Brownfield. We noted among ourselves how ironic her name was as pesticide use increased under her tenure, and we understand she later died of cancer. But not before telling a another activist, and me, as we handed her 1997 and 2004 toxicological profiles of RoundUp that, she wasn't concerned about RoundUp. I wonder what she would have said on her deathbed.

Glyphosate itself is toxic and in formulations, whether RoundUp, Accord, or Rodeo, there is no testing by the makers for synergism of chemicals, nor is there accounting here for the continually-changing formulations which use the same names. New formulations are a fact of life in toxics use because just as with antibiotic use, we see resistance and we see more aggressive forms of vegetation or insects thrive as the chemicals succeed in killing off the weakest to make space for the strongest to take over. How does Oakland plan to deal with this issue?

"Note: Types of herbicides that may be used at select VMP treatment areas include glyphosate (Accord or Rodeo formulation), triclopyr, and imazapyr." (note pg 2-67)

"In 1997, the City adopted an Integrated Pest Management (IPM) Policy that limits the use of pesticides to manage pest problems on City-owned property. In 2005, the City adopted Resolution 79133 authorizing staff to evaluate an additional exemption from the IPM Policy that would permit the use of glyphosate and triclopyr on City-owned land within the WPAD to "improve fire prevention and reduce wild land fuels in a cost effective and environmentally sensitive way." The revised herbicide policy is part of the project being evaluated in this EIR." (pg 3.1-4)

Thoughtful public opposition to this foolhardy plan led to this EIR process but it has seemed to be treated as one big joke by those who are expected carefully to consider issues. A risk assessment model where the most vulnerable are scarified at the altar of either ignorance, or greed, is unacceptable. The fact is that with all the information we have shared over years, you refer to the misnomer of 'low toxicity' when the world's second largest medical system after Chinese Medicine, Homeopathy, around for some 225 years, is based on dilution, in many cases beyond Avogadro's number. The fact that it works on babies and animals should be a reminder that it's real, not placebo as Big Pharma suggests in their regular attacks since its inception. The following statement at best shows ignorance of synergism of chemicals:

1. *Table 3.10-1 from the CalVTP EIR specifically lists Roundup products, but the analysis in Appendices HAZ-1 and HAZ-2 of the CalVTP EIR considers potential human health impacts from glyphosate generally (including other product formulations). Thus, the conclusions of overall low toxicity and unlikely human carcinogenicity would apply to other products using glyphosate as an active ingredient (e.g., Rodeo and Accord). USEPA's pesticide/herbicide registration process considers the identity and quantity of all chemicals in the product,* ***including any inactive or inert ingredients that could potentially pose a health hazard.*** **(This clarifies that it is individual chemicals, only, which are considered, one by one, not as part of a complex in which one chemical is there to affect others, potentiating the overall effect)**

Though you've received toxicology from us, and from others, and will be receiving more toxicology from members of the Coalition to Defend East Bay Forests, here is some relating to UC's use which is important to share with Oakland as UC has been driving this environmental tree decimation and toxic pesticide push (toxicology follows this DEIR's disingenuous statement):

2. *The large majority of medical and scientific research supports the conclusion that glyphosate is not a likely carcinogen. Although glyphosate has been listed under Proposition 65 based on the International Agency for Research on Cancer's (IARC) classification of glyphosate as probably carcinogenic (based on one study in mice), federal courts in two separate decisions found that California could not require warnings on glyphosate products because warnings stating that glyphosate is a carcinogen are misleading, and that requiring the warnings would violate the First Amendment. In 2020, Judge Shubb in the District Court for the Eastern District of California found that "the Proposition 65 warning requirement for glyphosate was false and misleading given the weight of authority" and issued a permanent injunction preventing the state*

of California from requiring warnings on glyphosate products. The Court relied upon decades of actual laboratory and field testing of glyphosate that conclude that glyphosate is not likely to be carcinogenic to humans and that no other meaningful risks to human health occur when the product is used according to the label. Recent expert panels have been convened to directly evaluate the claims of the IARC that glyphosate is carcinogenic to humans. Reports of these panels strongly counter that claim and indicate there is insufficient evidence that glyphosate is carcinogenic. (Appendix HAZ-1 of the CalVTP EIR for more detailed information regarding glyphosate and human health risks. Although several juries have awarded damages to plaintiffs alleging personal injuries as a result of exposure to Roundup, there is significant question regarding the toxicological basis for these verdicts.

(pgs 3.8-30, 31)

It takes no more than the most basic internet search of the judge's name to discover that he was put into his role in August of 1990 by Pres. Bush, working in the state's agricultural world of mostly conventional, toxic agriculture. He was just in time to oversee the wildly-increasing pesticide use in CA which by 1998 was consuming over 25% of the pesticides used in the United States. Maybe not such a good reference for anyone discussing health.

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THE TOXICOLOGY:

1/26/05 at http://www.eastbaypesticidealert.org/wpad.html **(scroll way down on left side of page:**

Glyphosate (Roundup & Rodeo) Proposed for use in Oakland, used by UC Berkeley, EBMUD, EBRPD

Roundup - 2004 fact sheet from NCAP *, presented to Jean Quan subsequent to Jan 26 Forum. New studies link Roundup to non-Hodgkin's lymphoma in men, increased risk of miscarriage in women

From the introduction to this 2004 toxicological profile:

<< Glyphosate herbicides (one common brand name is Roundup) are the mostly commonly used herbicides in the U.S. and the world. In agriculture they are widely used with genetically-modified glyphosate-tolerant crops, but they are also widely used in yards, gardens, and other nonagricultural areas.

Symptoms of exposure to glyphosate include eye irritation, burning eyes, blurred vision, skin rashes, burning or itchy skin, nausea, sore throat, asthma and difficulty breathing, headache, lethargy, nose bleeds, and dizziness.

Glyphosate and glyphosate-containing herbicides caused genetic damage in laboratory tests with human cells, as well as in tests with laboratory animals.

Studies of farmers and other people exposed to glyphosate herbicides have shown that this exposure is linked with increased risks of the cancer non-Hodgkin's lymphoma, miscarriages, and attention deficit disorder. For each of the hazards identified in these studies there are also laboratory studies with results that are consistent with the studies of exposed people.

There is also laboratory evidence that glyphosate herbicides can reduce production of sex hormones.

Studies of glyphosate contamination of water are limited, but new results indicate that it can commonly contaminate streams in both agricultural and urban areas.

Problems with drift of glyphosate herbicides occur frequently. Only one other herbicide causes more drift incidents.

Glyphosate herbicides caused genetic damage and damage to the immune system in fish. In frogs, glyphosate herbicides caused genetic damage and abnormal development.

Application of glyphosate herbicides increases the severity of a variety of plant diseases.

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Roundup - fact sheet from CATs, presented to Jean Quan and representatives of UC, EBRPD, Oakland, and various agencies and pesticide users and pushers at Jan 26, 2005 Forum

The following mid-90's profile was based on studies going back to 1980:

Toxicological Profiles

Product: ROUNDUP
Active Ingredient: **GLYPHOSATE** 41%
Other Ingredients: 59% includes: polyethoxylated amine (POEA) and isopropylamine (amount undisclosed); identity of remaining ingredients withheld by manufacturer as trade secrets.
Type: HERBICIDE (Systemic)
Mode of Action: Inhibits enzymatic activity of a process specific to plants; other enzyme systems in plants and animals are also affected by glyphosate (Heitaner 1985).

Of pesticides used during 1994, glyphosate was #7 for overall total pounds of active ingredient applied in California. Of the total glyphosate used in the state, 10% was used in grape production, yet grapes were the number one crop associated with glyphosate-related illnesses from 1984 to 1990 (Pease 1993).

Toxicology

In California agriculture, Roundup's active ingredient, glyphosate, ranked 3rd for reported pesticide related **skin and eye acute illnesses**, 15th for reported **systemic and respiratory acute illnesses** and 3rd for reported pesticide related acute illnesses of any kind from 1984 to 1990. It was ranked 8th in acute illnesses per million pounds applied (Ibid).

Roundup **inhibits enzymes involved in the detoxification of chemicals in the body.** Test animals exposed to glyphosate showed depressed function of cytochrome P450 and two other enzymes which are vital to the body's processing of toxicants (Hakkinen 1983). At least two enzymatic steps are involved in the processing of toxicants in the liver of humans; the first involves cytochrome P450 enzymes and the second involves glutathione S tranferases (GSTs). People who do not possess certain GSTs due to genetic variation (estimated at approximately 50% of the Caucasian population; others unknown), may have a greater risk of some types of cancer (Ferera 1990).

U.S. EPA recently reclassified glyphosate as a Group E chemical, meaning that evidence exists that the compound is not a human carcinogen. Yet studies submitted to the California Department of Pesticide Regulation indicate **possible adverse cancer effects**, with rare tumor formations in the kidneys and adrenal cortex of test animals. Other studies found an increase of testicular tumors, thyroid cancer in females and a rare kidney tumor (U.S.EPA 1982; 1983; 1985; 1991).

Metabolites and breakdown products of glyphosate include the known carcinogen formaldehyde (Lund 1985). Formaldehyde is listed as a **carcinogen** by California's Office of Environmental Health Hazard Assessment under Proposition 65. It also causes gene **mutations** and is a **reproductive toxicant** (METOC 1985).

N- nitrosoglyphosate, a contaminant of glyphosate, is a member of a chemical family of which approximately 75% are known **carcinogens** (Lijinsky 1984; Sattig 1980).

Glyphosate is a **severe eye irritant.** Symptoms of exposure include eye and **skin irritation**, which is sometimes severe and can persist for months (Tompkins and Smith 1992).

A study of humans documented a greater incidence of impaired lung function (breathlessness), coughing and breathlessness in workers exposed to dust of flax treated with Roundup, as compared to those exposed to untreated flax dust (Jamison 1986).

A low dose exposure study in experimental animals demonstrated salivary gland abnormalities and testicular changes in adrenalin levels. Changes were also observed in the kidney, liver, and thymus (U.S. Department of Health and Human Services).

An unknown percentage of Roundup's formulation is composed of polyethoxethylenamine (POEA), a surfactant added to enhance the performance of glyphosate. POEA is **three times as acutely toxic** as glyphosate (Sawada 1988), is irritating to eyes and skin, and causes gastrointestinal problems (Monsanto 1992). POEA is contaminated by 1,4 dioxane during the manufacturing process (NCAP 1990). U.S.EPA regards 1,4 dioxane as **a probable human carcinogen.** California's Office of Environmental Health Hazard Assessment recognizes 1,4 dioxane as a carcinogen under Proposition 65.

In animal tests, a mixture of glyphosate and POEA caused convulsive arrest (UNEP/WHO/ILO 1994). The amount of Roundup — which is a combination of glyphosate and POEA — required to kill rats is about 1/5 of a lethal dose of either compound applied separately (Martinez 1990; 1991), suggesting that **synergism** of the two chemicals may enhance toxicity.

Another portion of Roundup's formula is composed of isopropylamine, a neutralizing agent. It is extremely **destructive to tissue of the mucous membranes and upper respiratory tract** (Sigma Chemical 1994).

Environmental Fate and Effects

Glyphosate is a candidate for restriction as a **toxic air contaminant** by the California Department of Pesticide Regulation. Formaldehyde, one of glyphosate's breakdown products, is listed as a toxic air contaminant (DPR 1991).

Between 14% and 78% of glyphosate applied as aground spray **drifts** off-site (Fermanian 1990; 1991). It has been documented to affect plants as far as 1.31 feet away, and residues have been detected 1,312 feet downwind (Marrs 1993; Yates 1978).

Glyphosate is highly persistent in soil, taking from 24 to 240 days for one-half of it to transform or biodegrade (Sprague 1966).

Glyphosate has been found in **surface water** as the result of agricultural run-off (Frank 1980; Edwards 1980) and in **ground water** (U.S.EPA 1992).

Roundup is **highly toxic to fish and aquatic organisms** (Product label). Juvenile fish are particularly sensitive to the toxic effects of Roundup. Physical and chemical factors such as temperature, pH and solute concentration in aquatic ecosystems influence the acute toxicity of glyphosate to aquatic organisms (Cairns 1991).

Glyphosate was shown in one study to **inhibit the growth of** mycorrhizal **fungi**, organisms which are essential to ecosystems and enhance plant survival (Sidhu 1990).

Acute toxicity to mammals, birds, and bees is low, but no information is available regarding long-term effects of glyphosate to these organisms. No data is available regarding the toxicity of glyphosate to soil invertebrates, reptiles or amphibians (Cairns 1991).

Fraud and Profit

Laboratories contracted by the manufacturer to conduct toxicological analysis on glyphosate have twice been documented as **falsifying data** for these tests (U.S. Congress 1984; EPA 1994).

Public perception of Roundup has largely been shaped by high profile advertising campaigns of its manufacturer, Monsanto, which has a high economic stake in its continued use. According to The Wall Street Journal (12/90), Roundup accounts for one half of Monsanto's earnings. Monsanto advertises that Roundup can be used, "where pets and kids play" and that it, "breaks down into natural materials where it's work is done." But in 1996 the New York Attorney General fined Monsanto $50,000 for these **false** claims and restrained Monsanto forever again advertising in the state that Roundup is safe.

Triclopyr (Garlon 4 & Pathfinder)* Proposed for use in Oakland, used by UC Berkeley, EBMUD, EBRPD

From the introduction to the 2000 **Garlon (Triclopyr)** toxicological profile based on studies going back to at least 1974, which we provided Tom Klatt of UC in Jan., 2005, just to give an overview of what seems to be taken lightly in this EIR process, and to clarify that, yes, Garlon is highly mobile in soil. It translocates and contaminates water sources:

<<

Triclopyr is a broadleaf herbicide used primarily on pastures, woodlands, and rights of way. Garlon 3A and Garlon 4 are brand names of common triclopyr herbicides. Two forms of triclopyr are used as herbicides: the triethylamine salt (found in Garlon 3A) and the butoxyethyl ester (found in Garlon 4) .

The amine salt of triclopyr is corrosive to eyes. Both the amine salt and the ester are sensitizers and can cause allergic skin reactions.

In laboratory tests, triclopyr caused an increase in the incidence of breast cancer as well as an increase in a type of genetic damage called dominant lethal mutations. Triclopyr also is damaging to kidneys and has caused a variety of reproductive problems.

The ester form of triclopyr is highly toxic to fish and inhibits behaviors in frogs that help them avoid predators. Feeding triclopyr to birds decreases the survival of their nestlings.

Triclopyr inhibits the growth of mycorrhizal fungi, beneficial fungi that increase plants' ability to take up nutrients. Triclopyr also interferes with one step in the process by which atmospheric nitrogen is transformed by microorganisms into a form that is usable by plants.

Triclopyr is mobile in soil and has contaminated wells, streams, and rivers. Contaminated water has been found near areas where triclopyr is used in agriculture, in forestry, on urban landscapes, and on golf courses.

The major breakdown product of triclopyr (3,5,6-trichloro-2-pyridinol) disrupts the normal growth and development of the nervous system. In laboratory tests, it also accumulates in fetal brains when pregnant animals are exposed.

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Imazapyr (Stalker) * used by UC Berkeley. Provided to Tom Klatt of UC, and Quan of Oakland, and other agencies' reps at 1/26/05 Forum

From the introduction to the 1996 Imazapyr toxicological profile based on studies going back to at least 1984, provided in the packet:

<<

Imazapyr is a broad-spectrum herbicide in the imidazolinone family. Its primary uses in the U.S. are for vegetation control in forests and rights-of-way.

Imazapyr is corrosive to eyes and can cause irreversible damage. Imazapyr-containing herbicides are irritating to both eyes and skin.

Adverse effects found in laboratory animals after chronic exposure to imazapyr include the following: fluid accumulation in the lungs of female mice, kidney cysts in male mice, abnormal blood formation in the spleen of female rats, an increase in the number of brain and thyroid cancers in male rats, and an increase in the number of tumors and cancers of the adrenal gland in female rats.

Imazapyr can persist in soil for over a year. Persistence studies suggest that imazapyr residues damage plants at concentrations that are not detectable by laboratory analysis.

Imazapyr moves readily in soil. It has contaminated surface and ground water following aerial and ground forestry applications.

Small amounts of imazapyr (as little as 1/50 of a typical application rate) can damage crop plants. Imazapyr exposure also has the potential to seriously impact rare plant species. The U.S. Fish and Wildlife Service has identified 100 counties in 24 states east of the Mississippi River where endangered species may be jeopardized by use of imazapyr.

Over a half-dozen weedy plant species have developed resistance to imazapyr.

>>

Clopyralid (Stinger and Reclaim) used by UC Berkeley, also part of 1/26/05 packet

From the beginning of the 1998 toxicological profile we provided which was based on 90's studies:

The herbicide clopyralid is commonly sold under the brand names Transline, Stinger, and Confront. It is used to kill unwanted plants in lawn and turf, range, pasture, rights-of-way, sugarbeets, mint, and wheat. Clopyralid and the products containing it are irritating to eyes, some severely. The eye hazards of four clopyralid products include permanent impairment of vision or irreversible damage. In laboratory tests, clopyralid caused what a U.S. Environmental Protection Agency (EPA) reviewer called "substantial" reproductive problems. These include a reduction in the weight of fetuses carried by rabbits who ingested clopyralid, an increase in skeletal abnormalities in these fetuses at all doses tested, and an increase in the number of fetuses with hydrocephaly, accumulation of excess fluid around the brain. "Inert" ingredients in clopyralid products include cyclohexanone (produces tearing and burning of the eyes, vomiting, diarrhea, and dizziness), triethylamine (a severe eye irritant and cause of chemical pneumonia), and

polyethoxylated tallow amines (cause eye burns, nausea, and are acutely toxic to fish). Clopyralid is "persistent" in soil, according to an EPA review, and field studies have measured persistence as long as 14 months. It has the chemical characteristics that make it a likely water contaminant; despite its relatively low level of use it has been found in 2 of the 20 river basins studied by the U.S. Geological Survey. Potatoes are extremely sensitive to clopyralid with damage occurring when plants are exposed to 0.07 percent of typical agricultural rates. When tubers from these damaged plants were grown in unsprayed fields, the new generation of plants also showed damage symptoms.
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From the introduction of the 2001 **Surflan (Oryzalin)** toxicological profile we included in the Jan., 2005 packet given to Tom Klatt, based on studies going back to 1972:

<<

Oryzalin is an herbicide used to control weeds in turf, in orchards and vineyards, around ornamental plants, and along rights of way. At least 2 million pounds of oryzalin are used annually in the U.S.

Many oryzalin-containing herbicides cause eye irritation and also can cause skin allergies.

In laboratory tests, oryzalin causes anemia. In addition, exposure of pregnant animals caused embryo loss, a reduction in the number of offspring in each litter, and a decrease in the weight of offspring. In a test of oryzalin's ability to cause cancer, exposed animals had more breast tumors, skin tumors, and thyroid tumors than unexposed animals. The U.S. Environmental Protection Agency (EPA) classifies oryzalin as a "possible human carcinogen."

Oryzalin can persist in soil up to three years after application, and, according to EPA, is a "moderately mobile" herbicide in soil. Therefore it is not surprising that it often contaminates water. The U.S. Geological Survey found oryzalin in rivers, streams, or wells in almost half (16 of 36) of the river basins that the agency has tested nationwide.

Animals can be adversely affected by oryzalin. Birds fed oryzalin gained weight more slowly than unexposed birds. It is also moderately toxic to freshwater fish, particularly juvenile fish, and is highly toxic to oysters.

Oryzalin can have unexpected effects on plants that are not a target of the herbicide. For example, oryzalin increases the virulence of a rust that attacks flax plants. At concentrations that occur in soil after applications at typical rates, it decreases the growth of mycorrhizal fungi, beneficial fungi that grow in association with the roots of many plants.

>>

About SNAPSHOT, from the Material Safety Data Sheet produced by Dow, the manufacturer:

<<

Hazard classification

800-992-5994

info@dow.com

This material is hazardous under the criteria of the Federal OSHA Hazard Communication Standard 29CFR 1910.1200.
Acute toxicity - Category 3 - Inhalation
Carcinogenicity - Category 1A

Specific target organ toxicity - repeated exposure - Category 1

Signal word: **DANGER!**

Hazards

Toxic if inhaled.
May cause cancer.
Causes damage to organs through prolonged or repeated exposure.

Toxicological information appears in this section when such data is available.

Acute toxicity
Acute oral toxicity

Low toxicity if swallowed. Small amounts swallowed incidentally as a result of normal handling operations are not likely to cause injury; however, swallowing larger amounts may cause injury.

As product:
LD50, Rat, > 2,500 mg/kg

Acute dermal toxicity

Prolonged skin contact is unlikely to result in absorption of harmful amounts.

As product:
LD50, Rabbit, > 5,000 mg/kg

Acute inhalation toxicity

As product:
LC50, Rat, male, 4 Hour, Dust, > 4.6 mg/l
As product:
LC50, Rat, female, 4 Hour, Dust, > 0.5 - < 4.6 mg/l
Excessive exposure may cause irritation to upper respiratory tract (nose and throat). Prolonged excessive exposure may cause serious adverse effects, even death.

Skin corrosion/irritation

Prolonged contact may cause slight skin irritation with local redness.

Serious eye damage/eye irritation

Solid or dust may cause irritation due to mechanical action.

Sensitization

Did not cause allergic skin reactions when tested in guinea pigs. Did not demonstrate the potential for contact allergy in mice.

For respiratory sensitization: No relevant information found.

Specific Target Organ Systemic Toxicity (Single Exposure)

Evaluation of available data suggests that this material is not an STOT-SE toxicant.

Specific Target Organ Systemic Toxicity (Repeated Exposure)

For the active ingredient(s):
In animals, effects have been reported on the following organs:
Kidney.
Liver.
Blood.
Repeated excessive exposure to crystalline silica may cause silicosis, a progressive and disabling disease of the lungs.

Carcinogenicity

Crystalline silica has been shown to cause cancer in laboratory animals and humans. An increase in nonmalignant liver tumors was observed with isoxaben

in one of two species tested. A low incidence of urinary tract tumors was seen in only 1 of 5 chronic studies in rats with trifluralin. Trifluralin is not anticipated to be a carcinogenic risk to man.

Teratogenicity

For the active ingredient(s): Trifluralin. Has been toxic to the fetus in laboratory animals at doses toxic to the mother. Isoxaben. Has caused birth defects in laboratory animals only at doses toxic to the mother.

Reproductive toxicity

For the active ingredient(s): Isoxaben. In animal studies, has been shown to interfere with reproduction in females.

Mutagenicity

For the active ingredient(s): Trifluralin. In vitro genetic toxicity studies were negative in some cases and positive in other cases. Animal genetic toxicity studies were negative.

Based on information for component(s): Crystalline Silica. In vitro genetic toxicity studies were negative in some cases and positive in other cases.

Aspiration Hazard

Based on physical properties, not likely to be an aspiration hazard.

Carcinogenicity
Component List Silica, crystalline (quartz) IARC

Classification

Group 1: Carcinogenic to humans ACGIH A2: Suspected human carcinogen

>>

Not part of the 1/26/05 but important to include here is:

MORE ABOUT GLYPHOSATE, what is called the 'active ingredient' in Roundup and is in at least hundreds of products foisted upon the world, comes from healthcare provider **Kate Birch in her 2019 book Glyphosate Free**:

<< Glyphosate affects purinergic signaling of the immune system and neurotransmitters. The purine bases of RNA are guanine and adenine which form guanosine and adenosine respectively, which are both glycine dependent. Each interact with their specific receptor sites in cell membranes. The pyrimidine bases formed are cytosine, thiamine, and uracil. Purines and pyrimidines are signaling agents that act as antagonists to each other in various functions by engaging with these receptor sites throughout living organisms. In humans, purinergic signaling to the immune system inhibits and activates many different cell types, regulates neurotransmitter and hormonal function, and specific cellular receptor sites in various organs and glands throughout the body. >>

AND

<< Glyphosate interferes with DNA and RNA editing. >>

AND

<< As glyphosate interferes with nucleotide synthesis, specifically the purines that need glycine…… an imbalance in their ratios will have a direct effect on functionality and expression of the enzymes and regulatory processes they govern. >>

AND

<< As a pesticide it interferes with the mitochondria's ability to produce ATP, Adenosine Triphosphate (which is responsible for intra- and extra- cellular functions)…. As glyphosate interferes with the functioning of mitochondria, it follows that human cell death will also occur at higher concentrations. Reduction in ATP production reduces the energy available for all enzymatic and cellular processes. >>

AND

<< Those enzymes that are glycine dependent will uptake glyphosate instead of glycine. If glyphosate stimulates defective editing of RNA protein synthesis then a host of issues will follow such as gene mutation, and dysfunctional proteins and enzymes. >>

There are hundreds of pages in just this book specific to the toxicity of glyphosate, but then there is the reality that, this chemical does not appear alone; it appears in a synergistic mix of toxins in products such as the well-known Roundup which has had endless formulations as resistance has been created over time, just as in antibiotic resistance wherein bacteria adapt and the strongest of those with which we may not want to share quarters survive.

SYNERGISM

Near the top of the page (http://www.eastbaypesticidealert.org/lbam.html) under the "INERT" INGREDIENTS section, see the article Synergism by Ingrid Pollyak

While government agencies and pesticide manufacturers downplay the importance of synergism, this essay, by a teen who homeschooled, illustrates that understanding synergistic effects of chemicals does not require a Ph.D.

Our questions, and resources we've offered over time have been ignored.

Other relevant toxicology will be coming your way via others' comments.

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The precautionary principle shows up nowhere in the DEIR and, indeed, there is nothing precautionary about the plan. Also, though we brought up David Theodoropoulos, Conservation Biologist, and gave the link to his slideshow presentation on our website, his name and reference to his work is nowhere in the DEIR.

We note here that, all these hills projects are linked, though those responsible present them as separate:

- The 2010, on, attack on Eucalyptus in San Leandro Creek, and the use of pesticides **(native plant restoration project).** The lower creek area where the poorer people live is now hot, dry
- The 2012 attack on Redwoods and other trees in Dimond Park's Sausal Creek **(native plant restoration project)**. The whole park became warmer, dryer
- Not long after, the attack on Eucalyptus trees in San Leandro's Chabot Park, a city park whose vegetation management was being done by EBMUD **(native plant restoration project). A**reas which were cool, shady, are now sunny, hot, dry
- Ongoing: EBRPD's attacks on Eucalyptus and anything "non-native" **(native plant restoration project)**
- Ongoing for a couple decades: UC's clearcutting of Eucalyptus, Monterey Pines, Acacias **(native plant restoration projects)**
- Ongoing over decades with a big decimation of the little forest on the east side of People's Park (over 40 healthy trees winter 2 years ago). This just an attack on poor people, but using trees, or lack of, as a weapon, but more contracts which do not benefit "the public". So UC, the "brains" behind the plan to denude the hills of nearly 1/2 million trees, and pesticiding, is demolishing urban forests, handing out contracts for clearcutting and pesticiding like candy
- UC decimating the cloud forest of Eucalyptus on Mt. Sutro **(native plant restoration project).**

We end our formal comments here with what we just submitted to Cal Fire which clarifies the lack of honesty by UC which, again, has driven Oakland to make an exemption to what concerned people in Oakland got passed in 1997, a resolution which is supposed to give guidance, and which did reasonably well until UC came along and begged Oakland and EBRPD to jump on board and become users as it appears to be up to us to keep history alive and hope that someone reading this either leads a charge to just drop these dangerous and toxic plans, or just quits and speaks out. Everyone needs a paycheck, but not this way.

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1/18/21

UC Berkeley has taken fraudulent action in the East Bay Hills for a couple decades, as has UCSF on Mt. Sutro, downing healthy, life-sustaining trees and pesticiding while masquerading native plant restoration projects as wildfire safety actions. FEMA agreed, and now we need Cal Fire and Governor Newsom to understand that there is a long history to demonstrate this reality. I wish every Cal Fire person and the Governor would watch this video of an event we put together in July, 2015, as fires were raging in Lake County. Among other things, one can learn a lot about biological history of species movement (great slideshow/talk) by a conservation biologist) and also listen to and watch a wildfire fire investigator brought in by the mayors of Berkeley and Oakland to analyze the '91 hills fire and make safety suggestions. Sadly, those were ignored. But his talk and fire demonstration has helped many understand the danger of downing the Eucs and other tall trees in the hills. http://www.eastbaypesticidealert.org/wildfire.html Scroll down just past the Measure FF section (very close to the top of the page)

If you do an Internet search of "2020 California wildfires" (or 2015, 2017, 2018, 2019) you can view the realty of Eucalyptus NOT burning while fires follow gas lines for buildings, car gas tanks, and hot water heaters. Eucs are dense wood, and store water in roots and their trunks like camels do in their humps, releasing slowly as needed.

Trees are not quick to burn and as the Dean of the College of Natural Resources acknowledged during a talk at the UCB 150th anniversary as people yelled, "Get rid of all the Eucalyptus trees," the '91 conflagration was NOT started by Eucs, as is the commonly-perpetrated myth, but houses caught Eucs and other trees on fire. The fire started in vegetation when a construction crew created a trash fire that escaped their control and spread through dry brush, up the hill. OFD did NOT monitor for 24 hours, though they were supposed to do. The winds came through and whipped up the fire from the smoldering embers. This was a fatal human mistake. It took off in the grasses and then spontaneous combustion under eaves of houses resulted in houses exploding as the gas lines and gas appliances and car gas tanks blew up. I watched and listened to it before evacuating. Eucalyptus trees, maligned by many who do not understand their history in California being planted as windbreaks, are unlikely to realize some of the houses survived because of moist soil around Eucs which still stand proud in the hills, and likely some people remain alive due to these majestic, water-laden trees acting as fire breaks.

Who profits by our being scared of nature? When you hear 'invasive species' start looking at who pushes that language which others just parrot: Pesticide companies. UC's history of tree destruction is legend, and always is paired with massive pesticide use. You can read up on some of the specifics by going to this page and scrolling down the left side to to read up on the toxicology of UC's actions: http://www.eastbaypesticidealert.org/wpad.html

And just to disavow people's romantic notions about Oak-studded hills, the expectation is that there will be no more Oaks in our hills within 20-30 years. UC's approach to Sudden Oak Death has been to use fungicide pesticides on already-drought-beleagured trees, weakening their immune systems further, and by removing tall trees like Eucs and Monterey Pines, we've been losing the very fog drip which safeguards the hills by keeping the soil shaded and moist.

You want the rolling grasslands and Oaks? The hills are studded with tens of thousands of dead Oaks which already are crisp tinder, plus have branches low to the ground, creating excellent fire ladders. And grasses is where every wildfire takes off. Add our beautiful Golden Gate winds and you now have massive fire danger.

People worldwide are planting trees by the literal billions while around the U.S. the lumber barons and pesticide companies are making out as bandits. They label vegetation and insects or animals as 'not-native', or 'invasive'. The xenophobic language is unmistakable, and dangerous. In nature, there is no even, no set and rigid correct landscape. Just as humans have survived by acclimation over thousands of years in these hills, and in a century and one-half of European-Americans' and others' Berkeley settlement, people have made changes to the landscape, for better or worse, and habitats have developed in an intricate web of life.

Yes, it would be best not to have anyone living in the hills in these times but as long as people are living in the hills, as much fog drip as can be retained will help safeguard people. You don't get that by clearcutting.

We have to have a holistic look. Mowing down trees is about the worst action we could see in the hills, and adding pesticide poisons is just as anti-life as could be, killing off mycorrhizal fungi, as we pointed out in 2005, in our earliest work specifically to stop pesticide use in the hills when any trees were removed, before we realized the plans were to clearcut massive swaths of hundreds of thousands of hills trees, the model UC has pushed. The damage will result, realistically, in more chronic illness in the Bay Area. You can check out www.EastBayPesticideAlert.org to get a lot of the history of UC's toxics use, and UC pushing Oakland, EBRPD, EBMUD, and other agencies with oversight of land in the hills.

Following the Claremont Canyon tree massacre have been many unexplained very bad air days in spite of way too much sun in these times of climate chaos, which normally would burn off coastal inversion layers. A likely explanation is that we are being hit hard with masses of formerly-sequestered carbon let loose. As someone with Asthma, I have been feeling it and have been limited in what I can do in daily life these weeks in order to safeguard my lungs, mostly at home by one of our 3 air filters.

There is one solid response in addition to saving trees from destruction and poisoning the environment with pesticides and massive carbon releases, and that is to make a mighty call to politicians and FEMA and Cal Fire to create a massive fund to buy out willing sellers, fearful people who live in the hills but would be willing to move. Then put people to work learning safe deconstruction of houses (lead and asbestos abatement safety procedures, gas, electrical work) and over time break up the gas grid. While some people may still live in the hills, over time the gas lines may be more broken up rather than existing in a dense grid, so evacuations will be easier.

The hills became more dangerous after the '91 fire as developers crowded more monster houses in the hills, narrow winding streets were NOT made safer as many were suggesting, and people got bigger vehicles which block the streets. Not one more fire person should be endangered or killed due to crowded developments like these being allowed.

History so quickly has been forgotten. Eucs also were planted over 100 years ago to hold creek beds, which they've done beautifully throughout the hills. UC, however, has created mudslides with each clearcut it's done last couple decades.

The best we might get out of this recent tree destruction (and pesticiding) is a big lesson when the next fire hits, which of course it will. The narrative again will be that trees caused fire, while it's grasses and shrubby vegetation which always is where wildfires take off. We have a chance for people to learn through this destruction, if we so choose. We all need to pay attention to how this action is especially endangering our neighbors in Contra Costa County, east of us, because that's where the fire will race without the windbreaks and moist soil of a dense forest floor. Just keep eyes open to the reality when that happens, and ask whether we've been responsible neighbors.

UC must be held accountable for the damage created in Claremont Canyon, and must restore the money taken fraudulently from Cal Fire. This state needs the money for honest wildfire safety plans and work.

Thank you for thoughtful consideration.

Sincerely,

Maxina Ventura,

Berkeley, 94703

beneficialbug@sonic.net

Representing East Bay Pesticide Alert, a grassroots group which exists to share information and advocate for no use of pesticides (which is what always, and wrongfully, accompanies clear-cutting and other tree decimation projects in California)

** Sent to the governor, also

//////////////////////////

Again, we advocate "No Project". Let the forests try to build back up after the damage already done by UC and EBRPD, and do not contribute to environmental degradation.

Sincerely,

Maxina Ventura, Chronic Effects Researcher

East Bay Pesticide Alert (PLEASE ACKNOWLEDGE ORGANIZATIONAL AFFILIATION IN EIR)

Letter M: Maxina Ventura, East Bay Pesticide Alert

Response to Comment M-1

The comment states that the public review period for the DEIR should be extended because the City's website failed to update the extended deadline for submitting comments. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1.

Response to Comment M-2

The comment expresses opposition to the use of herbicides. See Master Response 3.

The comment states that the DEIR does not address scoping comments submitted by East Bay Pesticide Alert in December 2019. The Prior 2020 DEIR and the Recirculated DEIR responded to comments submitted on the Notice of Preparation (NOP) for each document. Responses to the NOPs are described in the scoping summary, Appendix B of the Recirculated DEIR.

Response to Comment M-3

The comment expresses support for the No Project Alternative and opposition to any other alternatives. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment M-4

The comment states that the Revised VMP could lead to dry, flammable conditions that would increase wind tunnels and thereby increase wildfire risk. See Master Response 5.

In addition, the comment expresses opposition to the use of herbicides because of stated harm to “people, pets, wildlife, flora and fauna, insects, and especially poor people who forage in the hills for food…” See Master Response 3 under “Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides.”

Response to Comment M-5

The comment states that removing any tree with a trunk less than 8 inches assures that a forest will die. The comment also states that “regeneration is a natural process resulting in trees of differing ages and sizes making up the forest, along with other trees and vegetation.” The comment provides multiple references to sources of information submitted in past comments.

The comment about trees less than 8 inches has been superseded by revisions to the Revised VMP; see Master Response 1. Section 9.1, “Vegetation Management and Maintenance Standards,” of the Revised VMP has been modified to adjust the removal threshold from 8 inches to 10 inches. Regeneration is an anticipated post-treatment result of vegetation management activities; however, ecosystem restoration is not a goal of the Revised VMP.

Response to Comment M-6

The comment states that the resources provided over the past 15 years by the commenting organization are not included in the DEIR. As described in Section ES.2.2 of the Recirculated DEIR, the City engaged in an extensive program of stakeholder input and outreach while developing the Revised VMP. The comments received represented views from across the spectrum – for example, ranging from total opposition to herbicides to supporting approval of limited use of herbicides under Resolution 79133. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment M-7

This comment claims that buildings are to blame for fires more than plants. See Master Response 5. As stated in the introduction to the Revised VMP: "Of the variables that comprise the wildland fire environment (weather, terrain, and fuels [vegetation]), vegetation is the only variable that can be managed."

Response to Comment M-8

The comment expresses the view that native plant restoration has unintended consequences. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment M-9

The comment states that the guidance provided in the Cal-IPC (California Invasive Plant Council) Weed Killer Handbook is insufficient because on-site treatment activities would be performed by people who may not understand or follow the instructions of the Licensed Pesticide Applicator. The Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." The comment will be conveyed to the decision-makers.

Response to Comment M-10

This comment also expresses opposition to the removal of eucalyptus trees. See Master Response 2 and Master Response 5. See Section 9.4.1.2, "Tree/Woodland/Forest - Specific Standards," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment M-11

This comment expresses opposition to the use of herbicides. See Master Response 3, including the list of Recirculated DEIR mitigation measures that address impacts of herbicide use under "Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." See also Section 3.4, *Biological Resources,* and Section 3.8, *Hazards and Hazardous Materials,* of the Recirculated DEIR; Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP; and Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," in the Recirculated DEIR.

Response to Comment M-12

This comment expresses opposition to the use of herbicides. See Master Response 3, including the list of Recirculated DEIR mitigation measures that address impacts of herbicide use under "Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." See also Section 3.4, *Biological Resources,* and Section 3.8, *Hazards and Hazardous Materials,* of the Recirculated DEIR; Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP; and Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," in the Recirculated DEIR.

Response to Comment M-13

This comment expresses opposition to the standards for thinning and removal of non-native trees provided in the Revised VMP. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1.

The intent of the Revised VMP is to conduct targeted vegetation management activities to minimize the potential for ignitions, crown fires, and extreme fire behavior by reducing and maintaining fuel loads and altering the structure, composition, and spacing of retained vegetation.

Response to Comment M-14

This comment points out that the forests provide shelter and food for homeless people. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment M-15

This comment expresses opposition to herbicide use and to the removal of trees. See Master Responses 3 and 5.

Response to Comment M-16

This comment states that information on glyphosate in the Prior 2020 DEIR is misleading. See Master Response 3 under "Human and Environmental Health." The Recirculated DEIR maintains the conclusion, based on substantial evidence, that herbicides can be used and stored safely with respect to human and environmental health, with conformance to applicable laws, regulations, and mitigation measures specified in the Prior 2020 DEIR and therefore incorporated by reference in the Recirculated DEIR.

Response to Comment M-17

The comment states that the treatment of glyphosate toxicity in Section 3.10, *Hazards and Hazardous Materials,* of the Prior 2020 DEIR is incorrect. See Master Response 3. The Recirculated DEIR maintains the conclusion, based on substantial evidence, that herbicides can be used and stored safely with respect to human and environmental health, with conformance to applicable laws, regulations, and mitigation measures specified in the Prior 2020 DEIR and therefore incorporated by reference in the Recirculated DEIR.

The comment also refers to Appendices HAZ-1 and HAZ-2 of the CalVTP EIR. The comment does not pertain to the adequacy of the CEQA analysis.

Response to Comment M-18

This comment expresses objection to information regarding University of California Berkeley's (UC Berkeley) use of glyphosate and its potential carcinogenicity as described in the CalVTP EIR. See Master Response 3. The Recirculated DEIR maintains the conclusion, based on substantial evidence, that herbicides can be used and stored safely with respect to human and environmental health, with conformance to applicable laws, regulations, and mitigation measures specified in the Prior 2020 DEIR and therefore incorporated by reference in the Recirculated DEIR.

Response to Comment M-19

This comment cites multiple sources of toxicology information on glyphosate. See Master Response 3. The Recirculated DEIR maintains the conclusion, based on substantial evidence, that herbicides can be used and stored safely with respect to human and environmental health, with conformance to applicable laws, regulations, and mitigation measures specified in the Prior 2020 DEIR and therefore incorporated by reference in the Recirculated DEIR.

Response to Comment M-20

This comment cites information about synergistic effects of chemicals. See Master Response 3. The comment does not pertain to the adequacy of the CEQA analysis. The comment will be conveyed to the decision-makers.

Response to Comment M-21

This comment states that the Prior 2020 DEIR does not discuss or cite the precautionary principle championed by David Theodoropoulos, Conservation Biologist. The comment does not pertain to the adequacy of the CEQA analysis. The comment will be conveyed to the decision-makers.

Response to Comment M-22

This comment lists projects undertaken since 2010 and states that these projects are linked. Section 2.3.1.3, "Tree/Woodland/Forest - Eucalyptus," on pages 63 to 64 of the Revised VMP describes the connection between eucalyptus stands and fire risk. Management and maintenance treatments for eucalyptus identified in the Revised VMP are based on scientific studies and expert recommendations. The Recirculated DEIR maintains the conclusion, based on substantial evidence, that removal of eucalyptus in accordance with the standards and BMPs identified in the Revised VMP, with implementation of applicable mitigation measures, would have less-than-significant impacts.

Response to Comment M-23

This comment transmits comments previously provided to CAL FIRE regarding opposition to the use of pesticides. See Master Response 3. The Recirculated DEIR maintains the conclusion, based on substantial evidence, that herbicides can be used and stored safely with respect to

human and environmental health, with conformance to applicable laws, regulations, and mitigation measures specified in the Prior 2020 DEIR and therefore incorporated by reference in the Recirculated DEIR.

Response to Comment M-24

This comment expresses opposition to herbicide use and the removal of trees. See Master Responses 3 and 5.

Response to Comment M-25

This comment also expresses opposition to the removal of eucalyptus trees. See Master Response 2 and Master Response 5. See Section 9.4.1.2, "Tree/Woodland/Forest - Specific Standards," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment M-26

This comment expresses opposition to herbicide use and to the removal of trees. See Master Responses 3 and 5.

Response to Comment M-27

This comment opposes the removal of non-native species as well as the practice of distinguishing native from non-native plants. See Master Response 5. See also Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire hazard reduction, rather than ecological restoration. Vegetation management actions have been identified and defined based on site-specific vegetation type, fuel hazard, treatment effectiveness, and ongoing maintenance requirements. Fuel treatment areas have been identified and prioritized based on fuel loads and arrangements, terrain, topographic exposure, and proximity to roads and structures. While some non-native species (e.g., eucalyptus) have been identified as posing a higher fire hazard than other species, the Revised VMP does not prioritize native over non-native vegetation.

Response to Comment M-28

This comment expresses opposition to herbicide use and the removal of trees. See Master Responses 3 and 5. e See also Section 2.4.1, "Goals and Objectives"; Section 5.4.1, "Alternative 1 – No Project Alternative"; and Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," of the Recirculated DEIR.

Response to Comment M-29

This comment suggests that politicians, Federal Emergency Management Agency (FEMA), and CAL FIRE should buy out willing sellers, reducing the wildfire hazard. The comment does not pertain to the adequacy of the CEQA analysis. The comment will be conveyed to the decision-makers.

Response to Comment M-30

This comment expresses opposition to the removal of trees and expresses concerns about erosion. See Master Response 5. See also Responses to Comments M-10 and M-11.

Response to Comment M-31

This comment suggests that UC Berkeley should be held responsible for rampant tree removal. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment M-32

This comment reiterates that East Bay Pesticide Alert advocates for the No Project Alternative. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

East Bay Regional Park District

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January 20, 2021

N

Horizon Water and Environment, LLC
Attn: Ken Schwarz, Principal, VMP DEIR Comments
266 Grand Avenue, Suite 210
Oakland, CA 94610

Sent via email to DEIR-comments@oaklandvegmanagement.org

RE: Notice of Availability of the Draft Environmental Impact Report for The Oakland Vegetation Management Plan (VMP DEIR Comments)

Dear Mr. Schwarz,

The East Bay Regional Park District (Park District) appreciates the opportunity to provide comments on the Notice of Availability for the Draft Environmental Impact Report (DEIR) for The Draft Oakland Vegetation Management Plan (VMP). The VMP area is in the hills of the City of Oakland and the VMP proposes management efforts to control vegetation on 1,924 acres of City-owned land and along 308 miles of public roadways located within the California Department of Forestry and Fire Protection designated Very High Fire Severity Zone.

Located within Oakland's city boundaries, the VMP covers land and vegetation primarily east of Highway 13 and Interstate 580 and west of Park District lands including Sibley, Huckleberry, Reinhardt-Redwood, and Anthony Chabot Regional Parks. Located within the VMP area are the Park District's Lake Temescal, Leona Canyon, and Claremont Canyon Regional Parks and its administrative headquarters at 2950 Peralta Oaks Court.

The Park District supports the City's efforts to address fire risk reduction in the wildland/urban interface (WUI), recognizing that climate change is increasing fire risk in the East Bay, and that addressing increasing wildland fire risk requires bold action by all parties who own and manage land in the WUI. N-1

The Park District has reviewed the information in the DEIR and finds the VMP agreeable in that it: N-2

1. Has a well-thought out and thorough site evaluation;
2. Uses the industry standard software and techniques for fire behavior modelling;
3. Accounts for biological resource protection and biological diversity;
4. Recommends an adaptive management approach;
5. Aligns well with the District's 2010 Wildfire Hazard Reduction and Resource Management Plan, approach, and efforts.

To reduce reintroduction of invasive plants and the potential spread of plant pathogens, the Park District would be pleased to share with the City of Oakland its Best Management Practices and lessons learned from four years of permitting fuels reduction. Proper follow-up treatment to suppress eucalyptus re-sprouts has proven to be effective in reducing the regrowth of cut stumps. Furthermore, we encourage passive restoration of treated areas through the retention of native trees and shrubs. N-3

The Park District's Fire Department annually spends approximately $1.5M on fuels management for contracts, equipment, and staff time. Every year, there are dozens of wildland fires in the East Bay hills on private and public lands, requiring a well-coordinated response from many different fire agencies. The District conducts re-entry of many of its fuel breaks every year to manage vegetation regrowth and to reduce fuel loading and invasive plant cover.

Since the devastating 1991 Oakland Hills Firestorm, the state has experienced increasingly extreme fire conditions and massive wildland fires, especially the most recent 2020 fire season in which four million acres burned statewide and nearly 6,000 acres of Park District lands burned. Addressing hazardously high fuel loads is an urgent public safety challenge, and the Park District understands and appreciates the need to proactively control wildland vegetation in highly susceptible, fire-prone areas. Park District lands border a population of 2.8 million in the greater East Bay and the Park District wants to ensure every reasonable effort can be made to manage vegetation that allows for safe public access, habitat diversity, and environmentally sound fire prevention. N-4

Thank you for your review and consideration of our comments. Please send the Park District notices on any future actions regarding the VMP. If you have any questions or concerns, please contact me at (510) 544-6601, or by e-mail at atheile@ebparks.org. N-5

Respectfully,

Aileen Theile
Fire Chief

Cc: Kristina Kelchner, Assistant General Manager
Matt Graul, Chief of Stewardship
Erich Pfuehler, Chief of Legislative and Government Affairs

Letter N: Aileen Theile, East Bay Regional Park District

Response to Comment N-1

The comment expresses support for the Proposed Project. This comment will be conveyed to the decision-makers.

Response to Comment N-2

The comment expresses support for several aspects of the DEIR and Revised VMP. This comment will be conveyed to the decision-makers.

Response to Comment N-3

The comment states that the East Bay Regional Park District (Park District) would be interested in sharing its BMPs and lessons learned from years of prior fuel reduction permitting activities. The City has reviewed the Park District's management plans and incorporated applicable information into the Revised VMP. See Sections 5.2.3 through 5.2.5 of the Revised VMP.

The comment also recommends retention of native trees and shrubs. See Master Response 5.

Response to Comment N-4

The comment expresses support for the Proposed Project in terms of proactively controlling wildland vegetation to preventing wildfires. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment N-5

This comment states that the Park District requests to be contacted with notices regarding future VMP actions. This comment will be conveyed to the decision-makers.

O

From: Reva Fabrikant
To: DEIR-comments@oaklandvegmanagement.org
Subject: DEIR Vegetation Management - CEQA STATE CLEARINGHOUSE NUMBER: 2019110002
Date: Wednesday, December 23, 2020 4:02:59 PM

Thank you for an excellent job on the DEIR! I really appreciate all the effort that went into it.

I have several comments:

1. How will OFD vegetation removal contractors be held to the vegetation management standards that will be set up? Will they be supervised as they work? I live on Armour and have seen City contractors clear-cut the dead end area at the end of long-Armour and then watched as more broom and weedy grasses grew back every year after they cut. What good does that do? What will be done to prevent this from happening again and again? O-1

2. 'Important collector and residential/local street' - Identifying streets and resolving problems on these streets

Snake Rd - uphill sections between Armour and Thornhill are eroded and continually experience small rock/mud slides that partially block the road, people dump and pile dead vegetation and tree cuttings in empty lots here, and cars park along the road partially blocking the lanes. All of this impedes the flow of traffic and create ignition concerns. How will these problems be prevented, fixed, and watched on a regular basis?

Thornhill - driving and staying in-lane has lots of challenges due to overgrown vegetation and poor parking that partially blocks driving lanes, especially between Aspinwall and Snake. Aspinwall is also an important collector road as it functions as an extension of Thornhill. Aspinwall should also be included as an important collector road because of how much traffic it carries from Thornhill. Vegetation overgrowth and parking are also issues along Aspinwall. Both roads need regular vegetation and parking management to improve their flow and safety. How will this be accomplished? O-2

3. PGE lines play a huge roll in fires. How will the City work with PGE to make sure they properly maintain poles, lines and vegetation? Shouldn't that be part of this plan? These concerns clearly relate to reducing wildfire hazards on City-owned lands, critical collector routes, and reducing the likelihood of ignitions. O-3

Thanks
Reva Fabrikant
6766 Amrour Drive
Oakland 94611

Letter O: Reva Fabrikant

Response to Comment O-1

The comment asks how OFD vegetation removal contractors will be held to vegetation management standards, if they will be supervised during work activities, and what will be done to prevent broom and weedy grasses from growing back. Section 8 of the Revised VMP (page 101) describes that all contractors will follow "appropriate training, scheduling, and supervision to carry out vegetation management treatments and any associated BMPs." Section 2.4.6 in the Recirculated DEIR, starting on page 2-80, outlines various treatments such as herbicide and hand removal to target broom and grasses. Additionally, as described in Section 2.4.13 of the Recirculated DEIR, during implementation of the Revised VMP, OFD would establish an annual work plan based on assessment of vegetation conditions within the Revised VMP area that would include both initial treatment and follow-up treatment of sites treated in previous years.

Response to Comment O-2

This comment raises specific questions about issues on Snake Rd and Thornhill. As mentioned in Section ES.3.2 of the Recirculated DEIR, the Revised VMP area would address vegetation management within 30-100 feet of the edge of roadsides in the City's VHFHSZ. Additionally, as described in Section 2.4.13 of the Recirculated DEIR, during implementation of the VMP OFD would establish an annual work plan based on assessment of vegetation conditions within the Revised VMP area that would include both initial treatment, and follow-up treatment of sites treated in previous years. For general traffic concerns, please contact City of Oakland staff.

Response to Comment O-3

This comment asks how the City will work with PG&E to ensure appropriate maintenance of their equipment within the VMP plan area. Coordination with outside agencies is an ongoing activity conducted by the City. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Comments on the City of Oakland Draft Vegetation Management Plan Draft Environmental Impact Report (DEIR)

P

Isis Feral
January 22, 2021

Many of my comments below are identical or similar to comments I submitted on the previous draft and during scoping, because they've still not been adequately addressed.

While I appreciate that some of my community's concerns were incorporated into this draft, much of what keeps changing is merely a matter of semantics, with the implications and outcomes much the same. P-1

The repeated assurance that the goal of the Plan "is not the wholesale removal of all vegetation or conversion of vegetation type" might sound comforting, if it wasn't for the 10-year projection into the future with sterile photographic simulations of what systematic "thinning" would look like. P-2

Not to mention that the same type of plants are still targeted for destruction, if somewhat fewer of them. The list of targeted plants has been identical since 2005, when proponents of habitat conversion first proposed the herbicide exemption in the hills. P-3

The Plan and DEIR do not address the health and environmental hazards of removing large numbers of trees from the hills, and of spreading toxic pesticides. P-4

The actions proposed in the DEIR do not accomplish their stated purpose. They do not protect life, but instead increase fire danger, threaten public safety, and contribute to ecological devastation. P-5

Any vegetation management that requires an Environmental Impact Report under the California Environmental Quality Act is too drastic! P-6

TOXIC CHEMICALS

In 1997 Oakland passed a self-described "pesticide ban", the Integrated Pest Management (IPM) Resolution (No. 73968 C.M.S.) that limits herbicide use on public lands under the city's jurisdiction. It is acknowledged only in passing that a resolution challenging the ban P-7

with herbicide use in the hills, is one reason this EIR is being conducted in the first place. The DEIR mentions that the proposal to add yet another exemption to the ban is part of what's being evaluated, but does not properly represent the ongoing dispute over the larger implications of further weakening the ban. P-7, cont'd

The DEIR indicates three herbicides are being proposed, but rather than limiting the exemption to these three, it appears to leave the door open for others, in this footnote in section 2-67, "Types of herbicides that may be used at select VMP treatment areas **include** glyphosate (Accord or Rodeo formulation), triclopyr, and imazapyr" [emphasis mine]. P-8

The open-ended word "include" implies there may be others. Are there other herbicides being considered? If so, what are they? The EIR should not facilitate the rollback of a progressive city law that aims to protect people and the environment from toxic exposure, and it certainly must not facilitate future exemptions of yet other, undisclosed herbicides in the hills.

The DEIR makes dangerous and outrageous safety claims, insisting that all three herbicides proposed for exemption are "safe" if used in accordance with their labels. Essentially the authors are blaming the victims of pesticide poisoning, and suggesting that any workers or others who have been injured by exposures to these chemicals are themselves responsible for their injuries. P-9

The sections on glyphosate lay it on particularly thick, with statements such as that it's "unlikely to be a human carcinogen" and that there are no "meaningful risks to human health".

However, in another footnote the DEIR admits that "recent studies have indicated that the Roundup formulation of glyphosate may be toxic to humans" and proposes to use other glyphosate products "out of an abundance of caution", specifically Accord or Rodeo.

An old industry trick, authors point the finger vaguely at other ingredients, conveniently undisclosed, as the true culprits that are causing injuries. The supposed difference between these products also remains undisclosed. The only appreciable difference that is visible is that Rodeo must first be mixed with a surfactant, but both Accord and Roundup contain unspecified surfactants. The DEIR does not specify what surfactants might be used for the product that requires this addition, leaving the public in the dark about an important aspect of what is being planned. P-10

In all of my previous written comments, I provided extensive toxicology for all the herbicides proposed, which was not limited to findings of cancer, but many other health effects as well. P-11

About a third of my 16 page comments that I submitted on June 11, 2018 contained toxicological information, however, they were not included in the database of comments received, even though I got confirmation of receipt. Upon discovering that my comments were missing, I resubmitted them in person at the public meeting on November 20, 2018. I submitted the same toxicology during the scoping period on December 12, 2019. P-11, cont'd

I was not the first or only person to submit toxicological information into this process:

When this EIR was first conceived in 2005, when then Oakland City Council Member Jean Quan rallied landowners in the hills to support yet another exemption to the City's already too limited prohibition on pesticide use (http://www.eastbaypesticidealert.org/wpad.html), a member of East Bay Pesticide Alert personally provided packages of documents that included toxicological profiles of glyphosate, triclopyr, and imazapyr, to every panelist at a townhall meeting in January, including Quan herself, various of her staff, and Robert Sieben of the Wildfire Prevention Assessment District (WPAD), and a member of Stop Toxic Trespass added a freshly published glyphosate profile (links to those same documents below). Later those same documents were delivered to all City Council Members, the City Administrator's Office, then Mayor Jerry Brown, City Attorney John Russo and Deputy City Attorney Farimah Faiz, as well as to media present at the Public Works and Public Safety meetings that followed. P-12

I submitted the following toxicological information with my comments on the previous draft in June and November 2018, as well as in December 2019: P-13

Pesticides are hazardous to both human and ecological health. As is usually the case with pesticides, more hazards have been identified since the toxicological profiles at the following links were assembled from the research available at that time, with a long list of studies cited. Summarized from those links are some of the specific dangers of the herbicides proposes for use in the Oakland hills:

GLYPHOSATE (provided to officials in 2005:
https://web.archive.org/web/20090423133524/http://www.alternatives2toxics.org/catsoldsite/round.htm and
https://d3n8a8pro7vhmx.cloudfront.net/ncap/pages/26/attachments/original/1428423381/glyphosate.pdf)

Glyphosate, in Roundup and other product, is one of the herbicides that was proposed for exemption for wildfire prevention projects from the City's pesticide policy in 2005, and has a long history of use on city medians.

Roundup also contains the surfactant polyethoxylated tallowamine (POEA), which is even more toxic than glyphosate, and the combination of the two is more toxic than either

chemical on its own. Acute exposure symptoms include, but are not limited to, eye and skin irritation, blurred vision, skin rashes and blisters, headache, nausea, dizziness, numbness, elevated blood pressure, heart palpitations, coughing, congestion, and chest pains. Extended exposures have been associated with non-Hodgkin's lymphoma, miscarriages, premature birth, and other reproductive harm. In lab animals there was an increase in testicular, kidney, pancreas and liver tumors, as well as thyroid cancer. Studies have shown glyphosate to be mutagenic, and to cause chromosome and DNA damage.

Since the above linked toxicological profiles were published, many other hazards of glyphosate have been identified, and a couple of years ago the World Health Organizations International Agency for Research on Cancer finally classified glyphosate as a probable human carcinogen (http://monographs.iarc.fr/ENG/Monographs/vol112/mono112-09.pdf). Numerous lawsuits in favor of victims of cancer due to glyphosate poisoning have been won since, and many more are in the courts now.

Glyphosate also causes complex ecological impacts, including, but not limited to, inhibiting the growth of nitrogen-fixing bacteria and mycorrhizal fungi, reducing seed quality, and making plants more susceptible to disease. Glyphosate drifts extensively, and is mobile and persistent in soil. Its persistence in soil varies widely, from days to months, but has been found to persist on some forest sites for as long as 3 years. It has been found in both ground and surface water, has found its way into streams and rivers, and contaminated wells. Both glyphosate and POEA are toxic to fish. Roundup has been shown to kill various beneficial insects, such as species of parasitic wasps, lacewings, ladybugs, predatory mites and beetles. Glyphosate also reduces the growth of earthworms, and affects other beneficial insects, spiders, birds, and wildlife by killing plants they depend on for food and shelter.

TRICLOPYR (provided to officials in 2005: https://d3n8a8pro7vhmx.cloudfront.net/ncap/pages/26/attachments/original/1428423464/triclopyr.pdf)

Garlon is one of the herbicides that was proposed for exemption for wildfire prevention projects from the City's pesticide policy in 2005.

The active chemical ingredient in Garlon is triclopyr. Acute exposure symptoms include, but are not limited to, difficulty breathing, lethargy, incoordination, weakness, and tremors, as well as skin sensitization, increasing subsequent exposure symptoms. In tortured lab animals an increased incidence of breast cancer, kidney damage, various reproductive problems, and genetic damage, was observed. Triclopyr's breakdown product 3,5,6-trichloro-2-pyridinol (TCP) disrupts nervous system development, and in lab tests, it accumulated in fetal brains when exposed during pregnancy.

Triclopyr also causes complex ecological impacts, including, but not limited to, interfering with nitrogen cycling, and inhibiting the growth of beneficial mycorrhizal fungi that aid nutrient uptake in plants. It has been observed to reduce the diversity of mosses and lichens. The breakdown product TCP is toxic to soil bacteria. Triclopyr is mobile and persistent in soil, has contaminated wells, streams, and rivers, and has the potential to contaminate ground water. Increased growth of algae has been observed after triclopyr applications. It is highly toxic to fish, affects oyster larvae, and disturbs frog behaviors that help them avoid predators. It also decreases the survival of bird nestlings, is toxic to spider mites, and affects other beneficial insects and spiders by killing plants they depend on for food and shelter.

IMAZAPYR (provided to officials in 2005: https://d3n8a8pro7vhmx.cloudfront.net/ncap/pages/26/attachments/original/1428423389/imazapyr.pdf)

Imazapyr is another herbicide that the City of Oakland has used, and in violation of its pesticide policy (discussed later in these comments).

Acute exposure symptoms include, but are not limited to, eye and skin irritation. It is corrosive and can cause irreversible eye damage. Acute effects on poor lab animals included bleeding and congested lungs, congestion of kidneys, liver, and the intestine. Chronic exposure in lab animals caused fluid accumulation in the lungs, kidney cysts, abnormal blood formation in the spleen, increase in brain, adrenal gland, and thyroid cancers. Quinolinic acid, a breakdown product of imazapyr, causes eye, skin, and respiratory irritation, and is a neurotoxin which causes nerve lesions and symptoms similar to Huntington's disease.

Imazapyr is very mobile and persistent in soil. It has been shown to persist in soil for well over a year. It can disrupt nutrient cycling by slowing down the decomposition of plant material. Imazapyr has contaminated both surface and ground water. Ozone degradation, to remove pesticides from drinking water, removes only half of the contamination. Imazapyr is highly toxic to fish.

Undisclosed ingredients and chemical mixtures

In addition to active ingredients and their breakdown products, herbicides contain a large percentage of so-called "inert" ingredients, which are kept undisclosed, protected as "proprietary" by trade secret laws, though chemical companies have the laboratory equipment to easily determine the ingredients in a competitor's product, while it's the public that is being kept in the dark. Anything but benign, as one might expect "inert" to imply, these secret ingredients are frequently even more toxic than the so-called "active" ingredients listed on the label. In fact, the combination of chemicals is specifically designed

to interact synergistically to achieve greater toxicity than each chemical on its own (http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1764160/pdf/ehp0114-001803.pdf).

Some inert ingredients, such as the surfactant POEA in Roundup, have been identified. Though the DEIR insists the city will not use Roundup, since the surfactants that will be used are undisclosed, it remains relevant to mention that POEA, if used in any of the formulations chosen, causes eye burns, skin redness and swelling, blistering, nausea, and diarrhea. Another ingredient in some glyphosate products is isopropylamine, which causes injury to the tissue of mucous membranes and upper respiratory tract, wheezing, laryngitis, headache, and nausea. The details about most other inert ingredients in pesticide products and their effect is being withheld from the public, including from medical workers. Some herbicides to be used in the Plan are likely to also to be mixed with undisclosed chemical dyes. P-14

Contamination during manufacture further adds to the danger of chemical use. POEA, for example, is contaminated during manufacturing by 1,4 dioxane, which is recognized as a carcinogen under Proposition 65.

Synergistic effects also come into play when herbicide products are being combined, as is done by some partnering agencies, such as the University of California at Berkeley. Mixing can also occur when different herbicides are used near each other, and chemicals combine as they drift by air, water, soil, and physical contact. Because chemical residues can persist in the environment for a long time, and herbicide products break down into various chemical components, subsequent applications of different herbicides can also combine into yet new, unintended mixtures. Synergism can exponentially increase chemical toxicity (https://web.archive.org/web/20171225122004/http://www.ourstolenfuture.org/newscience/synergy/mixtures.htm).

Dose response

Manufacturers and other proponents of pesticides often downplay environmental health hazards, by claiming that they are using negligible quantities of the chemicals. While this is debatable on many levels, it is also irrelevant. Some effects, specifically endocrine disruption, a common malady in the age of plastic, are subject to a nonmonotonic dose response, where decreasing exposure levels can actually cause greater impacts (https://web.archive.org/web/20171006092345/http://www.ourstolenfuture.org/newscience/lowdose/nonmonotonic.htm). Disruptions of the endocrine systems are far reaching, and can cause a vast number of reproductive problems, various cancers, and can impair immune and neurological functions.

In addition to all the other negative environmental health effects, glyphosate has also been shown to be an endocrine disruptor (see http://www.ncbi.nlm.nih.gov/pubmed/19539684 P-15

and http://www.greenmedinfo.com/blog/breaking-glyphosate-roundup-carcinogenic-parts-trillion-range). Endocrine effects of the other pesticides in this program have not been adequately studied, and with a large percentage of the ingredients undisclosed, so are their effects. P-15, cont'd

Body burden studies show that chemicals accumulate and persist in our bodies over time (https://web.archive.org/web/20161221071716/http://www.ewg.org/sites/bodyburden1//), including chemicals to which we were exposed by drift or extensive cross-contamination. Most alarming are findings that chemical injuries are being passed on over generations (https://web.archive.org/web/20090109144254/http://www.organicconsumers.org/Politics/toxins060605.cfm).

Chemical exposures have harmed countless people, causing fatal or disabling illnesses, including, but not limited to, lung diseases, cancers, neurological disorders, reproductive harm, immune deficiencies, and increased sensitization to chemicals. They can cause multi-organ effects and can impact every system of the body. For millions of people already disabled by exposure to toxic chemicals, herbicide applications present especially severe health risks and direct barriers to access. They deny access to natural areas to those of us who have been injured, who struggle to breathe in the inner cities, and who are most in need of refuge from urban pollution. As would be the case if herbicides were introduced into parks and open spaces in the Oakland hills where they are not currenlty used, obstacles to access to public spaces for people with disabilities are a violation of the Americans with Disabilities Act (ADA). P-16

Among the cooperating entities and experts consulted in the production of the Plan and EIR, where are the environmental health physicians, who have worked with victims of pesticide poisoning and other toxic injuries? Will the EIR include calculations of the potential medical expenses of members of the community who are injured by the increase of pesticide use in the area? P-17

Risk Assessment vs Precaution

The approach of estimating "safe" exposure levels is typical of toxic industries and government agencies to defend their toxic actions. It's based on Risk Assessment methodology, which determines what is an "acceptable" or "negligible" risk, as public and environmental health is weighed against "economic" benefits for some, and life and health of others is sacrificed. This is the methodology used in environmental reviews, and automatically turns an EIR into an adversarial process P-18

The "acceptable risk" this methodology refers to are real people like myself, who have been injured and disabled by pesticide exposures previously, and others who are particularly vulnerable to the effects of poisoning. It's not realistic to expect that injured

people not take personal offense at this approach. Loss or reduction of profits of the agencies and companies involved is never deemed a "negligible" or "acceptable risk".

The polar opposite approach to Risk Assessment is the Precautionary Principle, which essentially makes decisions on the basis of "better safe than sorry", and puts the burden of proof that an action is truly safe on those who propose it, instead of on the potential or actual victims of the action. This is the approach that should be employed in this EIR. P-18, cont'd

Being a community means that we don't exclude and abandon the most vulnerable among us. Wrapping "science" in Risk Assessment terminology is used to divide and conquer, to turn us against each other, and to teach us that it's okay to risk the well-being of others for our own perceived comforts. It has nothing to do with science, and everything to do with the selfish aims of some.

Some of us have brought up the Precautionary Priniciple and repeatedly challenged Risk Assessment methodology in our comments during this process, but a discussion of this important environmental principle is nowhere to be found in the DEIR, which stubbornly continues to refer to Risk Assessment without any acknowledgement of this methodology being in dispute by victims of pesticide poisoning.

There's also no mention of the Americans with Disabilities Act, by which all government agencies are bound, or the access barrier herbicides would present to a segment of the population that is disabled and especially vulnerable to pesticide exposures. P-19

Other than engaging in cancer denialism, the DEIR does not acknowledge any of the many other possible health problems from these pesticides, even though some of us have talked extensively about our own experiences of suffering from pesticide poisoning.

After the early draft of the Plan offended every pesticide-injured person who read it, with the statement that "disadvantages" of pesticides include "social stigma", our opposition was acknowledged slightly more in the next revision, which however still minimized it as "public concern regarding potential health impacts". P-20

Even though the offensive wording has been muted, the neglect to even acknowledge the existence of people with disabilities, particularly those who are at greatest risk from the proposed Plan, requires that I clarify yet again, that the disadvantages of pesticide use are *not the public's concern* about potential health impacts, but the potential, and all too common, *actual health impacts* of pesticides!

The reason for the "stigma" is that pesticides are poison, and affected non-target organisms are not just vegetation, but wildlife, pets, and humans, including many of us already suffering long-term injuries and disabilities due to pesticide poisoning.

Even the exposures to toxic fumes from generators is downplayed in this DEIR, and discussed merely as odors, perceived subjectively by different people who may have negative emotions about it, instead of recognizing that generator exhaust, like pesticide chemicals, are poisonous, whether their "odor" is perceived by people or not. Toxicity is not subjective, but a reality that environmental reviews are supposed to address, and this DEIR fails miserably at this requirement. P-21

I particularly resent the bullying tactic, that is inherent in juxtaposing the negative impacts of the Plan versus the potential of fire, which is a false dichotomy I discuss later in these comments, to pressure the public into accepting toxic exposures, and trading off one danger for another, instead of making sure to avoid them both. P-22

VIOLATIONS OF PUBLIC TRUST

Many people believe that the City of Oakland bans the use of pesticides. But I live in Downstream Oakland, where I witness, and am exposed to, routine pesticide applications by the City's Public Works Department on the median strips throughout my neighborhood. It is one of too many exemptions to the City's far too limited and lax pesticide prohibition (http://www.eastbaypesticidealert.org/oaklandban.html).

I became disabled as a result of pesticide poisoning, and am extremely sensitized to chemicals, and these applications endanger my life every spray season. I know others who have been injured by Oakland's vegetation management practices, including on the adopted medians they were voluntarily maintaining and beautifying.

For many years the very wide median under the BART tracks on Martin Luther King Jr Way has been included in these pesticide applications, right in front of Children's Hospital and Sojourner Truth Manor senior housing, where some of our most vulnerable neighbors live and come to heal. That median is dead soil all the way to the Berkeley border, where there's literally a line drawn in the sand, with lush green on the other side, because Berkeley doesn't manage vegetation with pesticides.

Instead of starting an additional vegetation management plan, the vegetation policies that are already in use in Oakland need to be addressed, because they are dangerously irrational about harmless and actually beneficial plants, like dandelions. I don't trust the City taking any actions in our forested areas, where the domino effect can be even more disastrous, not just to human health, but to the entire ecology in the hills, because officials have been downright dishonest, not only violating the spirit of the City's pesticide prohibition with many official exemptions, but violating it also in practice where no such exemption exists. P-23

I first learned about the City's plans for the hills in 2005, when Jean Quan tried to exempt wildfire prevention from the pesticide policy, and I was among the community members who protested the scheme. Since this EIR is the result of those protests and the City Council's decision that such an exemption requires environmental review, the EIR should make it explicit that the proposed pesticide use in this Plan is not exempted from the City's policy, and constitutes a new use that is currently illegal. P-24

However, immediately after the City agreed to conduct this EIR, that is now in progress with this scoping period almost fifteen years later, officials displayed a disturbing lack of ethics, and quietly entered into a partnership with UC Berkeley to engage in the exact same actions on the City's behalf, in violation of the City's own pesticide policy (page 13, https://web.archive.org/web/20131014141102/http://oep.berkeley.edu/pdf/FireProjects/OtherDocs/ARfire_2005.pdf). P-25

An additional violation was revealed in a FEMA Environmental Impact Statement (EIS) of "ongoing activities related to chemical treatment for an herbicide demonstration project" on five city parcels between 2008 and 2010 (page 167, https://www.fema.gov/media-library-data/1416861153335-5f909f406d0fa9b986a86e1fb31ab9d5/Final_EIS_Sections_1_-_11_508_reduced.pdf). The rest of us would get arrested if we violated municipal regulations, but Oakland officials have not been held accountable for violating this law. P-26

Accountability

When 90% of 13,000 comments to FEMA and nearly 65,000 petition signers opposed projects that were proposed in the Plan area and surroundings, to be funded by FEMA, the City ignored the will of the people, and it took a lawsuit by hills residents of the Hills Conservation Network (HCN), supported by grassroots activists throughout the Bay Area to stop their implementation. Almost 1,700 people have signed a petition by Save the East Bay Hills, in opposition to this Vegetation Management Plan (https://www.change.org/p/city-of-oakland-save-our-forests). P-27

These voices of opposition should also be counted in this EIR, as well as those from 2005, especially since not all who protested the pesticide exemption are with us anymore. Among the protesters was Barb Wilkie, president of the Environmental Health Network, who grew up near the Monsanto plant in St. Louis, Missouri, and who has since succumbed to chemical injuries. She died in 2011 of kidney failure.

In addition to the Environmental Health Network, and East Bay Pesticide Alert and Stop Toxic Trespass mentioned previously, Beyond Pesticides, Californians for Alternatives to Toxics, Canaries Foundation, Cancer Prevention Coalition, Pesticide Free Zone, and Northwest Coalition for Alternatives to Pesticides all came out opposed to the pesticide exemption (http://www.eastbaypesticidealert.org/pro-safety groups.html). P-28

The Plan's summary of the March-May 2017 Community Survey Results shows that 38%, well over a third, of respondents voiced opposition to pesticide use, while only 17% expressed a preference for it (Appendix E, page 5). These surveys represent interested community members, and clearly all sides of the argument mobilized their supporters, and opponents of pesticides were more urgently moved to respond.

Those of us most concerned about the environmental impacts of the pesticide use proposed in this Plan, are people injured and sensitized by pesticides, who are especially vulnerable to environmental exposures. Many in our community are disabled, housebound, and unable to participate in the public process, because pesticides, fragrances and other common chemicals used in public places present access barriers.

From day one of this process there have been disability access problems. The first meeting, March 29, 2017 at Dunsmuir Hellmann Historic Estates missed something as basic as signage for wheelchair access. My then 91 year old father had to climb the stairs.

P-29

The first three meetings, all of the 2017 meetings, were held in the hills, where there is little public transit, and it's difficult to get to from the flatlands or without a car. It was immediately evident that there was a disconnect about just how far the community of stakeholders of the hills spreads beyond the hills. Finally, after our complaints, most of the rest of the meeting were held at a more central, downtown location, at City Hall.

But the worst access barrier was in November 2018, when two non-urgent meetings were held while the active Camp Fire and catastrophic air quality caused a public health crisis, that threatened the health of everyone in the area.

While City representatives talked about volunteers for future plans, neighbors volunteered to distribute thousands of masks to people without shelter from the pollution, and schools closed to protect their students and teachers from harm.

Moving forward with these meetings during this crisis, instead of postponing them until after the smoke cleared and the community could recover, was not only irresponsible, but also exclusionary. The sensitive population urged by public officials to remain home, is also the population most vulnerable to the actions proposed in this Plan. Friends who wanted to participate were sick, or hunkering down next to air purifiers to try to not get sick, as we all should have been doing those nights.

I showed up, even though I was also sick, and especially vulnerable to further injury from the toxic smoke, because your plans put me and my community in even greater, long-term danger, and because the comments I had submitted six months prior were missing, so I felt compelled to resubmit them in person.

P-30

I wonder how many other comments were not included that were received like mine, and how many were never received at all? P-30, cont'd

The City has gotten extensive feedback from the community over 16 years, with many such obstacles making access to the process difficult for those most affected by the decisions being made. When I've complained about accessibility, I was told that I can submit comments in writing, as if that was a substitute for participating in an exchange between City representatives and community members, and as I learned in 2018, when my comments went missing in spite of receipt, is not a reliable way to insure inclusion. P-31

In fact notification of the public appears to have been very limited, with notices, including the Notice of Preparation (NOP), sent to official bureaucracies and established "stakeholders" and predetermined "interested individuals in the area". The process was apparently not posted to local newspapers, where more people would surely have discovered that they too were interested, if only they had been notified. P-32

The NOP was indeed posted on the city's web page for the project, but even after I alerted officials that the extension of the comment deadline was not properly noticed on various web pages where the original date had been posted, the very web page the city refers to as a primary source of notification to this day continues to list the original deadline that ended two weeks ago, not the extension, as can be seen in this dated archive of the web page: https://web.archive.org/web/20210122042910/https://www.oaklandca.gov/projects/oakland-vegetation-management-plan P-33

I know at least one person who almost did not submit comments as a result of this error, and only realized there was still time after contacting activists in my community. Such errors are not minor, but constitute a method by which public input is limited. Again, one must reasonably wonder how many voices were silenced by such bureaucratic snafoos and general neglect.

Individuals in the community that opposes this Plan were fundamentally treated differently than those who support it. Not only were our comments considered secondary during that horrible November 2018 meeting, and meetings catered to the wealthy in the hills, and often inaccessible to poor and disabled people in the flatlands, but even when we were listed as participants, and clearly stated our group affiliations, we were referred to as 'individuals', while the participation of supporters was provided greater perceived legitimacy by acknowledging their affiliations. While I usually represent myself, when I've spoken at public events I've consistently identified myself as a member of the Coalition to Defend East Bay Forests. The group affiliation of Maxina Ventura, longtime Chronic Effects Researcher for East Bay Pesticide Alert, was also unacknowledged in the DEIR. P-34

Last time I was discouraged from showing up to in person was November 20, 2019, when I discovered that the only public scoping meeting for the EIR was an item on the agenda of the regularly scheduled Planning Commission meeting, and it was not disclosed that our time would be wasted waiting around for other business to be conducted, while we suffer environmental exposures that make some of us ill for days after.

This was another outrageous imposition not just on people with disabilities who often have complex scheduling with paratransit and attendants, but on working people in general, especially considering that some city meetings go on into the early morning hours, as we learned when a room full of people with disabilities found themselves leaving City Hall at 3am, trying to find our way home safely, after sitting though many hours of a City Council meeting June 2, 2015, so we could speak against the acceptance of the FEMA grant for this same project, before it was rescinded by the Hills Conservation Network lawsuit that many of us supported. P-35

I'm one of many members of this community who was injured and disabled by pesticide exposure. It damaged my respiratory, endocrine, immune, and central nervous systems. It has put drastic limitations on my day to day living, and robbed me of years of my life due to illness. But I'm one of the luckier ones, because I'm still here to yell at city representatives to stop poisoning us, and to stop decimating the trees that help clean our air. I'm angry that anyone would keep promoting pesticides, because I've watched too many suffer and die from the long-term effects of pesticide poisoning.

The authors of the DEIR have no business making recommendations for the health and safety of the people living here, if you don't recognize that your meetings should be postponed when our community is in the middle of an environmental health crisis, like the smoke from the Camp Fire in 2018, or now, in the middle of a pandemic that impedes access to the public process especially for poor people with limited or no internet or long distance access to call into Zoom hearings, for which I've demanded a toll free number from the city since July 2020. P-36

You especially have no business producing any Environmental Impact Reports concerning pesticide use, if you don't recognize that there is a large community of pesticide-injured people who are disabled and have rights that are protected under the Americans with Disabilities Act.

INDUSTRY INFLUENCE & ENVIRONMENTAL DESTRUCTION

Changing the words to categorize the trees targeted in this Plan, from "invasive species" to "highly flammable" or "high fire risk/rapidly spreading" plants, has not changed the ideological basis of why these trees are being targeted in the first place. P-37

Even though authors have mostly steered clear of nativist lingo in the revision of the draft, one of the Plan's primary sources of information for how to define vegetation and how to manage it is Cal-IPC, the California Invasive Plant Council, which was started as the California Exotic Pest Plant Council in 1992 by representatives of various government agencies, environmental nonprofits, and the pesticide industry.

Among its founding board members was Nelroy Jackson, Technical Development Manager for Monsanto, who helped develop glyphosate herbicides for "habitat restoration markets", and used Cal-IPC as a marketing tool for it. Cal-IPC became the model for many more groups like it, that have been extensively funded by herbicide manufacturers, and gained influence on policy makers. P-38

Conservation biologist David Theodoropoulos, leading researcher on the origins and fallacies of "Invasion Biology", who should be consulted by the City to serve as counter balance to Cal-IPC's nativist/invasionist propaganda, describes such industry-funded groups as "a well-documented part of the 'corporate assault on environmentalism'" (*Invasion Biology: Critique of a Pseudoscience,* page 141, http://dtheo.org/InvasionBiology.htm).

And indeed, these "councils" have helped to create division and derailed large segments of the environmental movement, convincing many of the value of toxic pesticides as a lesser evil than relearning to live with, rather than control, nature. They are astroturf, corporate front groups of the chemical industry, and Oakland's environmental policies must not be guided by them.

But Cal-IPC's influence on this Plan has been evident from the start. The pesticide exemption was on the agenda in 2005, because Friends of Sausal Creek drafted the resolution to exempt pesticides in the hills with the support of Cal-IPC (Cal-IPC News, Vol. 13, No. 1 Spring 2005, Johnson page 2, Paulsel page 11, http://www.cal-ipc.org/docs/resources/news/pdf/cal-ipc_news6903.pdf). P-39

Though it was sold under the guise of wildfire prevention, it resulted out of "internal discussion about the role of herbicides in restoration work", and their proposal focused almost exclusively on getting rid of a list of "non-native" plants that is identical to the list of additional plants in the current revision of the Plan (compare to *Agenda Report to City of Oakland Public Works and Public Safety Committees*, Jean Quan, February 22, 2005, page 85, http://clerkwebsvr1.oaklandnet.com/attachments/10017.pdf).

It appeared that wildfire fears were being exploited to promote native plant restoration projects. Indeed, just a few months prior, at the Cal-IPC 2004 Symposium, it was reported in the archived notes of the Trees & Shrubs Working Group, that one discussion topic was "Dealing with community opposition to weed removal projects", and someone, citing the P-40

Golden Gate National Recreation Area (GGNRA) as an example, made the recommendation to "use threats of fire danger to help build support for invasive plant removal projects".

Former California Native Plant Society president Jake Sigg, who was on the panel at the town hall that announced Oakland's proposed pesticide exemption in 2005, was also listed among the attendees of this working group (Trees and Shrubs Working Group, Proceedings California Invasive Plant Council Symposium, Volume 8, 2004, Sigg page 97, GGNRA page 98, http://www.cal-ipc.org/docs/symposia/archive/pdf/18854.pdf). He is also extensively cited in Cal-IPC's *Weed Workers' Handbook: A Guide to Removing Bay Area Invasive Plants*, which this Plan refers to as a primary source for Best Management Practices (Appendix F). P-40, cont'd

The *Weed Workers' Handbook* is explicitly nativist in its definition of why a plant should be categorized as an unwanted "weed": "Take *weeds*, for example, and the other words we use to describe them: invasive plants, alien plants, exotic plants, exotic pest plants, non-indigenous plants, non-native plants. The meanings overlap, but none are exact synonyms" (page 15). And it does not hide its agenda: "Weed removal is ultimately about returning the native plant community to the area" (page 11). It's recommended approach to teaching its ideology and reaching out for support for it is to "Keep it Basic", rather than to "launch into a ten-minute lament about how invasive species are turning the planet into a single homogeneous biosphere" (pages 14/15).

This handbook is not an appropriate model for Best Management Practices for vegetation management that is supposedly aimed at protecting residents of the hills from fires. The reason is that the Plan has always been based on nativist ideology, not on fire science or ecology.

The City of Oakland, the East Bay Regional Park District (EBRPD), and the University of California at Berkeley (UCB), three agencies that were involved in the 2005 town hall event that launched Oakland's attempt to exempt pesticides in the hills, joined together shortly after, in a collaboration to appropriate public funds for native plant restoration projects under the guise of fire hazard mitigation from FEMA.

In fact, the 2006 Oakland press release, announcing the FEMA EIS process, claimed that "efforts for conversion to native vegetation are objectives included in the grant" (https://web.archive.org/web/20121209003059/http://www.oaklandnet.com/wildfireprevention/docs/PressReleaseOaklandFEMAPDMGrant2006.pdf), even though they never were, because FEMA does not fund native plant restoration projects. P-41

These three agencies had to submit to a combined EIS, because their projects were adjacent to each other, and together expanded the scope of the impact they would have cumulatively. The same remains true now, with the projects discussed in this EIR. They cannot be considered in isolation of other, similar projects in the East Bay hills. UC Berkeley

is currently producing an EIR for such a project in its Hill Campus area. The park district continues destroying trees and applying pesticides, as is PG&E. P-41, cont'd

The Plan mentions documents related to these events, but never acknowledges that there has been public opposition, including ongoing legal battles, with most projects stopped or reduced in scope by the courts. P-42

It is worth noting that the native bay laurel is also considered a highly flammable plant, with higher combustible oil content in its leaves than the much vilified eucalyptus, but is not targeted in the Plan. While I by no means advocate that the Plan should target bay trees, or any trees at all, it further demonstrates contradictions in the reasoning that drives this Plan. P-43

In 2015 David Theodoropoulos gave a thorough and eye-opening presentation, debunking nativist ideology, the involvement of the pesticide industry in promoting it, as well as the tree removal projects in the East Bay hills specifically, to a large community hall packed to capacity. He was joined by retired firefighter David Maloney and others. I urge all honest policy-makers to take the time to view this important event, which is posted online in its entirety here, and should be required viewing of all who are involved in vegetation management projects: https://www.youtube.com/watch?v=n1i3RP7eDFc P-44

Endangered Species

Ironically, the tree destruction that is fueled by nativism is actually a threat to already endangered native species in the East Bay hills. Herbicides threaten the California Red-Legged Frog, and the Presidio Clarkia, whose habitats are not adequately protected against the drift these chemicals the district uses are known for, regardless of application method. Both the Alameda Whipsnake and Alameda Pallid Manzanita are fire-dependent and threatened by the exclusion of fire from their habitat. The Pallid Manzanita specifically cannot reproduce without fire to sterilize the soil and scar its seeds. P-45

It's important to understand that wildfires are a necessary part of the ecology in wildfire zones, where species evolved to be fire-dependent. The fact is that these native species are threatened with extinction because of human development, chemical vegetation management practices, and aggressive wildfire prevention, the very actions the Plan promotes. P-46

Eucalyptus, the most vilified of the targeted trees, are a particularly important supply of nectar for bees and other imperiled pollinators, because they bloom year-round (https://sutroforest.com/eucalyptus-myths/). They are a preferred overwintering site for monarch butterflies (https://milliontrees.me/2013/11/01/monarch-butterflies-in-california-need-eucalyptus-trees-for-their-winter-roost/), which are becoming endangered primarily due to few nectar sources in the fall, and habitat fragmentation, including by logging along P-47

their migration route (http://news.cornell.edu/stories/2016/04/beyond-milkweed-monarchs-face-habitat-nectar-threats).

P-47, cont'd

The Biological Resources Report in the previous draft of the Plan stated that there are no significant monarch overwintering sites in the Plan area, but that they have been observed in the area (Draft OVMP May 2018, Appendix B, page 12). In the revised Plan, that reference has been eliminated from the report altogether, as if any presence of endangered species is not significant!

I have asked repeatedly how many trees are on the chopping block in this Plan, but the revised Plan only mentions how many trees will be left per acre. The Plan also does not disclose what happens with the cut trees that are to be transported off site. Removing large numbers of trees results in soil erosion and landslides, sedimentation and herbicide contamination of watersheds, shorter growing seasons where trees are cut due to decreased fog-drip, increased ground-level wind speeds, potential health effects of herbicide exposure on workers, residents, and visitors, creating a long term access barrier for many. Dead and dying trees too play important ecological roles, and leaving them in place provides habitat and food for forest life.

P-48

"Thinning" is a euphemism for clearcutting, with only few trees left standing. Killing trees, whose roots and canopies connect a complex ecology of living things, damages millions of organisms who call the forest their habitat, including making the trees that remain more vulnerable. They are not simply individual entities, but function as a community, where the felling of individuals causes devastation and injury to all the other trees around them, who are then further threatened by herbicides that inhibit the mycorrhizal fungi that have a symbiotic relationship with trees and aid in nutrient update. Forests are connected and do not exist in isolation, and the City's Plan contributes to an ideology that fuels deforestation and ecocide.

P-49

INCREASED FIRE DANGER

As the nativist bias remains evident in the revised draft, and the recommendations in the Plan are based on faulty premises, I'm concerned that its implementation would further increase, not reduce the fire danger in the hills.

In the discussion of leaves with combustible oils, eucalyptus and Monterey pine are juxtaposed with oaks and redwoods (pages 66-79) , but native bay laurel, which has much higher levels of combustible oils is not discussed at all.

P-50

All trees are described as providing fog drip, solar shading, and windbreaks, but only oaks and redwoods are described as maintaining moisture throughout the year, but in

eucalyptus and Monterey pines and cypress it is maintained only "in the summer when fog is present" (pages 66-69).

P-50, cont'd

Yet the Plan describes fog not only in the summer months of June, July, and August, but even as early as May and late into September, in the fall, and acknowledges that fog generates measurable precipitation (page 17), as well as that most precipitation occurs in the winter (page 16). In other words, the forest retains moisture for most of the year.

Meanwhile, at a 2013 forum Tom Klatt, who was the primary UC Berkeley spokesperson who promoted killing "non-native" trees in the hills, and who the City and other local agencies had been deferring to before he retired, said that "our firestorm window really only occurs 6 to 12 days a year" (http://www.youtube.com/watch?v=w4Wmlze2xms 27:00). So it would take merely a week or two a year of firefighters roaming the hills with vigilance, but with the persistence of the proposed chemicals, the toxic and destructive impacts of such clearcutting and "thinning" projects will be constant, and lasting indefinitely.

P-51

The Plan describes windbreaks only from tree canopies, but does not acknowledge windbreaks from the trunks of trees that live close together in a dense forest, and thereby leaves unacknowledged one of the primary objections members of the community have voiced against so-called "thinning" of trees.

P-52

Dense forests keep winds from spreading fires, and the moisture from many inches of annual fog drip keep fires from starting in the first place. Trees do not catch fire easily, unlike grasslands, where most wildfires start, as did the one in 1991. But in its nativist frenzy, during the FEMA EIS process, the East Bay Regional Park District even went on the record that it wants native, and extremely flammable grasslands and islands of shrubs to take the place of our moisture rich forests.

The entire focus on vegetation management for fire safety is prejudicial. The Plan acknowledges that "topography, vegetation, and climatic conditions associated with the Plan Area combine to create a unique situation capable of supporting large-scale, high-intensity, and sometimes damaging wildfires" (page 75), but does not mention houses, which were primarily responsible for spreading the 1991 fire.

P-53

Shortly after the Plan mentions that one "disadvantage" of the Wildland Urban Interface is "high housing density", then highlights that the "wildland fire risk associated with Intermix areas includes vegetation-to-house fire spread or ember intrusion" (page 78), but fails to mention house-to-vegetation, and house-to-house spread, and any source of fire spreading by gas lines associated with houses.

As recalled by retired Oakland firefighter David Maloney, who had been appointed to the 1991 Oakland-Berkeley Mayors' Task Force on Emergency Preparedness & Community

Restoration, which was tasked with investigating the 1991 fire, it was human-built structures, not trees that were primarily to blame for the spread of that fire (https://www.eastbaytimes.com/2009/07/30/my-word-task-force-report-confirms-trees-are-not-primary-fire-hazard/):

> "The Task Force Report concluded that the spread of the fire was mostly due to the radiant heat generated by burning houses. A burning house has a sustained radiant heat transmission of 2,500-3,000 degrees. The spread of the fire was not due primarily to burning trees — eucalyptus or any other species."

The proposed Plan does not even mention this task force or the document it produced (https://defendeastbayforests.files.wordpress.com/2018/03/mayorstaskforce1992.pdf).

P-53, cont'd

The fire risk are humans, not plants. Most fires are started by humans, and often it is houses that set trees ablaze, not the other way around. While our homeless neighbors are specially mentioned in the Plan as a potential source of ignition, implicitly vilified along with the trees, while the people who built their wooden houses and explosive infrastructure in areas that are prone to burning are not mentioned as a problem at all.

Most fires in Oakland do not involve vegetation at all, and do not happen in the hills, but in the flatlands (https://www.eastbayexpress.com/oakland/mapping-oaklands-fires/Content?oid=8479075). Here, the increase in fire risk to homes is primarily from electrical wiring (including "Smart meters" that have been forced on everyone), and chemical use around gas appliances, as well as crowded conditions in camps. Massive, rushed gentrification developments and slumlords who refuse to properly maintain their buildings are a particular concern.

P-54

I'm concerned that extensive vegetation management in the hills will further increase fire risks in the flatlands, as fires spread faster if trees are removed and grasslands take over, or pesticides or other chemicals are used that are flammable.

When the City proposed its vegetation management plans as part of the coordinated deforestation campaign along with UC Berkeley and the park district, Maloney analyzed the proposed projects, and responded with a devastating prediction based on his professional expertise:

With the proposed activities together spanning thousands of acres of public lands in Alameda and Contra Costa Counties, Maloney reported that the "next fire in the East Bay Hills has the potential of killing more than 1,000 people and destroying over 100,000 home if the above three publicly funded agencies are allowed to enact their fallacious "Fire Hazard Mitigation Plans'", and "to become the worst catastrophe in American history" (http://www.saveeastbayhills.org/uploads/4/7/8/8/47884333/maloneyreport2.pdf).

P-55

David Maloney's report is the most urgently important document for policy-makers to read in consideration of this proposed Plan and the many other similar projects on adjacent lands, that must not be considered in isolation.

P-55, cont'd

The Plan's stated intent is fire hazard mitigation, but the proposed actions are more likely to increase fire danger. In addition to clearcutting and "thinning" moisture-rich forests and turning them into dry, flammable grasslands and wind tunnels, giving Diablo winds free rein to drive fires into our communities, herbicides increase the flammability of vegetation, and may themselves have flammable components

The Plan does not specify what herbicides would be used, but in 2005, when the Environmental Impact Report (EIR) underway with this Vegetation Management Plan was first conceived, the two herbicides suggested for these projects were Garlon and Roundup. The manufacturer's Material Safety Data Sheets (MSDS) for these products indicate that these chemicals are fire hazards, and produce toxic fumes when they do burn. They are mixed with carrier oils that may contribute further to their flammability and toxicity.

The warning that toxic vapors will be released if involved in a fire is common for pesticide products, and shows that chemical use in fire prone areas is particularly irresponsible (pesticide labels and MSDS can be found here: http://www.cdms.net/LabelsSDS/home/). In the Plan, which is being produced for the Oakland Fire Department, there is no mention of the danger to rank and file and prison labor firefighters, let alone the community at large, from pesticide fumes released during a fire.

P-56

Experiments by community activists also show that herbicides in general make vegetation more flammable than vegetation that was not exposed to herbicides (http://www.eastbaypesticidealert.org/Cheriel Response.html).

It doesn't appear fire modeling considered flammability from chemicals or their effect on vegetation, or that authors of this Plan are familiar with any of the dangers of pesticides.

DEVELOPMENT

The authors of the Plan and DEIR insist that this is about vegetation management only, that all other fire hazard mitigation is someone else's department. But defensible space can't be separated from the human-built structures that are to be protected, which the City permitted next to those trees in the first place. If the goal is to protect us from fire, and the primary spreader of fire is development, then the EIR is meaningless if it does not consider the fact that there are exquisitely flammable wooden houses, strung together by explosive gas pipes and live electrical wires, like so many fuses ready to ignite the entire East Bay hills.

P-57

Even though it's well established that is was not vegetation that primarily fueled the 1991 fire, but houses, the Plan claims, "Of the variables that comprise the wildland fire environment (weather, terrain, and fuels [vegetation]), vegetation is the only variable that can be managed". (page 1)

P-57, cont'd

Defining fuels as vegetation alone is fundamentally prejudicial, when it's in fact human development in wildfire zones that makes fires hazardous to humans, and the Plan admits "wildfires are mostly human-triggered" (page 15).

The Plan at its core is about development, not necessarily about future development, but obviously about development of the past, that is ongoing. While I understand and sympathize with the desire to live in a natural environment, and I certainly don't want anyone to get hurt in a fire, I strongly oppose any further destruction of precious forests so that people can feel more comfortable building (and perpetually rebuilding) their flammable wooden houses in a natural wildfire zone, and connecting them to explosive gas pipes and power lines. If people are afraid of trees they shouldn't choose to live in a forest, and if they do, it's not their prerogative as property owners to deforest Oakland, and deny natural areas to the rest of us.

P-58

A more reasonable focus to mitigate fire danger of the already existing structures in the hills, would be to replace roofs with fire resistant materials. But in addition to safer roofs, it is absurd that timber construction of exquisitely flammable tinderboxes continues to be permitted in natural wildfire zones. Any fire mitigation project should first focus on what provided the primary fuel for the 1991 fire: the human-built structures.

A few years ago, when Oakland firefighters saved the building I live in, they told us that the entire six unit residential structure would have been gone within another 2-3 minutes. Compare that with the couple of hours it can take to burn through a strawbale wall, or the clay-firing effect of fire on an earthen wall. Even thick layers of earthen plaster would increase the fire resistance of existing timber structures, and should be undertaken by all residents in the hills. In traditional societies plastering homes at regular intervals is an activity that brings communities together.

For some of the fire tests performed on strawbale structures, please see:

https://web.archive.org/web/20141231212625/http://www.one-world-design.com/straw_bale_fire_safety.asp

https://web.archive.org/web/20120616182644/http://earthgarden.com.au/strawbale/fire_test.html

http://www.potkettleblack.com/natbild/fire.html

Cob or rammed earth, natural building methods similar to adobe, but seamless and monolithic, instead of bricks mortared together, essentially turn to ceramic in fires. In fact, Nader Khalili, founder of the California Institute of Earth Art and Architecture (Cal-Earth) in Hesperia, experimented with the Geltaftan building method, where he turned earthen structures into their own kiln, burning them from the inside to create ceramic houses (https://web.archive.org/web/20120328115956/http://archnet.org/library/sites/one-site.jsp?site_id=260).

A relevant example of what happens to earthen structures in a fire is this image of Harbin Hot Springs, a retreat center in Lake County that was consumed by the 2015 Valley Fire, in which you can see that the portions of the temple walls that were built with earth remain standing, while every bit of wood in the structure was destroyed and turned to ash: https://www.facebook.com/PosterityProductions/photos/a.891054524322216.1073741881.137782922982717/891055130988822/ (an image of the intact temple before the fire can be seen here: https://inhabitat.com/sunray-kelleys-harbin-hot-springs-temple-in-napa-valley-is-made-from-natural-materials/)

Both strawbale and cob structures have also done very well in seismic tests, and thus are suitable for building in the Bay Area:

Strawbale shake tests:
https://web.archive.org/web/20110416205659/http://naturalhomes.org/earthquakestraw.htm

Cob shake tests: http://stanleyparkecology.ca/visit-us/cob-house/

The Plan promotes activities that devastate ecosystems and increase fire danger over alternatives that would actually address the problem at the root, at human development and its practices. Instead of vegetation management what we need for fire safety in the hills is for any further development to stop, for current residents to be responsible about clearing *reasonable* defensible space around their own houses, but nowhere near the 100 to 300 feet proposed by the Plan that encroach upon public wildlands. P-59

A better use of the funds being spent on this Plan and EIR, and eventually the destructive implementation of the Plan, would be to relocate residents who don't feel comfortable living in the woods to a place where they feel safer, fund earthen building practices in the hills for those who want to stay, and for the City to ensure that streets and water hydrants are accessible when fire suppression is necessary for saving lives and homes, and that the fire department is properly funded. P-60

Some dire mistakes were made by the fire department in 1991, specifically walking away before the danger of reignition was over, which is what caused that fire to get out of control. The fire department has since learned to remain alert longer, though it's a lesson that should be reinforced every fire season.

We have not had a major fire in the hills since 1991, primarily because of improvements in the fire department, as well as in building practices. Many of the human-built structures in the hills have since been built with less flammable materials, particularly roofs are no longer built with wooden shingles.

CONCLUSION

The DEIR and revised draft Plan promote a one-sided, unchallenged ideology that is not scientifically sound, and lacks alternative perspectives from experts in relevant fields, like conservation biologist David Theodoropoulos on "invasiveness", permaculturist Tao Orion on alternatives to toxic vegetation management, and retired firefighter David Maloney on fire safety. P-61

Some still unanswered questions I asked at the very first meeting 2-1/2 years ago, that I expect to finally find answered in the EIR: How many trees are you proposing to cut down? Do you know the health and environmental effects of the chemicals you plan to use? If the people of this region oppose the Plan, will you stop its implementation? P-62

Vegetation management is not a primary issue in fire safety in the Oakland hills. Goat grazing has been effective at maintaining grasslands, and should be continued, with proper oversight, and without electric fences which are cruel and add another potential ignition source. The real wildfire danger to human life needs to be addressed elsewhere than in our last forested areas of the city, but in human homes that encroach upon them. I vote for the No Project option, and for diverting vegetation management funding earmarked for tree removal and pesticides to where it's most needed, for structurally securing homes, and for firefighting. P-63

The Plan claims that the goal is to protect life. Chopping down forests and poisoning the environment accomplish the opposite. Instead of endorsing and enabling these actions, the Oakland Vegetation Management Plan and EIR should reflect the real dangers this project poses to public and environmental health, and put on the environmental record the actions that the City has already undertaken, so that the officials responsible can be held accountable for the environmental devastation they are perpetrating on our ecosystem. P-64

Letter P: Isis Feral

Response to Comment P-1

This comment states that the commenter's previous comments have not been addressed. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The City considered recommendations provided during VMP development and has incorporated feedback deemed appropriate (e.g., recommendations for open space areas maintained by volunteer groups) in the VMP and EIR. This Final EIR is the appropriate point in the CEQA process for the City to respond to comments submitted on the Prior 2020 DEIR and the Recirculated DEIR.

Response to Comment P-2

This comment suggests that thinning is essentially wholesale removal. See Master Response 5. See Section 5.4.1, "Alternative 1 – No Project Alternative," of the Recirculated DEIR.

Response to Comment P-3

This comment points out that the list of targeted plants has not been revised since 2005. See Master Response 5. See also Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire mitigation, rather than ecological restoration.

Response to Comment P-4

This comment states that the Revised VMP and DEIR do not address hazards of removing large numbers of trees or spreading pesticides. See Master Responses 1, 3, and 5. See also Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources*, of the Revised VMP.

Response to Comment P-5

This comment states that the actions proposed in the DEIR would not accomplish their stated purpose. See Master Responses 1 and 5. See also Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources*, of the Revised VMP, and Section 5.4.1, "Alternative 1 – No Project Alternative," in the Recirculated DEIR.

Response to Comment P-6

This comment states that vegetation management requiring an EIR is too drastic. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-7

This comment takes issue with the use of herbicides. See Master Response 3, including the list of Recirculated DEIR mitigation measures that address impacts of herbicide use under

"Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP, and Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," in the Recirculated DEIR.

Response to Comment P-8

This comment asks which herbicides are being used for the Project. See Master Response 3. Information about the types of herbicides included in the Revised VMP is provided in Section 2.4.6, "Vegetation Management Techniques – Chemical Techniques," in the Recirculated DEIR.

Response to Comment P-9

This comment expresses concern about the use of herbicides. See Master Response 3, including the list of Recirculated DEIR mitigation measures that address impacts of herbicide use under "Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." See Sections 3.4, *Biological Resources*, and 3.8, *Hazards and Hazardous Materials*, of the Recirculated DEIR. See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP, and Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," in the Recirculated DEIR.

Response to Comment P-10

The comment states that the reason for avoidance of Roundup is the need to mix the herbicide with a surfactant, which is not explained in the DEIR. The Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." The comment will be conveyed to the decision-makers.

Response to Comment P-11

The comment states that many of the commenter's previously submitted comments were not identified as being received. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP has met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. Appendix B of the Prior 2020 DEIR is a summary of scoping comments.

Response to Comment P-12

This comment states that others have also submitted toxicology information in past public meetings. See Response to Comment P-10. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-13

This comment states that the commenter's previously submitted toxicological information is resubmitted here. See Response to Comment P-10. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-14

This comment suggests that thinning is essentially wholesale removal. See Master Response 5. See Section 5.4.1, "Alternative 1 – No Project Alternative," of the Recirculated DEIR.

The comment states that "Some herbicides to be used in the Plan are likely to also to be mixed with undisclosed chemical dyes." The Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." The comment will be conveyed to the decision-makers.

Response to Comment P-15

This comment states that the endocrine effects of herbicides proposed in the Revised VMP have not been adequately studied. The Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." The comment will be conveyed to the decision-makers.

Response to Comment P-16

This comment states that the use of herbicides in City parks are a violation of the Americans with Disabilities Act (ADA) for people with chemical exposure issues. Management and treatment standards identified in the Revised VMP would require notification before herbicide treatments begin and exclusion periods after the treatments are completed. The Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." The comment will be conveyed to the decision-makers.

Response to Comment P-17

This comment suggests that environmental health physicians should be consulted in the VMP and EIR process. See Master Response 3. The Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General

Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." The comment will be conveyed to the decision-makers.

Response to Comment P-18

This comment suggests using the Precautionary Principle instead of Risk Assessment to determine impact of herbicides. See Master Response 3, including the list of Recirculated DEIR mitigation measures that address impacts of herbicide use under "Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." See Sections 3.4, *Biological Resources*, and 3.8, *Hazards and Hazardous Materials*, of the Recirculated DEIR. See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP, and Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," in the Recirculated DEIR.

Response to Comment P-19

This comment claims that the DEIR does not address ADA implications of herbicide use causing barrier to access. See Response to Comment P-16.

Response to Comment P-20

This comment claims that the DEIR does not acknowledge possible health problems from pesticides. See Master Response 3 under "Human and Environmental Health."

Response to Comment P-21

This comment claims that DEIR downplays exposure to toxic fumes from generators. In Section 3.3, *Air Quality,* in the Recirculated DEIR, Impact AQ-1 addresses emissions from generators. Air quality modeling was revised for the Recirculated DEIR, as shown in Table 3.3-8, "Revised Draft VMP Criteria Pollutant Emissions." The revised results did not change the conclusion of the analysis or require additional mitigation beyond that already included to reduce the impact to a less-than-significant level.

Response to Comment P-22

This comment states that "juxtaposing the negative impacts of the Plan versus the potential of fire … is a false dichotomy." See Master Response 3 under "Human and Environmental Health." See also Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," of the Recirculated DEIR.

Response to Comment P-23

This comment expresses a preference to update the vegetation policies of Oakland rather than developing a new VMP. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-24

The comment states that the DEIR should explain that pesticide use for fire prevention is a new use that is currently illegal. See Master Response 3 under "Legality of Herbicide Use in Oakland for the Purpose of Vegetation Management."

Response to Comment P-25

This comment claims that the City partnered with UC Berkeley in violation of the City's pesticide policy. See Master Response 3, "Legality of Herbicide Use in Oakland for the Purpose of Vegetation Management."

Response to Comment P-26

This comment claims that a FEMA EIS disclosed additional violations of pesticide policy. The link provided in the letter was broken, and the name of the project or the name of the EIS was not included, so that it was not possible to view the original source. Regarding legality of pesticide use in the City, see Master Response 3, "Legality of Herbicide Use in Oakland for the Purpose of Vegetation Management."

Response to Comment P-27

This comment says that the petition by Save the East Bay Hills was signed by 1,700 people in opposition to VMP. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP.

Response to Comment P-28

This comment states that other organizations are also opposed to the VMP and proposed pesticide exemption. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP.

Response to Comment P-29

The comment describes problems that prevented people from participating in the scoping process "because pesticides, fragrances and other common chemicals used in public places present access barriers." The City provided an open forum with equal access to all members of the public in accordance with the Brown Act (Open Meeting Law) and CEQA. In lieu of attending meetings in person, the commenter could have submitted written comments for consideration by the City at every stage of the process, including during the scoping process, which they appear to have been able to do as evidenced by the City's consideration and response to the comment.

Response to Comment P-30

This comment claims that some comments were not included or received. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP has met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP in accordance with the legal requirements of CEQA.

Response to Comment P-31

This comment states that submitting written comments is not a substitute for attendance in person. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP has met the legal requirements for soliciting public opinions and comments in response to the publication of the Revised VMP. Comments have been considered and incorporated where applicable in accordance with the legal requirements of CEQA. See Appendix B of the Revised VMP.

The City provided an open forum with equal access to all members of the public in accordance with the Brown Act (Open Meeting Law) and CEQA. In lieu of attending meetings in person, the commenter could have submitted written comments for consideration by the City at every stage of the process, including during the scoping process, which they appear to have been able to do as evidenced by the City's consideration and response to the comment.

Response to Comment P-32

This comment states that public notice was limited. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP.

Response to Comment P-33

This comment claims that the City's website failed to show extended deadlines for submitting comments. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP.

Response to Comment P-34

This comment states that, during the 2018 meetings, those opposed to the Plan were treated differently than those supporting the Plan. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP.

Response to Comment P-35

This comment states that the November 2019 scoping meeting was a waste of time. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP.

Response to Comment P-36

This comment states that meetings held during health crises (e.g., the Camp Fire in 2018 or the pandemic in 2020) endanger public health and safety. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public

opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP.

Response to Comment P-37

The comment states that changing the words in the Revised VMP describing targeted trees from "invasive species" to "highly flammable" or "high fire risk/rapidly spreading plants" has not changed the ideological basis of why these trees are the subject of potential removal. The goals of the Project are oriented toward fire hazard reduction, rather than ecological restoration. Vegetation management actions have been identified and defined based on site-specific vegetation type, fuel hazard, treatment effectiveness, and ongoing maintenance requirements. Fuel treatment areas have been identified and prioritized based on fuel loads and arrangements, terrain, topographic exposure, and proximity to roads and structures. While some non-native species (e.g., eucalyptus) have been identified as posing a higher fire hazard than other species, the Revised VMP does not prioritize native over non-native vegetation.

Response to Comment P-38

The comment states concerns about "nativist lingo" and "nativist/invasionist propaganda" in one of the sources used to develop the VMP and the analysis in the DEIR. This comment relates to the views of the California Invasive Plant Council (Cal-IPC) rather than to the Recirculated DEIR or the Revised VMP. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-39

The comment states that Cal-IPC has had direct influence on the development of the VMP through Friends of Sausal Creek. This comment relates to the views of the California Invasive Plant Council (Cal-IPC) and Friends of Sausal Creek, rather than to the Recirculated DEIR or the Revised VMP. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-40

This comment states that wildfire fear is being exploited to promote native plant restoration projects. The comment also objects to the *Weed Workers' Handbook* being used as a model for vegetation management BMPs. See Master Response 5. See also Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire hazard reduction, rather than ecological restoration. While some non-native species (e.g., eucalyptus) have been identified as posing a higher fire hazard than other species, the Revised VMP does not prioritize native over non-native vegetation.

Response to Comment P-41

This comment provides background on Oakland, East Bay Regional Park District (EBRPD), and UC Berkeley projects related to conversion to native vegetation. See Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire hazard reduction, rather than ecological restoration.

Response to Comment P-42

This comment states that the VMP fails to acknowledge the level of public opposition to projects such as those cited in Comment P-41. Throughout the process of developing the VMP, the City has received a large amount of public input on both sides of several contentious issues, including replacement of non-native vegetation with native vegetation, use of herbicides, and tree removal. This range of opinions has been taken into account in the VMP development process and is reflected, for example, in the scoping summary provided as Appendix B of the Prior 2020 DEIR.

Response to Comment P-43

This comment claims that the VMP perspective on native and non-native plants is inconsistent. See Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire hazard reduction, rather than ecological restoration. Vegetation management actions have been identified and defined based on site-specific vegetation type, fuel hazard, treatment effectiveness, and ongoing maintenance requirements. Fuel treatment areas have been identified and prioritized based on fuel loads and arrangements, terrain, topographic exposure, and proximity to roads and structures. While some non-native species (e.g., eucalyptus) have been identified as posing a higher fire hazard than other species, the Revised VMP does not prioritize native over non-native vegetation.

Response to Comment P-44

This comment discusses a presentation allegedly debunking "nativist ideology." See Response to Comment P-38.

Response to Comment P-45

This comment claims that herbicides pose a threat to endangered species. See Master Response 3, including the list of Recirculated DEIR mitigation measures that address impacts of herbicide use under "Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." See Sections 3.4, *Biological Resources*, and 3.8, *Hazards and Hazardous Materials*, of the Recirculated DEIR. See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP, and Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," in the Recirculated DEIR.

Response to Comment P-46

This comment states that fire is an important part of the ecology. See Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The intent of the Revised VMP is to reduce fire hazard within the VMP area.

Response to Comment P-47

The comment states that the VMP does not address monarch butterflies, a listed species, that use eucalyptus for overwintering sites. Section 3.4, *Biological Resources,* of the Recirculated DEIR contains descriptions of the major habitat types within the VMP area. On page 3.4-5, it contains a description of eucalyptus habitat, including a discussion of monarch butterflies.

Response to Comment P-48

This comment states that the VMP does not indicate how many trees would be removed. The Revised VMP is a long-term management program that would include annual work plans for vegetation management activities based on the prioritization of VMP treatment projects and vegetation management techniques identified in Table 2-9 of the Recirculated DEIR. Table 2-7, "Estimated Maximum Areas for Vegetation Treatment Activities," estimates a maximum of 26 acres of manual tree removal and 7 acres of mechanical tree removal.

Response to Comment P-49

This comment claims that thinning means clearcutting and damages forests. The goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the Revised VMP were chosen for their ability to reduce fire danger. Additionally, as stated in Section 8.3.6, "Tree Removal," of the Revised VMP, proposed tree removal would be selective rather than broad. See Master Response 5 for further discussion regarding impacts of tree removal.

Response to Comment P-50

This comment claims that the VMP would increase fire danger rather than decrease it. See Response to Comment P-49.

Response to Comment P-51

The comment states that the firestorm window occurs only 6-12 days a year. The comment cites an individual who made this statement but does not otherwise substantiate the claim. The Revised VMP describes fire behavior modeling by FlamMap used to prioritize vegetation management recommendations. This modeling takes into account elevation, slope, aspect, fuel model, and canopy cover as well as wind and weather data to characterize risk of wildfire by location.

Response to Comment P-52

This comment states that dense forests provide windbreaks and maintain moisture. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-53

This comment claims that focus on vegetation management for fire safety is prejudicial; houses are more dangerous than vegetation. Section ES.2, "VMP Overview," of the Prior 2020 DEIR states:: "Of the variables that comprise the wildland fire environment (weather, terrain, and fuels or vegetation), vegetation is the only variable that can be managed." See Response to Comment P-49.

Response to Comment P-54

This comment states that humans, rather than vegetation, are the greatest fire risk. See Master Response 5. See also Response to Comment P-53.

Response to Comment P-55

This comment claims that expert testimony indicates that the VMP would increase fire danger rather than reduce it. See Response to Comment P-49

Response to Comment P-56

This comment claims that herbicides are toxic and make vegetation more flammable. See Master Response 3, including the list of Recirculated DEIR mitigation measures that address impacts of herbicide use under "Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." See Sections 3.4, *Biological Resources*, and 3.8, *Hazards and Hazardous Materials*, of the Recirculated DEIR. See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP, and Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," in the Recirculated DEIR.

Response to Comment P-57

The comment states that the Prior 2020 DEIR does not take into account the fact that electrical and gas connections between houses built in wildfire-prone areas exacerbate risk of wildfire. Management of the risks of development is outside the scope of the Revised VMP and Recirculated DEIR. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-58

The comment expresses opposition to destroying forests to allow people to build flammable wooden houses in a natural wildfire zone and connecting them to flammable gas pipes and power lines. See Response to Comment P-57.

In addition, the comment states that other building materials would be more resistant to fire than those currently used. Management of the risks of development is outside the scope of the Revised VMP and Recirculated DEIR. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-59

This comment states that the Revised VMP activities are harmful to the ecosystem compared to other alternatives. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-60

The comment states that a better use of funds, rather than funding the VMP and the DEIR, would be to relocate residents from forests and fund earthen building practices. See Response to Comment P-57 and Response to Comment P-58. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers."

Response to Comment P-61

This comment claims that the VMP and DEIR promote a one-sided ideology and ignore experts in relevant fields. Throughout the process of developing the VMP, the City has received a large amount of public input on both sides of several contentious issues, including replacement of non-native vegetation with native vegetation, use of herbicides, and tree removal. This range of opinions has been taken into account in the VMP development process and is reflected, for example, in the scoping summary provided as Appendix B of the Prior 2020 DEIR. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-62

This comment requests information about how many trees the Plan proposes to cut down. See Response to Comment P-48.

The comment asks whether the health and environmental effects of the chemicals the Plan proposes to use are known. See Master Response 3.

The comment asks whether, if the people of this region oppose the Plan, will its implementation be stopped? The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-63

This comment states that vegetation management is not a primary issue in fire safety in Oakland and that No Project is the best alternative. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment P-64

This comment states that the VMP and DEIR should reflect the real dangers of the project to public and environmental health. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Q

From: julie long gallegos
To: DEIR-comments@oaklandvegmanagement.org
Subject: Draft EIR - City of Oakland"s Deforestation Plan
Date: Friday, January 22, 2021 2:49:03 PM

I'm a 4th-generation Californian and 3rd-generation SF Bay Area Native. I grew up living on Leona Street in Oakland.

I'm opposed to the constant efforts by the City of Oakland, EBRPD, and UC Berkeley, to use the most transparently untrue justifications for deforestation of the East Bay Hills. Q-1

Removing trees and applications of known carcinogens (glyphosate) is the most backwards and unscientific way to "protect against fire". It is common knowledge and part of the official public record that the 1991 East Bay Hills Fire started in dry grass on private property due to human construction activity, and poor judgement by on-site firefighters who ran when the fire leapt up from where it had been smoldering all night, and the firefighters broke the crust that had formed over the smoldering grass roots.
http://www.saveeastbayhills.org/uploads/4/7/8/8/47884333/peterscott.pdf Q-2

Trees do not start fires. The wildfires that have beset California in the last 30 years have been overwhelmingly (84%) caused by human beings: carelessness, arson, or accident.
https://safer-america.com/why-is-california-prone-to-wildfires-5-reasons/ Q-3

The SF Bay Area is home to 8 million people and our automobiles. We are no longer able to return to a hillscape from the 1750s; attempts to return to a pre-eucalyptus/Monterey Pine hillscape cannot be maintained on a large scale without a huge investment of money and manpower that may not always be dependable. Spraying defoliant over everything is just foolhardy and a few lawsuits against the City of Oakland, which the City may very well lose, will deplete funds the City needs for much more important projects. And the existing huge piles of chipped trees in the areas that have already been cut are hazardous as well as an eyesore. Q-4

Large, mature trees help us in so many ways: carbon sequestration, cooling shade, erosion protection, and wildlife habitat. Sudden Oak Death has dealt our native oaks a blow they may never overcome.
https://www.sfgate.com/homeandgarden/article/Sudden-oak-death-spreads-to-East-Bay-hills-3183920.php Q-5

John Muir and Adolph Sutro had our Bay Area future in mind when they planted the mixed forests that are now part of our Bay Area identity. We should treasure them and not cut them.

Julie Long Gallegos
San Francisco, 94131
(415) 794-1204

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Thank you!

Julie Long Gallegos

julierl@pacbell.net
gaslightoriginalbeadwork@gmail.com

Letter Q: Julie Long Gallegos

Response to Comment Q-1

The comment states the opposition of deforestation of the East Bay Hills. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment Q-2

The comment states the opposition of removing trees and the use of herbicides is an unscientific approach to reducing fire risk. The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers. See Master Responses 3 and 5. Herbicide comment is addressed in Response to Comment F-2.

Response to Comment Q-3

The comment states that trees do not ignite fires. The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment Q-4

The comment states that the broad use of herbicides will result in lawsuits against the City, and returning to a pre-eucalyptus landscape is not possible. See Master Response 3. The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment Q-5

The comment states that large trees are helpful. See Master Response 5. The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

R

From: Linda
To: DEIR-comments@oaklandvegmanagement.org
Subject: No to herbicides. No to killing trees.
Date: Sunday, January 10, 2021 3:24:46 PM

As a longtime Oakland resident, taxpayer, and voter, I strongly object to the VMP plan to kill trees in the Oakland hills and to use herbicides. For the sake of everyone's health, we need to preserve our trees and stop poisoning our communities. We need to strengthen our IPM ordinance, not weaken it--which is what the proposed plan would do by creating more exemptions. I've submitted comments before about this issue, and they continue to be relevant. R-1

Loss of trees would greatly increase the likelihood of firestorm, instead of preventing it as claimed. The reasons have already been clearly presented to the city of Oakland by many well-informed citizens, backed by fire science, in previous comments and public meetings. The 1991 firestorm was started in grassland, allowed to spread by human error, and was primarily fueled by houses, not trees. Once out of control, anything in its path was likely to burn, including all kinds of trees--native or not. The fire did not, however, enter our parklands, where thousands of trees create windbreaks and hold more moisture than in grasslands and residential areas. And the fire certainly did not start among trees. R-2

The planned application of herbicides would increase the already high incidence of cancer and severe chronic illness, as you know. Children are especially vulnerable. R-3

The lethal consequences of damage to soil, water, plant life, animal life, and human life will last for many decades and beyond. Once done it cannot be undone. R-4

Yet it appears that the city of Oakland is pushing this plan forward. It is not acceptable to merely fulfill the letter of the law by allowing comments from the people of Oakland and then ignoring them. As voters, we are not going to forget. More importantly, if this destructive plan is carried out, we and future generations are all going to be living with the consequences for the rest of our lives-- increased incidences of firestorms, increased incidences of cancer and disabling illness, and longterm loss of restorative natural parklands. R-5

If the city wants to prevent devastating fires and save lives, consider how many lives are lost to fire in poor and working class neighborhoods, because of code violations by neglectful landlords, and because many residents lack money to maintain their own safe electrical wiring and safe heating systems. The focus should be on correcting these problems. R-6

Linda Giannoni
3012 Kansas Street
Oakland 94602

Letter R: Linda Giannoni

Response to Comment R-1

The comment states the opposition of killing trees and use of herbicides. The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers. See Master Responses 3 and 5. This comment on use of herbicides is addressed in Response to Comment R-3.

Response to Comment R-2

The comment states the loss of trees loss of trees would increase likelihood of firestorm. The comment does not pertain the adequacy of the CEQA analysis. See Master Responses 3 and 5. This comment will be conveyed to the decision-makers.

Response to Comment R-3

The comment states the use of herbicides would increase incidence of cancer and severe chronic illness. See Master Response 3. Additionally, see Section 2.4.5 of the Recirculated DEIR, starting on page 2-83. Mitigation measures addressing herbicide use include HAZ-3, HAZ-4, HAZ-5, BIO-2a and HYD/WQ 1 and BIO-9. See section ES.4.1 in the Recirculated DEIR for further discussion of changes to proposed herbicide techniques. Additionally, See Herbicides in Recirculated DEIR, Appendices in Section 8.4.1, Pages 118 to 119 and Best Management Practices for Chemical Techniques in Recirculated DEIR, Appendices in Section 8.4.4, Page 120. See Second Revised Draft Vegetation Management Plan, Appendix I, Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources, BMP VEG-2. See Second Revised Draft Vegetation Management Plan, Section 8.4.4, Best Management Practices for Chemical Techniques Section. See Second Revised Draft Vegetation Management Plan, Section 10 Practices to Avoid/Minimize Impacts.

Response to Comment R-4

The comment states the damage to soil, water, plants, animals, and humans will be irreversible. The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment R-5

The comment states the city residents are opposed to VMP. The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment R-6

The comment states that money should be spent on code violations instead of removing trees. The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers. See Master Response 5.

S

From: Anastasia Glikshtern
To: DEIR-comments@oaklandvegmanagement.org
Subject: Public Comment - Oakland Vegetation Management Plan - DEIR
Date: Friday, January 22, 2021 12:58:43 AM

Dear Sir/Madam,

I request ALTERNATIVE 1: NO PROJECT ALTERNATIVE which is environmentally superior to all the others.

The DEIR claims that the Oakland Vegetation Management Plan is environmentally superior to the other identified alternatives – nothing can be further from the truth.

S-1

It is the most destructive and the least protective of the environment.

The primary purpose of the Oakland Vegetation Management Plan is supposed to be reduction of fire hazards in High Fire Hazard Zones in Oakland by reducing fuel loads on public land and roadside.

The plan considers "non-native" trees to be just fuel loads and is set on destroying large numbers of them.

When this is done protection from wind is lost. The soil will dry out. The trees that remain will be more vulnerable to windthrow. There will be erosion in steep areas. The herbicides used to prevent resprouts will kill tree roots by traveling from the freshly cut stump through the roots of the tree. The roots of trees are intertwined with the roots of their neighbors that will be damaged by the herbicide and often killed. The herbicide kills mycorrhizal fungi that live on the roots as well as microbes in the soil. Their loss reduces the health of the soil, handicapping the survival of remaining and new plants. Lost carbon sequestration and release of carbon stored in the killed trees contribute to the global warming increasing frequency and severity of fires as well.

S-2

Mature trees – regardless of their origin – are not easily ignitable and therefore do not present a fire danger. Drying out the surroundings, and increasing wind – which would certainly follow the tree removals - present substantial increase of a fire danger.

The DEIR is INACCURATE

The DEIR proclaims OVMP to be environmentally superior to the other identified alternatives, while extremely hazardous herbicides are to be used. Environmentally, anything employing these poisons is unacceptable.

The DEIR is INACCURATE.

The OVMP proposes use of herbicides where they weren't allowed before. The DEIR justifies such use by providing a big amount of false safety assurances – the very same that the manufacturers use in their promotions.

It is appalling that poisoning our environment and all of us is described as "Chemical techniques".

S-3

The DEIR says that "Herbicides are toxic substances that CAN be harmful to humans and non-target plants and animals when mishandled or used ineffectively."

In fact, they ARE harmful to humans, plants, and animals regardless of the way they are handled. Application "by a licensed and trained professional" "by a prescription prepared by a licensed pest control advisor in accordance with federal, state, and local regulations and labeled specifications" does not decrease the toxicity. Implying that glyphosate formulations different from Roundup are safe is similar to saying that a smoker should switch to Virginia Slims because Marlboro adversely affects his/her health.

We know very well that "all pesticides/herbicides registered for use in the U.S. are evaluated for potential adverse effects on humans and the environment" and that these evaluations are usually conducted by the manufacturers themselves and are completely inadequate. "Label instructions" do not make the use of herbicides safe. While "PPE for herbicide applicators and OSHA regulations" may reduce health risks of applicators somewhat the toxins will still go into soil, air, and water.

S-3, cont'd

You certainly know, or should know, that in 2015 the International Agency for Research on Cancer (IARC) of the World Health Organization (WHO) classified glyphosate as "probably carcinogenic to humans. Since 2016 glyphosate is included in the official PAN International list of Highly Hazardous Pesticides.

Nevertheless, "as of January 2020, USEPA continues to find that there are no risks of concern to human health when glyphosate is used in accordance with its current label (USEPA 2020a). USEPA also found that glyphosate is unlikely to be a human carcinogen (USEPA 2020a)". These findings, clearly contrary to huge amounts of scientific evidence, are currently challenged in court. Sadly EPA is on the side of manufacturers, not the people.

S-4

Somehow the herbicides are hailed as a cheap alternative to other means of controlling vegetation – obviously the cost of the applications – storage, training, supervision, PPE, etc. are not included. Not to mention the cost of treating cancers and other numerous health problems they cause.

The DEIR claims that herbicide use "is not considered controversial". It is. Although it shouldn't be – it should be banned.

"Glyphosate and triclopyr are both common herbicides that have been used in the U.S. and California for decades". So was DDT. So were many, which are by now banned. One component of Agent Orange is still used in California. None of that makes any of them safe. EPA collusion with manufacturers is well documented (you can read the documents). You should be ashamed for repeating the "safety" arguments of chemical companies.

More than 100,000 plaintiffs in the United States are waiting for a day in court alleging that exposure to Bayer/Monsanto glyphosate-based herbicides led to various types of cancer. There are young children among them.

Juries in all three trials held to date found that Monsanto's glyphosate based herbicides do cause cancer and that Monsanto spent decades hiding the risks. In the last trial (May 2019), the punitive damage award was $2 billion.

S-5

The "common herbicide" triclopyr and other "common" herbicides might be even more toxic than glyphosate, but are less researched since they are less widely used.

With this knowledge, discussing "Chemical Techniques" and "Best Management Practices for Chemical Techniques" (which will result in poisoning the environment and people) is clearly dangerous. You state that herbicides use exemptions are "required to preserve and/or protect human health and safety."

In fact, they could seriously compromise human health and safety. Numerous scientific studies associate exposure to herbicides of all kinds with cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, multiple sclerosis, Parkinson's disease, diabetes, infertility, birth defects, disruption of gut microbiomes, and of the endocrine system. Each drop of these poisons contaminates soil, water, and air and adversely affects human health. We already know that these chemicals do not degrade as quickly as the manufacturers claim, and can be found in the environment years later.

The DEIR doesn't consider any of the facts pointed to above and therefore should be deemed INACCURATE, INADEQUATE, and INCOMPLETE.

As a replacement of a shameful herbicide and "native" plant propaganda piece - APPENDIX F - ***The Weed***

S-6

Workers' Handbook - A Guide to Techniques for Removing Bay Area Invasive Plants (which shouldn't be allowed in a fire safety plan) – I highly recommend "Whitewash: The Story of a Weed Killer, Cancer, and the Corruption of Science", by Carey Gillam, American investigative journalist. It tells a story of Roundup/glyphosate. It details how corporate interests influence the science behind American agriculture, allowing the potentially cancer-causing herbicide to be used liberally throughout the industry. The book contains accounts from farm families with cancers they believe were caused by glyphosate, and scientists whose reputations were impugned for publishing writings that challenged "business interests". It won the 2018 Rachel Carson Book Award from the Society of Environmental Journalists as well as "Outstanding Book of the Year" from the Independent Publisher Book Awards 2018.

S-6, cont'd

Among many lies propagated in this Poisoners' Handbook are the claims that people planting eucalyptus trees were land speculators – the insult to environmentalists and philanthropists like John Muir and Adolf Sutro who were striving to improve the environment and benefit the people. As well as the claims that eucalyptus trees are invasive - see https://sfforest.org/eucalyptus-myths/
The Nature Conservancy's Business Council, lauded in the Handbook, is made up of a select group of 14 corporations including Dow Chemical, and Bayer (Monsanto).

The DEIR is INACCURATE and INCOMPLETE – not addressing this propaganda piece in the fire protection plan, where it doesn't belong

Sincerely,

Anastasia Glikshtern

Letter S: Anastasia Glikshtern

Response to Comment S-1

The comment shows support for the No Project Alternative and states that it is environmentally superior. The comment does not pertain to the adequacy of the CEQA analysis. For reasons set forth in the CEQA analysis, the No Project alternative does not meet Project Objectives and was rejected as infeasible. This comment will be conveyed to the decision-makers.

Response to Comment S-2

The comment states that removing trees is damaging to the environment and would lead to increased fire danger. The goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. See Section 10 and Appendix I of the Revised VMP for a list of BMPs to help minimize impacts from tree removal. See Master Response 5 for further discussion regarding impacts of tree removal.

Response to Comment S-3

The comment states that the DEIR is inaccurate regarding how it handles the proposed use of herbicide and associated potential health threats, and that herbicides and pesticides are not safe. The prior 2020 DEIR and the Recirculated DEIR both describe risks of herbicide and the approach to minimizing the risks under the Project. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to biological resources and ecological health and mitigation that would reduce the risk to less than significant with mitigation. Section 3.8, *Hazards and Hazardous Materials*, of the Prior 2020 DEIR describes the risks to human and environmental health and mitigation that would reduce the risk to less than significant with mitigation. See Master Response 3 for further discussion.

Response to Comment S-4

The comment expresses frustration that the World Health Organization (WHO) found glyphosate to be highly hazardous, but U.S. Environmental Protection Agency (USEPA) found no risks to human health when used in accordance with the label. The Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." The comment will be conveyed to the decision-makers.

Response to Comment S-5

The comment says that the DEIR is inaccurate because it does not fully discuss potential health and environmental impacts of herbicides. The Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and

Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." The comment will be conveyed to the decision-makers.

Response to Comment S-6

The comment states that the "Weed Workers' Handbook" (Appendix F of the Draft VMP) is misleading and should be replaced by "Whitewash," a book about the potential dangers of herbicide. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

T

Hills Conservation Network Oakland VMP DEIR Comment 1/22/21

The HCN DEIR comment is organized into several sections as follow:

1. The failure of the EIR to comply with the Endangered Species Act and related CEQA requirements
2. Detailed discussions of 2 of the project areas, the North Oakland Sports Field and Garber Park
3. Flawed FLAMMAP analysis and the failure of the DEIR to adequately analyze the HCN alternative
4. Flawed Greenhouse gas analysis
5. Conclusion

Failure to comply with ESA and related CEQA requirements

The EIR doesn't analyze or disclose the project's potential impacts to special-status species, and also does not assess the efficacy of the mitigation measures, which are generically provided in the form of "best practices" in Appendix J. Instead, the impacts assessment and actual detailed mitigation measures (and assessment of the efficacy of those measures) are impermissibly deferred to after the EIR is completed and the project approved, if they are even conducted at all. Further the measures included in Appendix J are so generic and vague as not to actually assure mitigation of the project's effects on protected species. This approach has been specifically rejected by the courts in Tricia Lee Lotus v. Caltrans and Surdstrom v. County of Medocino, among other court decisions. T-1 T-2

In order to adequately assess the impacts to special status species, the City must first consult with CDFW and USFWS, and develop a Biological Assessment for those agencies' review. Only after the expert agencies agree on the impacts to protected species and specific mitigation strategies to reduce those impacts can the EIR analysis be adequate. Not only does the EIR fail to consult with these expert agencies, it also fails to include ANY expert analysis of the potential impacts or the efficacy of the mitigation. Once again, deferral of analysis in favor of generic, unenforceable "best practices" fails to meet CEQA's analytical and mitigation requirements. T-3

The EIR should be revised to include a detailed assessment of these impacts and mitigation measures that have been fully vetted by the expert agencies with jurisdiction over the protected resources. It then must be recirculated for public review. T-4

North Oakland Sports Field

The stated and generally agreed purpose of vegetation management is to reduce the risk of wildfire in the wildland-urban interface (WUI). The purpose of the EIR is analyze the best method to achieve that mission, which includes consideration of creating the least environmental damage in the process. Also, since this is a taxpayer-funded project, the City is obligated to select the most financially-efficient viable option available.

The project as proposed in the EIR fails to meet each of these three criteria, and should be revised.

T-5

To begin with, an EIR is not a sales pitch for a favored protocol, which this draft is. Secondly, an EIR is supposed to be unbiased and objective, thoroughly investigating any viable alternative, and this draft fails on both counts. The methodology in Oakland's proposal is simply a re-packaging of vegetation "treatments" offered by a select assortment of activists representing small, discreet areas of the City, and representing a biased, nativist point of view. The results are: viable alternatives were ignored, and the proposed management fails to achieve its purpose, mitigation of fire risk, while significantly damaging the environment.

T-6

During the CEQA-required public comment period, HCN proposed a viable alternative plan, yet this alternative was not mentioned in the EIR, much less analyzed, in violation of the EIR process required by CEQA. This leaves the EIR, and the proposed project, vulnerable to challenge. Since we, as fire survivors and citizens of the affected community, are anxious to actually reduce the risk of fire, we want the best methodology to be offered.

T-7

It should be noted that the last time a similar vegetation management methodology was proposed, by FEMA in 2013, when the community was invited for public comments, 13,000 written comments were received, of which 90% were against the proposal. Community support is also a consideration in a proper EIR, and it is already clear that this project, as described in the draft, will not have it.

T-8

The treatment proposed for the North Oakland Sports Field (NOSF) is an example of the weaknesses and failures contained in the Plan:

For no articulated reason, the methodology proposed for this area is significantly different than what is proposed for all other areas in the plan. Which version is best? The purpose of the NOSF treatment appears to be: not reduction of fire risk, nor improved safety of the adjacent neighborhoods, but instead wholesale and species-specific elimination of existing trees.

We can agree that the slope above and southeast of the field contains trees that are too closely spaced, and that some thinning is appropriate, but what is good for other areas should be implemented here: removal of ground, near-ground and ladder fuel; removal

T-9

of limbs up to 8' height; creation of defensible space adjacent to structures and roads, and locations of public gathering. This applies to all species, and to other slopes adjacent to this sports field.

T-9, cont'd

It should be reiterated that the environment that is implicitly and explicitly the intent of the Plan is one that resists ignition, discourages the growth of weedy, flammable understory, reduces wind exposure and ground-level temperature, encourages capture of fog drip, and has flame-length potential of less than 8'. Contrary to the treatment proposed for the NOSF, this scenario dictates that the tree canopy be preserved. Some areas around the field contain a dense mix of oaks and bays, making them vulnerable to sudden oak death – which, in turn, creates a future fire hazard.

T-10

Generally, to be true to the intent of reducing fire risk, the proposed treatments should be purged of references to specific species of trees, or to "fire-prone" or "fire resistant" species; fuel is fuel, and the most dangerous fuel is the cured, ground- and near-ground fuel, smaller than 2" diameter, especially near human activity.

T-11

Recognizing that funds are always limited, it is the obligation of the City to not waste money on treatments of marginal utility. Commenting on vegetation management intended to reduce fire risk, the US Forest Service has opined that deforestation projects remote from structures is "a waste of time and money," making HCN's alternative plan that calls for no treatment beyond 200' from structures or roads, less costly than the City's proposed Plan.

T-12

Related to the NOSF, the draft EIR mentions crown fire and spotting as specific risks, justifying cutting tall trees and trees at or near a ridgeline. The EIR authors should know that official studies of fire in our hills have concluded that crowning is "rare" (the grove of eucalyptus on the ridge of the Marg property, at the head of Claremont Canyon, did not burn, much less crown, even though directly in the path of the Tunnel fire; the understory fire burned through in a matter of minutes, not enough time to ignite the tall trees) and no evidence has been presented that spotting in the Tunnel fire was the result of vegetation embers rather than structure embers. Project Vesta, the most authoritative study of eucalyptus fires and spotting, concluded that their flying bits were capable of traveling "tens of meters" (not miles) and most were either overtaken by the firefront, or extinguished by the time they landed. (If the burn time is less than the airborne time, the "ember" becomes just a harmless bit of flying trash.) Science does not support the rational for blaming or cutting tall/ridgeline trees.

T-13

HCN has been studying and conferring with experts regarding fire behavior and fire potential for at least a dozen years and, as a result, we have successfully challenged proposed vegetation management plans in our hills in the recent past – and may do so again if HCN's alternative plan is not seriously considered.

T-14

Garber Park

Garber Park is a 14.3 acre woodland in one of four canyon areas identified in the OVMP. The specific canyon where Garber Park is located is on a mostly shaded north-facing slope at the bottom of Claremont Canyon. It lies primarily below Alvarado Road (beginning at 845 Alvarado) and is bounded by Evergreen Lane, where there is a main entrance to the Park, Siler Place, a cul-de-sac off Alvarado, and Rispin Drive, a cul-de-sac between Claremont Avenue and the Park.

In May, 2018, the OVMP proposed actions and treatments "to manage vegetation and reduce fire risk at Garber Park." Before publication of the DEIR in December, 2020, Horizon consulted with stakeholders and got their input on the proposed management recommendations to reduce the risk of fire on city-owned land. In the case of Garber Park, these recommendations were based primarily on consultations with the Garber Park Stewards, volunteers who are members of the Claremont Canyon Conservancy, an organization that promotes native plant restoration. Horizon also consulted with the OWLS Oakland WildLand Stewards, an organization that advocates for the removal of nonnative species throughout the East Bay. (Ironically, owls native to the Bay area prefer to roost in nonnative eucalyptus trees.) Both organizations promote the ideology, popular in the Bay area, but not supported by fire science, that native plants and trees such as bays and oaks are "fire resistant" while nonnatives increase the risk of fire. This false ideology apparently nfluenced the management recommendations for Garber Park and pervades all of the DEIR. T-15

Let's look at the history. The 1991 Oakland/BerkeleyTunnel fire did not go into Garber Park. A few embers blew into the Park from houses burning on Siler Place. Some of these embers landed close to the roots of tall trees close to the edge of the Park, but they were quickly extinguished by Siler Place residents who had stayed behind to keep the fire from taking their houses. (The fire eventually burned the houses on the upper side of Siler while leaving the side close to Garber Park untouched by fire.)

Why, in human memory, has fire never entered Garber Park? This is probably due to the lush green surface vegetation and the shade provided by native and nonnative trees that kept the Park cool and moist even on the hottest days of summer. In fact, the 1991fire stopped at three giant eucalyptus trees that still stand at the Alvarado Road border of the Park. The houses above those trees burned, and the fire also took the houses above that point on both sides of Alvarado. Fire burned to the ground most of the vegetation on the side of Alvarado opposite the Park. This vegetation included small nonnative pines, acacias, and eucalyptus, as well as native redwoods, bays, oaks, and all of the brush and weeds close to the road.

I know this because our house, where my family has lived for 46 years, is in that stretch of about 20 houses on Alvarado below the three giant eucalyptus trees that did not burn. When we returned to our house three days after the fire, we saw that, except for that stretch of houses on Alvarado and a couple of houses on Gravatt, all of the houses and all of the vegetation, native and nonnative, had burned down to the ground.

When my son was a child, Garber Park was a dense, natural forest, a small wilderness playground for neighborhood children. It is true that impassable thickets of wild blackberry, and acres of poison oak were there, but in sunny spots close to the Evergreen entrance, fields of forget-me-nots and other nonnative wild flowers flourished. Only the songs of birds and the calls of children broke the silence. When darkness fell, raccoons, opossums, and deer claimed the Park.

That was then, but this is now, when the Garber Park Stewards have changed much of the Park, clearing trails, creating a bridge over muddy waters and removing lower branches and debris.They often left cut branches in the brush and weeds that create a fire hazard. In my opinion, the worse thing that misinformed Garber Park Stewards did was to girdle with rope or metal several tall, healthy eucalyptus trees near the Rispin entrance to the Park. Girdling trees (which has also been done in the eucalyptus grove above the Claremont Hotel) is an extremely dangerous technique that eventually kills the tree. The vandals who believe that this is an inexpensive way to kill trees hope that no one would notice that the tree has been weakened until months or even years later. Then, a minor breeze causes a girdled tree to fall over suddenly, with disastrous, even fatal results to hikers passing under the tree or children climbing up into it.

On days when the Garber Park Stewards work in the Park on their mission of reducing what they consider to be fuel, they pick up downed branches, remove nonnative vegetation and rip out wildfllowers. They enclose sprigs of native plants and trees with wire cages to prevent wildlife from eating the native vegetation struggling to survive, but often dead from lack of regular watering in places where they had never thrived previously. On Garber Park Stewardship days, the quiet of Evergreen Lane is shattered by the honking of cars as they dodge each other, and drivers park up and down the street wherever a space can be found. Residents on Evergreen Lane resent the number of cars and traffic problems connected with the popularity of this Park entrance. They worry too about the oaks in the Park infected with Sudden Oak Death that hikers and Garber Park stewards might carry on their boots into neighborhood gardens. Yes, SOD has infected several native bays and oaks within Garber Park. Planting oaks and bays to replace the terminally ill extends the contagion which would cause fire to sweep through Garber Park if this policy is continued.

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To the Garber Park Stewards, these might be minor problems. But there is a huge problem that the OVMP does not consider, and neither does the DEIR. What has happened to Garber Park over the years since the 1991 fire, has transformed it from a relatively fire-safe, moist area with many trees of various species. These species included tall, healthy trees that provided fog drip and created a cool mini-climate under their canopies. Removing those trees has resulted in the Park becoming a warmer, drier area that is more conducive to the ignition and spread of fire. Cutting down the tall trees has also led to more wind in the Park, which, combined with the heat of late summer, creates conditions that invite fire from a carelessly dropped cigarette to spontaneous combustion from piles of overheated wood chips left to dry in the hot sun.

T-16

This change happened because the Garber Park Stewards, other members of the Claremont Canyon Conservancy and the OWLS were allowed and even encouraged to uproot much of the nonnative vegetation, including the nonnative trees all in the service of creating a more fire-safe forest, while they were actually increasing the risk of fire. Native plants and trees do not resist fire. Some trees have characteristics such as thick trunks, hardwood and large leaves, that may resist fire for a few minutes, but these characteristics are found in both native and nonative species. It does not matter if a species is native or nonnative. Grasslands and brush that are often native burn faster and higher than tall nonnatives that tend to hold their branches higher up from the ground. It does not matter when a plant or tree species was introduced to an area or how long it has been there. In a wind-driven fire, except for special circumstances such as defensible space around a property or a firebreak that protects a group of houses or trees, everything in the path of that fire will burn.

Xenophobic ideology appears to have dominated the meetings that Horizon held with the Garber Park stakeholders and one can see how it affected management recommendations thorughout the DEIR. With no evidence from fire science, or from fire fighters, they assumed with little or no controversy among themselves that nonnative vegetation, especially tall nonnative trees that dominated the landscape, must be removed. The result has been a huge increase in fire risk with weeds and brush, oaks dead or dying from Sudden Oak Death, and an increase in flashy surface fuels that thrive in the sun now pouring down in open areas that were once protected by the shade canopy of tall trees. As for wildlife, the birds, snakes, insects and four-footed creatures that used to enjoy the Park—they are rarely seen—and no one knows if there are any endangered species such as the Alameda whip snake there because no one knows if they might have lived in the Park before the traffic, noise, and increased presence of people using the Park caused these reclusive reptiles to migrate to safer places. T-17

The DEIR does not include the necessary Biological Opinion required by CEQA that would have clarified the endangered species issue. Barely nodding to CEQA requirements, the Executive Summary in the DEIR (ES.6 p. 31) summarizes four "Areas of Known Controversy and Issues to be Resolved." Their sources are supposedly the questions and concerns raised during the scoping period: * T-18

- Potential use of herbicides Herbicldes (aka pesticides) are dangerous chemicals that will be used throughout the Parks to implement the Plan.The DEIR recommends more of their use than the OVMP. This is a highly controversial issue among many Oakland residents except those who believe it's OK to take the risk if someone can be hired to apply the chemicals, hazmat suits are worn, and instructions by the manufacturers (who profit from selling them) are followed. Pesticides are prohibited by law in Oakland Parks, so why are they still being used? Other nearby communities without the biased interest in killing nonnative vegetation have managed to maintain their properties without using these chemicals to prevent regrowth of nonnative T-19

vegetation or to kill brush and weeds. Restorationists are reported to have been one of the best customers of such dangerous substances.

T-19, cont'd

- Removal of trees No one will argue that diseased trees that are a hazard to people who use the Park should be removed, but as discussed in the HCN Alternatives—which seem to have been ignored—healthy, tall trees that are at a safe distance from trails, and enhance fire risk mitigation should not be removed. ". . .large trees need to be preserved to continue the storage of carbon, prevent erosion, develop fog drip, prevent aggressive growth of surface and ladder fuels, and reduce impacts on habitat. . .Tall trees provide a wind barrier that slows the progression of a wind-driven fire. In California. research and recent fires have proved that wind is more important than fuel load in spreading wildfire." There appears to be no way of decreasing the effects of wind except by using tall trees as a barrier. That is, in fact, an important reason why eucalyptus trees were planted throughout the Bay Area and in San Francisco on Mount Sutro.

T-20

- Removal of nonnative vegetation This controversy is not about ways to mitigate fire risk. It is simply a way to please Park stewards who have drunk the Kool-Aid of native plant and tree restoration. Even though native vegetation such as bay trees increase the fire risk, they are not considered flammable in the DEIR. Bay trees that grow in the same type of woodland (called oak-bay woodlands), are not only considered a vector for Sudden Oak Death; they are also more flammable than many nonnatives such as eucalyptus trees. The recent fires in the North Bay have been mostly fires that started and spread in native chaparral, grassland and brush with hardly a nonnative eucalyptus tree within miles of where the fire started and spread.

T-21

- Minimization of impacts on sensitive species. See above for lack of investigation (required by CEQA) as to whether endangered or threatened species ever existed in areas such as Garber Park and may have left due to pressure on their habitat. We have seen that Garber Park Stewards have caged some pallid manzanita bushes to protect them from being eaten by hungry wildlife, but restorationists do not seem to care about preserving the lives of four-footed and winged creatures. The caging of sprigs of native trees and plants by Park Stewards does not result in healthy vegetation, especially if they have not been native to where they are planted and are not watered regularly. Introducing vegetation that was not there in recent years because the Stewards on the slimmest of evidence may have decided that they could have been native to the area hundreds of years ago, is another setback for sensitive and endangered species that have become used to the ecology that has evolved in more recent times.

T-22

It should be noted that all of these issues were considered controversial by Hills Conservation Network (HCN) hillsconservationnetwork.org in its alternatives to the OVMP, and also by members of the Coalition to Defend East Bay Forests; see DefendEastBayForests.wordpress.com; also by members of The Forest Action Brigade, and in "Conservation Sense and Nonsense" http://conservationsense.org/, formerly known as https://milliontrees.me/, http://eastbaypesticidealert.org/and in http//bapd.org/

T-23

treenotes.html, plus many other groups, including the San Francisco Forest Alliance and students at UC Berkeley that oppose tree removals and pesticide use. To say that these issues are not controversial and easily resolved ignores the history of meetings that HCN has had with members of the Garber Park Stewards, the many comments submitted by residents who oppose tree removals, oppose the use of pesticides, and oppose removal of nonnative vegetation and healthy trees.

T-23, cont'd

The section on Garber Park in the 2018 OVMP admits that fuel moistures in the Park are "typically high and fire hazard low. . .Fire behavior modeling resulted in no extreme fire behavior in Garber Park. Current management practices are limited to flashy fuel ((e.g.,grasses, weeds) treatment along Claremont Avenue. . .(p. 169). On page 75 of the 2018 OVMP, Table 7, flame lengths are described as low (<4 ft.), only in surface fuels with no crown fire (p. 75).

T-24

Mysteriously enough if one were not aware that Horizon chose to discuss vegetation management primarily with those who wrongly believe (or don't care) that taking out the nonnative vegetation would result in greater fire risk, the revised VMP projects in the DEIR have changed the three stages of management actions from conservative recommendations that might have taken place over the next 10 years to Priority 1 for all three stages. This is a radical change that is not seen anywhere else in the DEIR! In Gar-3 of Table 2-8 the recommended action is to "remove eucalyptus trees "from two locations along the southern park boundary (close to Alvarado Road), retaining lower fire risk trees." This recommendation denies the fact that all trees (and most wooden houses) will burn in the path of a wind-driven fire even as thousands of oaks and redwoods burned recently during the North Bay fires. Some Alvarado Road residents believe that those three eucalyptus trees may be messy during windstorms that cause strips of bark to fall onto the sidewalk and road, but it's possible that those tall trees, by helping to stop and turn the wind, saved our houses!

T-25

Removing those three eucalyptus trees is symptomatic of the problem central to the OVMP/ DEIR. The prescriptions for treating eucalyptus trees and other nonnative species as dangerous enemies that must be eradicated, while ignoring any group that had an opposing opinion, were obviously inserted into the OVMP/DEIR to placate a strident and well-heeled interest group. Even to this day, despite all the research to the contrary It repeats the ignorant propaganda that nonnatives must be removed, building on the fear of wildfire to convince the city of Oakland and many of its residents that removing immigrant trees will somehow make all of us fire-safe.

T-26

The OVMP makes little sense from a fire risk mitigation perspective, and certainly not from the perspective of slowing down global warming and climate change. The U.N. Intergovernmental Panel on Climate Change (IPCC) has emphasized the importance of forests as "a key to solving climate change because there is no other way to pull large quantities of carbon dioxide from the air and store it safely." (Letter from American Forests organization) Every mature tree that absorbs carbon dioxide must be valued, not criminalized by restorationists because it is a nonnative.

T-27

In the process of developing the DEIR, Horizon, knowingly or not, excluded voices and groups that oppose the restorationists. The DEIR does not analyze reasonable options, most notably the HCN alternative.

T-28

Flawed wildfire risk methodology and failure to analyze the HCN alternative

First, while the EIR considers the No Project alternative, the analysis of this alternative is flawed in that it assumes the permanent condition resulting from the project implementation to be what would exist on the day after the project was completed rather than the new equilibrium condition that would result from the completion of the project.

While there can be little disagreement that removing large amounts of vegetation will reduce fire risk, the flaw with this analysis is that there is also little disagreement that the conditions on the day after project completion are just that. The sad fact is that almost immediately after removing what's there, new vegetation will emerge. And it's highly likely that the new vegetation that emerges will pose a significantly greater risk than what was removed. T-29

So, in order to understand the "benefits" of a program it's essential to model the new equilibrium vegetation rather than the denuded landscape that will exist for just a few weeks. To be able to make the case that a vegetation management program actually reduces fire risk it is essential to model the vegetation that will replace what was removed a year or more post project completion.

Again, the only way that one could conclude that the preferred alternative is superior to the no project alternative is to actually model the fire characteristics that would result from project implementation once a new equilibrium vegetation has emerged. Since this VMP/EIR did not actually model the new equilibrium vegetation resulting from the project, assertions that the preferred alternative is superior to the no project alternative are simply unfounded. T-30

The simple fact is that in removing tall trees one causes a number of changes to the understory and ground beneath these trees, most of which a MORE conducive to fire risk that had the shade canopy been left intact.

This phenomenon was made perfectly clear by the US Forest Service in their comments of September 27, 2013 on the then active FEMA EIS that included many of the same areas that the current Oakland EIR analyzes.

Excerpts from their comments are as follow: T-31

>>>>>>>>>>>>>>>>>>>>>>

Increase in Brush

A cursory literature review indicates that removal of eucalyptus stands in the East Bay Hills is likely to result in a colonization of those sites by a combination of native and nonnative herbaceous and chaparral communities (native Baccharis, and invasive broom species). A study by Keeley (2005) shows that shrublands are expanding in the San Francisco East Bay region due to limited environmental controls from fire and grazing. According to Keeley's study, fire has never been frequent enough to act as a significant factor limiting brush communities in the area. He states that in the past, grazing pressure has been the force keeping brushlands in check. With reduced grazing pressure

during the latter half of the 20th century, grassland communities are being replaced by brushland communities.

Overstory trees limit the ability of understory species to become established by limiting sunlight, moisture, and nutrient resources that are required. Removal of the eucalyptus overstory would increase sunlight, and reduce the competition for moisture and nutrients. Without significant controls in place the result would likely be rapid introduction and expansion of brushland species, and thus, increases in live surface fuel loading into areas where the eucalyptus overstory is removed.

Increase in Fire Behavior

Increases in live surface fuel loads result in increases in potential surface fire behavior. According to Russell and McBride (2003), the natural succession from grasslands to Baccharis shrublands in the East Bay Hills indicates a dramatic increase in fire hazard for those areas. On productive sites, Baccharis often exceeds two meters high (Russell and Thompkins, 2005). According to The U.S. Fire Administration Technical Report on the 1991 East Bay Hills Fire, brush fuel types played a significant role in the progression of the fire: "The brushland would probably make up a large portion of the available fuel, particularly in the northeastern portion of the fire area."

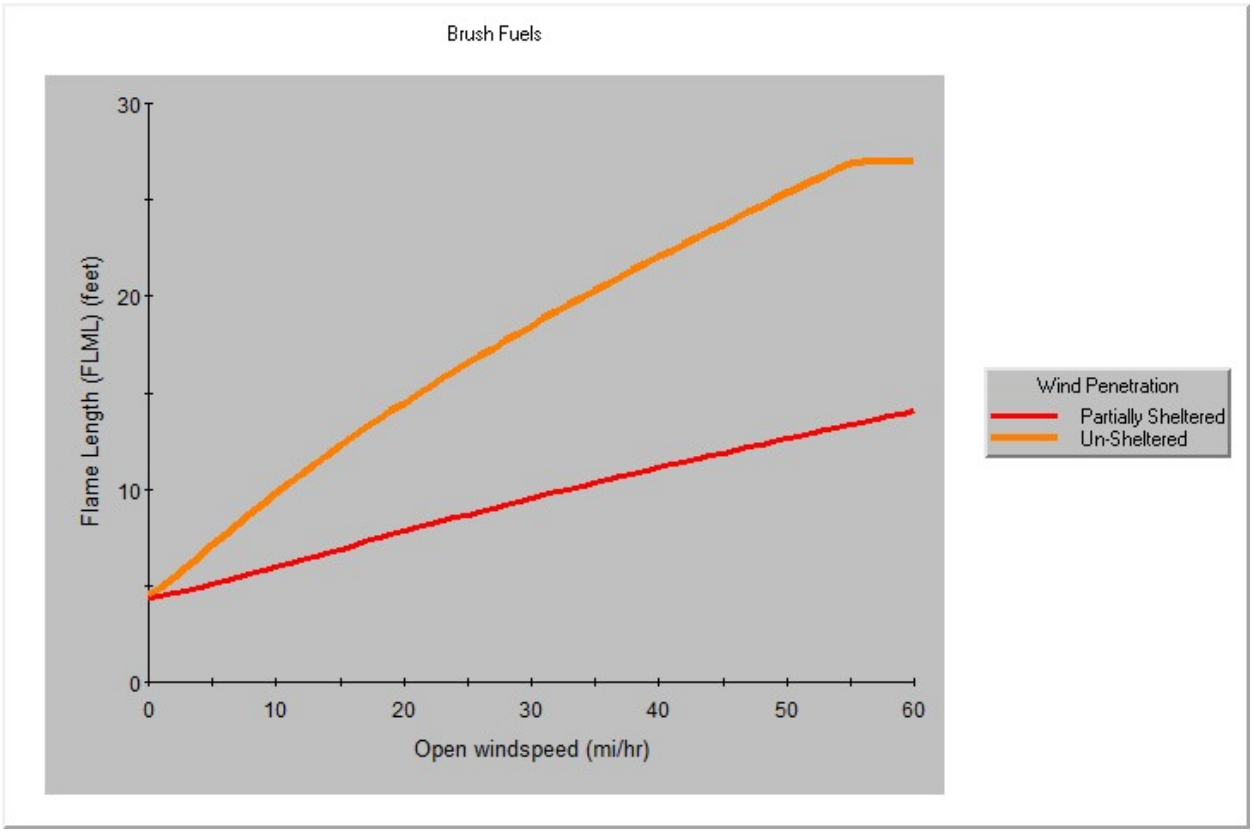
….

From a fire behavior standpoint commercial thinning from below that would target smaller diameter trees leaving the largest dominate trees on the landscape, followed by surface and ladder fuel treatments provides the highest level of reduction in potential fire behavior. These treatments and combinations of these treatments would break up the horizontal and vertical continuity from the surface fuels to the canopy fuels, by increasing canopy base height, and reducing canopy bulk density thus reducing the likelihood of crown fire ignition. Aerial fuels separated from surface fuels by large gaps are more difficult to ignite, thus requiring higher intensity surface fires, surface fires of longer duration, or ignition from spotting to ignite the crowns, and of course wind.

Removal of the eucalyptus overstory would reduce the amount of shading on surface fuels, increase the wind speeds to the forest floor, reduce the relative humidity at the forest floor, increase the fuel

temperature, and reduce fuel moisture. These factors may increase the probability of ignition over current conditions.

Furthermore, complete removal of the eucalyptus overstory would result in increases in wind speed which result in a more severe range of fire behavior effects as previously mentioned above. The following illustration is an example of predicted or anticipated flame length for a partially sheltered and an un-sheltered brush fuel model to illustrate lower wind speeds for a thinned stand versus higher wind speeds found with complete removal of eucalyptus trees.



>>>>>>>>>>>>>>>>>>>>>>

In summary, the USFS assessment makes it painfully clear that it is HIGHLY LIKELY that implementing the preferred alternative would likely result in a more dangerous fire regime than the no project alternative.

T-32

At a minimum, however, the failure of the EIS to analyze the new equilibrium conditions resulting from implementation of the preferred alternative results in the unavoidable conclusion that the EIS doesn't actually analyze the fire risk mitigation results from the project.

T-33

As such, it's impossible to reasonably conclude that the preferred alternative is superior to the no project alternative. To be able to substantiate this assertion it would be necessary to model the new equilibrium fire risk rather than the "day after" fire risk.

Next the consideration of alternatives in this EIR is flawed in that it doesn't actually consider a very reasonable and effective alternative, the HCN alternative.

One of the procedural flaws that has permeated this EIR is the failure to consider the views of the community at large, instead listening to only small portions of the community, most of whom share the same nativist views as Mayor Schaaf, council member Kalb, and various native plant restoration groups that appear bent on using public money to implement a native plant restoration agenda on public lands….using fire risk mitigation as the funding mechanism.

HCN proposed an alternative that is superior to the preferred alternative in all ways. It is cheaper to implement, cheaper to maintain, doesn't require the use of nearly as much herbicide, doesn't cause substantial erosion and slope stability problems, doesn't release nearly an much greenhouse gasses, and results in a FAR LOWER fire risk than the preferred approach.

So, why was it not analyzed? We think for the same reason that so many parts of this document represent the views of the nativist community rather than the community at large. While the City and its consultants went out of their way to include the nativist community in discussions about the scope and direction of the plan and the EIR, groups such as HCN were all but excluded from this process. Had the HCN alternative been analyzed it would have been clear that it in fact is the preferred approach, so what better way to avoid this reality than to simply refuse to analyze it?

T-34

Unfortunately this substantial flaw in following CEQA process guidelines has resulted in exactly what would have been avoided had CEQA process guidelines been followed. Rather than being an even handed plan and EIR that openly and transparently addresses the stated purpose of this program, these documents are instead tailored to support the agenda of a small group of people over the wants and desires of the greater community.

To reiterate, this is what was proposed by HCN:

VM consists of removing litter, ground fuel and near-ground fuel, focusing on vegetation that is less than 3" diameter, and dead or cured. This includes removal of tree limbs up to 8' above the ground level. VM applies to the area within 200' of structures, and 200' along major (evacuation) roadways (100' each side of road), and within 200' of public use spaces such as viewing turn-outs. Beyond 200', no treatment is required.

T-35

Dead trees are removed. No live trees exceeding 18" diameter at breast height shall be removed unless they are spaced less than 25' oc. Tree canopy is to be preserved.

All VM shall be species neutral. No species shall be targeted for eradication. Considering the long-term condition, and considering the continued increase of sudden oak death,

Bay trees that threaten oak survival should be removed.

At the interface with multiple developed properties, create a perimeter fuel break 200' wide.

T-35, cont'd

Had this alternative been analyzed, it would have been found to achieve all the fire risk mitigation objectives of this project, likely far better fire risk mitigation than the preferred alternative, with all the benefits described above. So, why wasn't it analyzed? We think, because had it been analyzed it would have been clear that the HCN alternative is in fact the preferred alternative.

T-36

Flawed Greenhouse gas emissions analysis

As with the alternatives analysis portion of the EIR, the Greenhouse Gas Emissions analysis, particularly on GHG-4 is seriously deficient.

Rather than quantify the amount of sequestered greenhouse gasses that would be released as a result of vegetation removal, quantify the reduction of ongoing greenhouse gas sequestration, and compare the greenhouse gas emissions from the various alternatives (including the HSN alternative), the entirety of the conclusion that the greenhouse gas emissions from implementing these projects is summarily determined to be less than significant.

T-37

There is no evidence cited to justify the assertion that the vegetation that would be removed is any more likely to ignite than the vegetation that would replace it.

The less than significant conclusion is seemingly based on the assertion that if one didn't remove the existing vegetation it would burn and thereby release all of it sequestered carbon. This is a specious and legally indefensible argument, especially in light of the fact that there is no comparative data provided to justify this conclusion. While the text does indicate that carbon emissions would be mitigated by NOT removing larger diameter trees, the plan calls for removing larger diameter trees. How can this be?

The lack of any quantification of Greenhouse gas emissions coupled with various unsupported assertions coupled with internal inconsistencies in the "analysis" render this section of the EIR fatally flawed.

Conclusion

For the reasons discussed in the text of this comment, the Oakland VMP and associated DEIR are fatally flawed and must be reworked and recirculated prior to considering certification.

The plan and associated EIR are inconsistent and seemingly arbitrary, the fire modeling is inconclusive, there is an attempt to avoid the required Endanger Species Act analyses, a superior alternative was dismissed without analysis, and there is a consistent bias in favor of native plant restoration rather than fire risk mitigation. T-38

Among the most egregious lapses is the plan to remove 3 heritage eucalyptus trees in a residential neighborhood. Clearly, this has nothing to do with wildfire risk mitigation and everything to do with pleasing a small group of people who simply hate certain vegetation species. Needless to say, this is completely unacceptable in a vegetation management plan that uses public money to implement fire risk mitigation projects on public lands. T-39

If enacted as currently proposed this VMP would likely increase, not decrease, the risk of wildfire while causing extensive environmental damage at an excessive cost. If the HCN alternative were adopted the citizens of Oakland would get superior fire risk mitigation at far lower cost and with far fewer environmental consequences. T-40

Because of the myriad issues with both the VMP and the related EIR we ask that both be pulled back, reworked, and recirculated. T-41

Letter T: Hill Conservation Network

Response to Comment T-1

The comment states that the Prior 2020 DEIR does not analyze impacts to special-status species or assess efficacy of the mitigation measures, and that detailed mitigation measures are deferred. The Recirculated DEIR addresses impacts on special-status species in Impacts BIO-1 and BIO-2. The commenter did not provide examples of deferred mitigation.

Response to Comment T-2

The comment states that measures proposed in Appendix J to reduce impacts on listed species are generic and vague. The commenter did not give examples of generic and vague mitigation, nor an explanation of in what way these measures are inadequate. BMPs are included in Appendix I of the Revised VMP. Mitigation measures are included throughout the resource sections in Chapter 3 of the Recirculated DEIR.

Response to Comment T-3

The comment states that the City must consult with CDFW and USFWS and prepare a Biological Assessment before assessing impacts on special-status species. The City fully intends to obtain permits for the VMP as required by federal and state environmental regulations.

Response to Comment T-4

The comment states that the EIR should be revised to provide a detailed assessment of impacts and mitigation measures that have been fully vetted by agencies, and then recirculated. This comment has been superseded by revisions incorporated into the Recirculated DEIR, including comments from regulatory agencies. See Master Response 1.

Response to Comment T-5

The comment states that the VMP should be held to three criteria: reduce risk of wildfire in the WUI, create the least environmental damage, and be financially efficient. The comment further states that the project as proposed in the Prior 2020 DEIR fails to meet any of these criteria. This comment in itself does not provide substantiation for these claims.

Response to Comment T-6

This comment states that the Prior 2020 DEIR ignored viable alternatives and failed to provide a plan that would mitigate wildfire risk while not significantly damaging the environment. The Revised VMP and Recirculated DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See also Appendix B of the Revised VMP.

Response to Comment T-7

The comment states that HCN proposed an alternative during public comment period, but it was not mentioned or analyzed in the EIR. The Hill Conservation Network (HCN) proposed an alternative approach to vegetation management during development of the Draft VMP. [Note: this approach is described more fully in Comment T-34.] The HCN alternative proposed different limitations on vegetation management and different approaches to fuel reduction. The selection of alternatives for analysis in an EIR is at the discretion of the lead agency. CEQA Guidelines Section 15126.6 states:

> (b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.
>
> (c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

The HCN alternative could have different environmental impacts than the Revised VMP during and after implementation; however, based on the City's initial evaluation, it would not substantially lessen any of the significant impacts of the Proposed Project.

In addition, CEQA Guidelines Section 15126.6 explains the requirements for selection of alternatives to be evaluated in an EIR:

> (a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

The City identified and evaluated a reasonable range of alternatives to the Proposed Project. Please refer the Alternatives Chapter of the DEIR for a thorough description and analysis.

Response to Comment T-8

This comment states that the EIR does not have community support. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The Revised VMP and Recirculated DEIR have met the legal

requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See also Appendix B of the Revised VMP.

Response to Comment T-9

This comment states that the plan calls for species replacement rather than wildfire mitigation. See Master Response 5. As described in Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR, the goals of the Project are oriented toward fire mitigation, as opposed to ecological restoration. See also Section 9.4.1.2, "Tree/Woodland/Forest – Specific Standards," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment T-10

This comment states that proposed vegetation management treatments would not meet the intent of the VMP and would increase rather than reduce fire risk. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. Additionally, Section 8.3.6, "Tree Removal," of the Revised VMP explains that proposed tree removal would be selective rather than broad. See Master Response 5 for further discussion regarding impacts of tree removal.

Response to Comment T-11

This comment states that language should be revised to avoid references to specific species, "fire prone" or "fire resistant" fuels. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. See also Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire mitigation, as opposed to ecological restoration.

Response to Comment T-12

The comment states that deforestation projects, according to the US. Forest Service, are "a waste of time and money." The vegetation treatments proposed under the Revised VMP do not constitute deforestation. See Master Response 5.

The comment further states that HCN's alternative plan not to treat any areas beyond 200 feet from structures or roads would be less costly than the City's VMP. As described in Section 1.2, "Plan Area Location," the Revised VMP includes vegetation treatment up to 30 feet from roadsides in the City's VHFHSZ and up to 100 feet from roadsides in the City's VHFHSZ where dead and dying trees on City-owned property could strike the road if they fell. Accordingly, the Plan Area as proposed in the Revised VMP would treat a smaller area than the proposed HCN plan as described here.

Response to Comment T-13

This comment states that crowning and spotting are not major risks, contrary to the DEIR. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to

reduce fire danger. Additionally, Section 8.3.6, “Tree Removal,” of the Revised VMP explains that proposed tree removal would be selective rather than broad. See Master Response 5 for further discussion regarding impacts of tree removal.

Response to Comment T-14

The comment states that HCN may challenge the VMP if its alternative is not considered. See Response to Comment T-7.

Response to Comment T-15

The comment states that the VMP was developed primarily in consultation with groups that promote native plant restoration. The goals of the Project are oriented toward fire hazard reduction, rather than ecological restoration. Vegetation management actions have been identified and defined based on site-specific vegetation type, fuel hazard, treatment effectiveness, and ongoing maintenance requirements. Fuel treatment areas have been identified and prioritized based on fuel loads and arrangements, terrain, topographic exposure, and proximity to roads and structures. While some non-native species (e.g., eucalyptus) have been identified as posing a higher fire hazard than other species, the Revised VMP does not prioritize native over non-native vegetation.

Response to Comment T-16

The comment asserts that prior removal of trees of various species from Garber Park has transformed the park from a relatively fire-safe, moist area with many species to a warmer, drier area that is more conducive to the ignition and spread of fire. Further, cutting down tall trees has led to more wind in the park. The Revised VMP does not propose removal of a large concentration of large trees. See Master Response 5.

Response to Comment T-17

The comment states that a xenophobic ideology has affected management recommendations throughout the prior 2020 DEIR. See Response to Comment T-15.

Response to Comment T-18

The comment states the Prior 2020 DEIR does not contain a required Biological Opinion that clarifies endangered species issues. See Section 3.4.3, “Impact Analysis,” of the Recirculated DEIR and Appendix I, BMPs BIO-1 through BIO-10, of the Revised VMP. The Prior 2020 DEIR and the Recirculated DEIR is in conformance with the applicable existing laws and standards established by federal, state, and local laws and ordinances.

Response to Comment T-19

This comment states that the EIR recommends more pesticide use than the VMP does. The Recirculated EIR evaluates environmental impacts of the Proposed Project, which is the Revised VMP.

Response to Comment T-20

The comment states that tree removal will eliminate wind protection. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. Additionally, Section 8.3.6, "Tree Removal," of the Revised VMP explains that proposed tree removal would be selective rather than broad. See Master Response 5 for further discussion regarding impacts of tree removal.

Response to Comment T-21

The comment states that the Prior 2020 DEIR promotes "[p]ark stewards who have drunk the Kool-Aid of native plant and tree restoration." The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment T-22

This comment states that the impacts on sensitive species have not been addressed fully. See Section 3.4.3, "Impact Analysis," of the Recirculated DEIR and Appendix I, BMPs BIO-1 through BIO-10, of the Revised VMP. The Prior 2020 DEIR and the Recirculated DEIR is in conformance with the applicable existing laws and standards established by federal, state, and local laws and ordinances.

Response to Comment T-23

This comment states that issues identified as controversial were raised by HCN and other commenters. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment T-24

This comment describes Garber Park conditions as described in the 2018 VMP. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment T-25

This comment states that the VMP has changed the recommendation to removal of eucalyptus trees. See Master Responses 1 and 5. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. Additionally, Section 8.3.6, "Tree Removal," of the VMP explains that proposed tree removal would be selective rather than broad. See Master Response 5 for further discussion regarding impacts of tree removal.

Response to Comment T-26

The comment states that removal of eucalyptus and other non-native species was inserted into VMP and EIR to please a special interest group. See Response to Comment T-15.

Response to Comment T-27

This comment states that removing trees is counter to solving climate change. See Master Response 5 under "Decrease in Ecosystem Benefits."

Response to Comment T-28

This comment states that the Prior 2020 DEIR excludes information from groups that oppose restorationist approach and the Prior 2020 DEIR does not analyze reasonable alternatives such as that proposed by HCN. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The Revised VMP and Recirculated DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP. See also Response to Comment T-7.

Response to Comment T-29

The comment asserts that the Prior 2020 DEIR is flawed because it does not take into account post-vegetation treatment conditions which will include growth of new vegetation, which is likely to pose a significantly greater risk than what was removed. Ongoing maintenance is an important part of the Revised VMP; see Master Response 2 under "Need for Ongoing Maintenance." As described in Section 2.4.13 of the Recirculated DEIR, during implementation of the Revised VMP, OFD would establish an annual work plan based on assessment of vegetation conditions within the VMP Plan Area. This would include both initial treatment and follow-up treatment of sites treated in previous years. This annual evaluation and work plan, in combination with seeding of disturbed soils, would reduce the spread of highly flammable and/or invasive species. BMPs would be implemented as described in the Revised VMP.

Response to Comment T-30

The comment states that modeling the conditions after removing vegetation is necessary in order to confirm or repudiate the claim in the Prior 2020 DEIR that vegetation treatments under the VMP would reduce fire risk compared to the No Project Alternative. See Response to Comment T-29.

Further, the comment states that removing tall trees causes a number of changes to the understory and ground beneath these trees, creating a more conducive environment for wildfire. See Master Response 5.

Response to Comment T-31

This comment provides excerpts from USFS comments on FEMA's 2013 EIS. The comment does not explain which aspects of the excerpts pertain to the VMP, nor how to interpret and use those parts. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment T-32

The comment asserts that the U.S. Forest Service assessment regarding increase in brush after vegetation removal implies that implementing the proposed project as defined in the Prior 2020 DEIR would result in a more dangerous fire regime than the No Project Alternative. The

Recirculated DEIR incorporates ongoing maintenance activities, BMPs, and mitigation measures to maintain the reduction in fire hazard. See Response to Comment T-29.

Response to Comment T-33

This comment asserts that failure to model conditions once vegetation regrows after being removed means that the EIR does not analyze fire risk mitigation results. See Response to Comment T-30.

Response to Comment T-34

This comment states that the HCN alternative was not considered because the VMP and the Prior 2020 DEIR represent the views of the nativist community. See Response to Comment T-7. In addition, the Revised VMP does not promote a "nativist" perspective on vegetation management. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/restoration is not a goal of the VMP. Additionally, during VMP development, the City received feedback requesting that the plan not replace non-native trees/vegetation with native vegetation.

Response to Comment T-35

This comment summarizes the HCN alternative. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment T-36

The comment states that the HCN alternative would have been found to be better than the preferred alternative. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment T-37

The comment states that the greenhouse gas analysis is deficient, especially Impact GHG-4, because it does not consider reduction of carbon sequestration from vegetation removal. See Master Response 5 under "Decrease in Ecosystem Benefits – Carbon Sequestration." The loss of carbon sequestration from vegetation management activities would be temporary and therefore was not quantified in the greenhouse gas (GHG) analysis. In addition, the extent and nature of treatment activities would be determined by OFD each year in the annual work plans; quantification of specific types of vegetation removal and the resulting loss of carbon sequestration would be speculative.

Response to Comment T-38

This comment states that the VMP and Prior 2020 DEIR are fatally flawed, inconsistent, and arbitrary. See Master Responses 1 and 5. See responses to letters T-28, T-25, T-22, and T-9.

Response to Comment T-39

This comment states that the removal of three eucalyptus trees is intended to please a small group of people who hate certain species. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. Additionally, Section 8.3.6, "Tree Removal," of the Revised VMP explains that proposed tree removal would be selective rather than broad. See Master Response 5 for further discussion regarding impacts of tree removal.

Response to Comment T-40

The comment states that the VMP would increase fire danger rather than decrease it. The HCN alternative would provide superior fire risk mitigation at a lower cost. See Response to Comment T-7.

Response to Comment T-41

This comment states that the VMP and EIR should be reworked and recirculated. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

U

From: deni hodges
To: DEIR-comments@oaklandvegmanagement.org
Subject: Comments on VMP Draft
Date: Thursday, January 7, 2021 1:04:04 PM

City of Oakland,

I would like to submit the following comments on the Draft Vegetation Management Plan (VMP) and Draft Environmental Impact Report (DEIR):

I live in the high-density building community located by the Caldecott Tunnel, ZIP code 94618. The 2 major evacuation routes near my home are Tunnel Road and Caldecott Lane. This area was devastated by the 1991 Oakland fire and there's a very serious need for a path on Caldecott Lane/Tunnel Road that would allow for safe evacuation in an emergency.

The path should be:
1) ADA accessible
2) Clear of dangerous vegetation that can burn away from the sidewalk
3) An all-weather surface

U-1

This is a serious and urgent need for the following reasons:

1) We live in a very high fire danger area and currently there is no safe way for a pedestrian to flee in an emergency. For many, evacuating on foot is the only option.
2) Caldecott Lane is too narrow for pedestrians to use to flee.
3) Suggesting that pedestrians use the same road as cars is extremely dangerous for obvious reasons, because of traffic, and because it would impede the speed of exit.

Thank you for your consideration.

Sincerely,

Denise Hodges, Resident of Caldecott Lane

Letter U: Denise Hodge

Response to Comment U-1

The comment requests the addition of a pedestrian evacuation pathway on Caldecott Lane and Tunnel Road. Creating ADA accessible paths is beyond the scope of the Revised VMP and recirculated DEIR; the recirculated DEIR is focused on reducing wildfire risk through vegetation management activities on City-owned property. As stated in Section 4.1.7 of the Revised VMP, the General Plan Safety Element identifies evacuation routes. This comment will be conveyed to the decision-makers. Contact Oakland City staff for concerns about evacuation routes. See also Master Response 4.

V

From: Robinson Pinon, Angela C
To: Ralph Kanz; DEIR-comments@oaklandvegmanagement.org
Subject: Re: Oakland VMP DEIR Comments
Date: Friday, January 15, 2021 3:02:41 PM
Attachments: Oakland VMP Draft EIR Comments 01.15.2021.pdf

Mr. Kanz:

Thank you for your comments. I am in receipt.

I am forwarding for archiving. Please note the email DEIR-comments@oaklandvegmanagement.org.

Respectfully,

Angela

From: Ralph Kanz <rkanz@sonic.net>
Sent: Friday, January 15, 2021 2:51 PM
To: DEIR-comments@oaklandvegmanagment.org <DEIR-comments@oaklandvegmanagment.org>; Robinson Pinon, Angela C <ARobinsonPinon@oaklandca.gov>
Subject: Fwd: Oakland VMP DEIR Comments

I am sending this again because the email to DEIR comments bounced.
Ralph Kanz

-------- Forwarded Message --------
Subject: Oakland VMP DEIR Comments
Date: Fri, 15 Jan 2021 11:51:09 -0800
From: Ralph Kanz <rkanz@sonic.net>
To:DEIR-comments@oaklandvegmanagment.org, ARobinsonPinon@oaklandca.gov

Attached are my comments for the Oakland VMP DEIR. I found it to be a totally insufficient document as my comments show. The cumulative impacts analysis follows the pattern in City environmental documents of avoiding the issue.
Let me know if you have any further questions.
Ralph Kanz

V-1

Ralph Kanz
4808 Congress Ave.
Oakland, CA 94601
(510) 535-9868
rkanz@sonic.net

January 15, 2021

Via Email : DEIR-comments@oaklandvegmanagment.org

Horizon Water and Environment, LLC
Attn: Ken Schwarz, Principal, VMP DEIR Comments
266 Grand Avenue, Suite 210
Oakland, CA 94610

RE: Oakland Vegetation Management Plan Draft Environmental Impact Report Comments; SCH#2019110002

Dear Mr. Schwarz:

These are my comments regarding the Oakland Vegetation Management Plan (VMP) Draft Environmental Impact Report (DEIR). The DEIR fails to address many of the issues raised in my Scoping comments, particularly the cumulative impacts analysis. The DEIR fails to analyze the incremental impact of the project when added to past, present, and probable future projects in the area. V-2

Notice of Availability

CEQA Guidelines section 15087(c)(5) requires all documents incorporated by reference in the EIR be available for public review. The Notice of Availability does not contain "[t]he address where copies of the EIR and all documents incorporated by reference in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours." V-3

April 5, 2005 City Council Resolution No. 79133 CMS

The Oakland City Council passed Resolution No. 79133 on April 5, 2005 directing City staff to prepare "the appropriate environmental review documents consistent with CEQA evaluating a limited exemption to the Integrated Pest Management policy for the selective use of glyphosate (in formulations such as Round-up or Rodeo) and triclopyr (in formulations such as Garlon and Pathfinder) on City owned land in the Wildfire Prevention Assessment District.". The resolution further limited the use of herbicides to only be "painted or applied directly on the plant or tree stumps and shall V-4

only be used when conditions and best management practices demonstrate that a chemical treatment would be the most effective approach to control"

Now nearly 16 years later the City is finally preparing the environmental review and the vegetation management plan the City Council directed be prepared. But the DEIR and VMP are attempting to allow the spraying of herbicides, something the City Council specifically did not allow in the resolution.

V-4, cont'd

CEQA and CESA

The project is subject to both the California Environmental Quality Act (CEQA) and the California Endangered Species Act (CESA). The DEIR fails to identify all the impacts that are required to be addressed in a CEQA document and the mitigation measures fail to meet the requirements of CESA. Specifically the DEIR does not provide for the mitigation of impacts of the program that has occurred without CEQA analysis. Since 2005 the project has been implemented without CEQA review while violating CESA by taking special status species without an Incidental Take Permit (ITP) or mitigating for impacts. 15 years of impacts to Presidio clarkia and other special status species must be mitigated.

V-5

Project Description

The project description only references City-owned lands. Along with the proposed activities on City-owned lands there are similar activities taking place on privately-owned lands at the direction of City employees. The entire project should include the City requirements for private land owners to maintain their properties to City standards. The activities on private lands have resulted in the take of special status species. Unless the Project Description includes all lands in the City's Very High Wildfire Hazard Severity Zone (VHFHSZ) that are impacted by vegetation management activities designed to reduce wildfire risk, this project will be a piecemealing of the project, something not allowed under the California Environmental Quality Act (CEQA).

V-6

Naturally Occurring Asbestos

The DEIR does not fully addresses the issue of naturally occurring asbestos (NOA) that is found in serpentine soils. The DEIR is inadequate without this analysis and specific mitigation measures that will be used to limit NOA impacts.

V-7

Impacts Not Analyzed

Goat grazing is never analyzed for its impacts. The DEIR does not adequately discuss how goat grazing causes transport of invasive plant seeds or strips soils leading to erosion. How do goats impact Alameda striped racer populations and habitat? How does the use of line trimmers create dust that makes NOA airborne? How will you mitigate for dust containing NOA? The DEIR is seriously lacking in specificity on these and other issues.

V-8

Oakland Does Not Enforce Mitigation Measures

The City of Oakland has never enforced a mitigation measure for any project impacting Presidio clarka. Pallid manzanita mitigations have not been enforced at the Chabot Space and Science Center (CSSC). Conservation easements that were requirements for both CSSC and the Oakland Zoo in Knowland Park have not been put in place. Oakland Municipal Code section 1.58.340.F. requires all mitigation measures for a project be compiled into a checklist form. The completed form is to be returned after completion of the project and implementation of all mitigation measures. I have made requests to the City for copies of the checklist for a number of projects. In every case the response from the City has been that the document does not exist. There is nothing in the current DEIR that will insure the City enforces mitigation measures for this project, or any project. V-9

Special Status Species

While the vegetation management plan includes protocols for protecting special status species during vegetation management activities, to date none of these protocols have been followed resulting in the take of special status species. Both the VMP and DEIR lack the specifics for each location where special status species are known to occur with treatment protocols and best practices to prevent take. V-10

Presidio clarkia

During 2019 all populations of Presidio clarkia (*Clarkia franciscana*) on City properties were cut before seed set. The City has done this consistently for many years, despite being provided maps showing the locations of the populations and in some cases site visits with City staff to show the location of the populations. Both the Old Redwood Road and Chadbourne Way populations were cut in 2020. The Chadbourne Way population is likely the largest Presidio clarkia population in the East Bay outside of Redwood Regional Park and in 2020 no plants were found or survived the City's program. V-11

Both the VMP and the DEIR fail to mention the Old Redwood Road population of Presidio clarkia, which is located on City property and two adjacent private parcels. Both the adjacent parcels have had projects approved in violation of CEQA and CESA that have resulted in the take of special status species. In 2015 the City approved a project at 5150 Redwood Road in violation of CEQA by granting approval using a CEQA exemption. In 2020 the City approved the project at 5200 Old Redwood Road without proper noticing of the project.

Most Beautiful Jewelflower

Most beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*) is found in the Crestmont area on some sites where Presidio clarkia is also present. There are V-12

documented populations in other areas such as off Butters Drive and Leona Heights. The DEIR fails to be specific with locations and treatments to protect the species.

V-12, cont'd

Pallid manzanita

The take of Pallid manzanita (*Arctostaphylos pallida*) has occurred on both City and private properties during vegetation management activities. Both are violations of CEQA and CESA and mitigation for the take has not occurred.

V-13

Tiburon Buckwheat

The DEIR does not clearly specify proper treatments to protect Tiburon buckwheat *Eriogonum luteolum* var. *caninum*. Because Tiburon buckwheat is late to appear and bloom, the treatment protocols used for other species will lead to impacts to this species. The VMP for the project at 5200 Old Redwood Road only dealt with impacts to Presidio clarkia, and failed to address the protection and enhancement of Tiburon buckwheat.

V-14

Alameda Striped Racer

The Alameda striped racer (ASR) (*Coluber lateralis euryxanthus),* previously known as Alameda whipsnake, is known to occur in much of the area covered by the proposed project and appropriate mitigation measures must be implemented to protect this species.

V-15

<u>Cumulative Impacts</u>

The VMP DEIR fails to address the cumulative impacts of the project. CEQA requires that an EIR analyze the incremental impact of the project when added to past, present, and probable future projects in the area. The City of Oakland has a well documented history of failing to enforce project mitigation measures designed to mitigate for impacts to special status species. For that reason the EIR for the OVMP must have a robust examination of cumulative impacts and a process to enforce mitigation measures for both the OVMP and past projects. Without enforcement of previously approved mitigation measures the impacts of the OVMP cannot bring impacts to a less than significant level.

V-16

Presidio clarkia

Many projects in Oakland have impacted Presidio clarkia, and none have mitigated for the impacts.

1956: The major development of the serpentine soils in the Crestmont area started with the approval of two parcel maps by the City of Oakland. Because this project pre-dated the California Endangered Species Act (CESA) and the California Environmental Quality Act (CEQA), no environmental review was conducted that would have included biological surveys to determine the extent of Presidio clarkia populations and other

V-17

special status species in the area.[1] Most of the houses in the development were constructed by 1960. ." Included in the approval is Lot "A", a 3.1769-acre remainder parcel in Tract 1710 is "designated a public park area" in the C, C & R's for the Homeowners of Crestmont Association recorded on December 3, 1956. The area in Lot "A" we know today had extensive populations of Presidio clarkia.

1982: Rains in January 1982 cause a landslide that takes out property that is part of the Oakland Hills Tennis Club. The landslide is repaired without any environmental review. The repairs likely impacted what later became known as the populations at the Oakland Hills Tennis Club and the Sunrise Assisted Living Facility.

1988: The Oakland Planning Commission approved the expansion of the Oakland Hills Tennis Club after the discovery of Presidio clarkia on the site. One requirement of the project was " the project sponsor shall develop a management plan for the on-going protection of the plant population and its potential habitat. The plan shall be reviewed by the State Department of Fish and Game, and shall be approved by the Director of City Planning prior to issuance a certificate of occupancy. The plan shall include monitoring of the plant population for a five year period following issuance of the certificate of occupancy." The City has no record of a management plan for the site, nor any record of plant population monitoring. Also, the Tennis Club has added a deck and other development on the end of its building that further impinge on the buffer area that was supposed to be maintained to protect the Presidio clarkia population. The California Department of Fish and Wildlife had specifically asked that this buffer be in place to protect the species.

V-17, cont'd

1993: Oakland approves the construction of 538 Crestmont Drive without any environmental review. Presidio clarkia and Most beautiful jewelflower had both been documented on the site in 1991.

1995: Parcel Map is recorded creating one lot at the end of Colgett Drive, the fourth lot formed from the former Lot "A." The remainder parcel is now about 2.4-acres. I can find no record of environmental review taking place when approving the parcel map.

1995: Tract Map 6622 is recorded, creating three more lots from the former Lot "A." The project was approved with a Mitigated Negative Declaration. The Initial Study ("IS") was prepared by City of Oakland Planner Anu Raud. Under Environmental Effects Biotic the IS states that the project would not "reduce the numbers of any unique, rare, or endangered species of plants or animals." The comment explains that "because of the existing residential uses on the site and in the area, it is not likely that unique, rare, or endangered species are present. In addition, site visits confirm that this property is

[1] Both CEQA and CESA were first enacted in 1970, and have been amended numerous times in the ensuing years.

not conducive to the habitat that would contain rare and endangered species living in this region." The IS also determined that the proposed project would not introduce "new species of plants or animals into an area, or result in a barrier to the replenishment of existing plant species, or the migration or movement of animals." The comment for this statement: "There is ample open space adjacent the project site for the existing wildlife and flora to continue to thrive."

1997: Oakland approves the Sunrise Assisted Living Facility for the corner of Redwood Road and Skyline Boulevard. This property is adjacent to the Oakland Hills Tennis Club. Environmental review consisted of a Mitigated Negative Declaration (MND) that included biological surveys of the site. Presidio clarkia was found on the site and the MND declared the mitigation measures shall include the preparation of a management plan for the site and submitting the plan "to the California Department of Fish and Game (CDFG) and the Zoning Manager for review prior to the issuance of any grading or building permit and no such grading or building permits shall be issued until both the CDFG and the Zoning Manager have approved the plan." Additionally the MND required the applicant obtain permits from the appropriate resource agencies for the potential take of special status species, and that those permits be obtained before the issuance of grading or building permits. Nothing in the City files indicates any of the mitigation measures were implemented. There has been no management of the site and the Presidio clarkia population continues to decline.

2000: Oakland Planning approves Parcel Map 7336 for a property located at the end of Colgett Drive and adjacent to the previously approved Parcel Map 6622. The City provided the project a Categorical Exemption from CEQA review. The property has Most beautiful jewelflower and Presidio clarkia are likely present and for that reason there should have been and Environmental Impact Report prepared.

2001: Golden Stone Investment Corporation records Parcel Map 7159 subdividing the 1.61 remainder parcel from Tract Map 6622 into three lots. The Initial Study (IS) for the MND was prepared by Oakland Planner Elizabeth Dunn. As with earlier projects the California Natural Diversity Database was not consulted to determine the possible presence of special status species. The IS declared that the proposed project would have no impacts on biological resources. The Comments to the Biological Resources section:

> The proposed project is within a built out, urbanized area where former biotic habitat and natural vegetation has been replaced with urban uses. Several pine and eucalyptus trees on Parcel 1 will be removed in order to construct a house on the flatter level of this proposed parcel. Should the Tentative Parcel Map be approved, and the Final Parcel Map is recorded, the applicant must apply for a tree removal permit when plans are submitted for design review of the proposed homes. The project site does not serve as a wildlife corridor for migratory or other natural movement patterns. Therefore, no effect on native habitat will occur. As there are no significant environmental impacts, no mitigation measures or monitoring provisions are required.

V-17, cont'd

The site has both Presidio clarkia and Most beautiful jewelflower. This is another project with no mitigations for the impacts to special status species.

2007: The Oakland City Council approves the Crestmont Project but without a full analysis of cumulative impacts because the Planning Department was unable to find the records for all of the projects noted above. Both Presidio clarkia and Most beautiful jeweflower are present on the site. The Project approval provides for a conservation easement on the property, but to date the development has not proceeded and the conservation easement is not in place. As a result there is no ongoing management of the property to enhance the populations of special status species.

2008 to present: The City vegetation management program continues to cut Presidio clarkia on the Old Redwood Road and Chadbourne Way properties. In 2019 both sites were cut before seed set threatening the long-term existence of the species.

2015-2016: The Planning Department approves a project at 5150 Redwood Road, a property that is a part of the Old Redwood Road population of Presidio clarkia. The project was approved without any CEQA review and no mitigation measures were designed to protect the species on the site long-term. The approval was a violation of CEQA and CESA.

2019: An application for a project at 5200 Old Redwood Road is submitted to the Planning department. Biological surveys for the project confirm the presence of Presidio clarkia. The plants on this site are part of the same population found on the Old Redwood Road and 5150 Redwood Road sites.

2020: The project at 5200 Old Redwood Road is approved without notice of a comment date in violation of CEQA law. The project is started and none of the mitigation measures for special status species are implemented, including the removal of flammable invasive non-native species.

V-17, cont'd

Pallid manzanita

Pallid manzanita have been impacted by development and vegetation management activities. The biggest development impact is in the Manzanita Drive area where the heart of the population was eliminated without any mitigations. Most of the development occurred in the 1960's and 70's, and there have been infill sites developed in the years since. The PG&E power lines run through this area and the company has aggressively managed under those lines for years. I am aware of three projects where mitigations were required. The first two were in the early 2000's when two projects each paid $5,000 for taking about 34 pallid manzanita plants. The most recent development on Manzanita Drive was supposed to mitigate by preserving two mature plants on the site and out-planting clones of those plants in another location. The two plants on the site died before construction was completed and many of the off-site plants have died.

V-18

The Exeter Drive population was developed in the late 1980's without any environmental review. Because no surveys were done before development we do not know the extent of the damage to the population.

The Chabot Space and Science Center (Chabot) project was approved in 1995. At the time there were 21 mature pallid manzanita on the site and the mitigation measures included the preparation of a management plan for the site before the issuance of a grading permit. Additionally Chabot was required to hire a botanist to monitor the population. Grading took place without a management plan and Chabot did not hire a botanist to oversee the management of the site. Today those original 21 plants are gone, primarily the result of lack of management. In 2009 Chabot obtained an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) for the management of pallid manzanita on the site. Included in the mitigations for the ITP was the creation of a conservation easement (CE) on the site. The CE has not been implemented.

A number of pallid manzanita have been taken by vegetation management activities over the years, including one of the plants that was part of the Chabot population. Again, because of lack of surveys or monitoring, we do not know the extent of the impacts.

V-18, cont'd

Alameda Striped Racer:

The Leona Quarry project planning documents assumed the presence of ASR on the site. In 2007, after completion of the project, LSA prepared a report pointing out that the V-ditches on the site were ASR traps and something should be done about it. Nothing has been done to resolve this problem.

The expansion of the Oakland Zoo was recently approved and one of the mitigation measures for the project was the creation of a conservation easement to protect the habitat of ASR. The mitigations called for the creation of a CE before construction related permits were issued. CDFW in the ITP had required the CE be in place no later than June 2016. The CE still does not exist.

V-19

<u>Mitigation Measures</u>

Enforce Existing Mitigation Measures

None of the above mentioned projects have successfully mitigated for project impacts. Until the City enforces the mitigations for previous projects it is impossible to bring the

impacts to listed species to a less than significant level. Under CEQA Guidelines section 15097 provides in part "until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs

V-20

in accordance with the program." It is the responsibility of the City of Oakland to enforce these mitigation measures. V-20, cont'd

Conservation Easements

Besides insuring the Chabot and Zoo CE's are established, the City must create CE's for Presidio clarkia. Both the Old Redwood Road and Chadbourne Way populations are on City property and have populations that need preservation and enhancement. The Old Redwood Road population should include the adjacent developments that have also impacted the species. V-21

Incidental Take Permit

The DEIR must make clear that no activity can take place without obtaining an Incidental Take Permit to comply with CESA. V-22

Mitigation Measures Checklist

Oakland Municipal Code section 17.158.340.F provides in part:

> For a project for which a mitigated negative declaration or an EIR has been certified, at the time the project is approved, the mitigation measures will be compiled into a checklist form. The checklist will identify the agency responsible for ensuring that the mitigation measure is implemented. The Environmental Review Officer or his representative will provide a mitigation monitoring compliance form to each agency identified on the checklist form. The compliance form will identify the mitigation measure, and allow spaces for compliance date, and inspection or field survey dates. The compliance form shall be returned to the Environmental Review Officer when the mitigation measures have been implemented.

I have requested a copy of the checklist from the Planning Department for most of the projects cited above. In every case the response from the City has been that the document does not exist. It is not surprising that the City has failed to enforce mitigation measures to ensure implementation of mitigation measures to bring project impacts to a less than significant level.
mitigation measures V-23

The DEIR is deficient in many areas and after more than 15 years since the City Council directed the drafting of the document, the product is less than satisfactory. The lack of detail and analysis is unacceptable. V-24

Sincerely yours,

Ralph Kanz

Letter V: Ralph Kanz

Response to Comment V-1

The comment states that the VMP DEIR is insufficient. In addition, the comment states that the Prior 2020 DEIR avoids issues associated with cumulative impacts analysis. This comment is introductory in nature and does not provide any evidence to support the statements or point to specific examples in the DEIR to support the statements. Accordingly, no response is feasible or necessary.

Response to Comment V-2

The comment states that the Prior 2020 DEIR fails to address comments submitted during the scoping process. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP has met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. Appendix B of the Prior 2020 DEIR is a summary of scoping comments.

The comment also states that the Prior 2020 DEIR fails to analyze the incremental impact of the project when added to past, present, and probable future projects in the area. Chapter 4 of the Recirculated DEIR, *Other Statutory Considerations,* contains a full analysis of cumulative impacts related to the Revised VMP, including information added as a result of comments on the Prior 2020 DEIR.

Response to Comment V-3

The comment states that the Notice of Availability (NOA) did not provide location information where the EIR and referenced documents could be reviewed. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The NOA issued on September 18, 2023, for the Recirculated DEIR provided the information requested by the comment.

Response to Comment V-4

This comment asserts that Resolution No. 79133 required environmental review, but the VMP and DEIR allow spraying of herbicides, which was not allowed in the resolution. As stated, Resolution 79133 required environmental review. The Prior 2020 DEIR and the Recirculated DEIR constitute that environmental review. See Master Response 3 under "Legality of Herbicide Use in Oakland for the Purpose of Vegetation Management."

Response to Comment V-5

The comment asserts that the VMP has been implemented since 2005. The VMP is still undergoing environmental review and cannot be implemented before that process is complete and the CEQA document is certified; it is unclear to which program the commenter was referring.

In addition, the comment states that mitigation measures in the Prior 2020 DEIR failed to meet the requirements of the California Endangered Species Act (CESA). The comment does not provide details of the way in which the Prior 2020 DEIR failed to meet the requirements of CESA. The Recirculated DEIR provides mitigation for special-status species in Mitigation Measures BIO-1 through BIO-10. In addition, some changes were made to the Recirculated DEIR to address further special-status species impacts, e.g., monarch butterfly. See Master Response 1.

Response to Comment V-6

The comment states that the VMP should not only address vegetation treatments on City-owned lands but also specify City requirements for private landowners. The comment further states that addressing only City-owned lands is piecemealing. The City of Oakland already has regulations for defensible space on private lands in the City. Section 5.1.4 of the Revised VMP describes the defensible space standards outlined in the City's Fire Code (Section 4907 of Oakland Municipal Code Chapter 15.12). These standards are enforced by OFD's Fire Prevention Bureau through inspections mandated by City of Oakland Ordinance No. 11640.

Response to Comment V-7

The comment states that the Prior 2020 DEIR does not address naturally occurring asbestos and is therefore inadequate. Impact AQ-3 and Mitigation Measure AQ-2 of the Prior 2020 DEIR and the Recirculated DEIR address naturally occurring asbestos (NOA).

Response to Comment V-8

The comment states that impacts of goat grazing are not evaluated within the DEIR and that impacts of NOA are not evaluated. Goat grazing is addressed in detail throughout the DEIR; additional discussion of goat-grazing impacts on special-status invertebrates was added to new Impact BIO-2D in the Recirculated DEIR. NOA is addressed in Section 3.3, *Air Quality,* including the environmental setting (Section 3.3.1) starting on page 3.3-5, the regulatory setting (Section 3.3.2) on page 3.3-16; and the impact analysis in Impact AQ-3 and Mitigation Measure AQ-2 (Comply with Asbestos ATCM by Obtaining an Approved Asbestos Dust Mitigation Plan or Exemption).

Response to Comment V-9

The comment states that City does not enforce mitigation measures related to Presidio clarkia, and that the DEIR does not guarantee enforcement by the City. According to CEQA Guidelines Section 15126.4(a)(2):

> Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

The City develops a Mitigation Monitoring and Reporting Plan (MMRP) in the context of the City's CEQA analysis and approval process. The MMRP is incorporated into the Conditions of Approval (COAs) for a project. The COAs must be adhered to or the project will be found to be out of compliance with the permit and in violation of Oakland Municipal Code Chapters 1.08 and

1.12. Members of the public are entitled to file code enforcement complaints against any project that they believe does not comply with the COAs. In turn, the City then investigates those complaints. The publicly available website for filing code enforcement complaints is as follows: https://www.oaklandca.gov/topics/private-property-complaints--code-enforcement.

Response to Comment V-10

The comment states that the VMP and DEIR fail to identify each known location of special-status species or to identify treatment protocols or best practices to avoid take. The Prior 2020 DEIR and the Recirculated DEIR are in conformance with the applicable standards established by federal, state, and local laws and ordinances. The Recirculated DEIR appropriately classifies special-status plants and wildlife for the purposes of identifying, analyzing, and mitigating the Revised VMP. Implementation of Mitigation Measures BIO-1, BIO-2a, BIO-2b, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, Bio-9, GEO-1, GEO-2, HAZ-4, and HAZ-5 would prevent potential impacts to special-status plants and wildlife species and their habitat during Revised VMP treatment activities. The Revised VMP contains Appendix B, *Biological Resources Report*, which documented existing biological conditions within the Plan Area at the time of Plan development. The report includes mapping of vegetation and land cover, and identification of potential habitat for special-status species and sensitive natural communities.

Section 9.2, Current and Recommended Treatments for Specific Areas, of the Revised VMP provides recommendations and site-specific vegetation management projects within City-owned parcels and roadsides. These site-specific areas have been categorized based on size, location, and similar characteristics. Each discussion includes a summary of vegetation management activities that are currently being implemented by the City along with vegetation management actions and projects recommended under the Revised VMP. Additionally, environmental protection measures (included as mitigation measures) would be documented in the MMRP for the Proposed Project, indicating the party responsible for implementation. Appendix D of the Biological Resources Report showcases photographs of special-status plant species known to occur within VMP project areas. Appendix I of the Revised VMP identifies BMPs that would be implemented to minimize potential impacts of removing vegetation.

Response to Comment V-11

The comment states the VMP and DEIR fail to mention the Old Redwood Road population of Presidio clarkia. Presidio clarkia is described in Section 7.1.2 of the Revised VMP, “Special-status Plant Species” (page 98), as a special-status plant known to occur in the Plan Area. The species is also described in Revised VMP Section 9.2.6, “Roadside Treatment Areas and Medians” (page 168). Maps included in Appendix B of the Revised VMP show known CNDDB special-status plant species occurrences within 5 miles of the VMP Plan Area. That appendix also includes several mentions of Presidio clarkia and the park locations. Additionally, Appendix B of the Revised VMP identifies Presidio clarkia in Table 2. Special-Status Plants with Potential to Occur in the Plan Area.” Features of the Revised VMP that would reduce the potential for impacts on Presidio clarkia are described in BMP BIO-3: Avoid Special-Status Plant Species (Appendix I, page I-7).

The Recirculated DEIR was revised to include the Old Redwood Road population of Presidio clarkia in Section 3.4, *Biological Resources,* in the environmental setting discussion on page 3.4-13; Table 3.4-2 on page 3.4-16; and Impact BIO-1 on page 3.4-53. Impacts on Presidio clarkia are

evaluated within the Recirculated DEIR in Impact BIO-1A and addressed in Mitigation Measure BIO-4: Avoid Presidio Clarkia Sensitive Time Periods (page 3.4-61).

Response to Comment V-12

The comment states that the VMP and DEIR fail to mention specific locations of most beautiful jewelflower populations.

Section 9.2, Current and Recommended Treatments for Specific Areas, of the Revised VMP includes recommendations and site-specific projects within City-owned parcels and roadsides. These site-specific areas have been categorized based on size, park, location, and similar characteristics. The Revised VMP also includes a summary of existing vegetation management activities that are being implemented by the City along with vegetation management actions and recommended projects, as well as specific recommended treatments for select areas, the roles of volunteer and stewardship groups in managing vegetation in City parks, and specific projects identified under the Revised VMP for specific areas and dominant vegetation types. Section 11.2 of the Revised VMP also provides detail about current vegetation management practices, specific recommendations for key areas based on site-specific conditions. Maps included in Appendix B of the Revised VMP show known California Natural Diversity Database (CNDDB) special-status plant species occurrences within 5 miles of the VMP Plan Area. That appendix also includes several mentions of most beautiful jewelflower, including its location "in the Crestmont neighborhood and in serpentine areas along Skyline Boulevard."

Within the Recirculated DEIR, Mitigation Measure BIO-2a: Avoid Special-Status Plant Species (pages 3.4-58 to 3.4-59), describes how the City and its contractors shall ensure that, before conducting treatment activities, treatment areas shall be surveyed for special-status plants with the potential to occur in the treatment area. Describes actions to be taken to avoid and/or minimize potential impacts on special-status plants. The Recirculated DEIR was revised to include mention of most beautiful jewelflower populations in Section 3.4, *Biological Resources,* in the environmental setting discussion beginning on page 3.4-12; Table 3.4-2 on page 3.4-20; and Impact BIO-1 on page 3.4-54.

Response to Comment V-13

The comment states that in the past, take of pallid manzanita by the City has not been mitigated. This comment does not apply to the Recirculated DEIR or the Revised VMP, nor does the comment pertain to issues within the scope of the Proposed Project. This comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment V-14

The comment states the DEIR does not specify treatments to protect Tiburon buckwheat, and treatments for other species would have impacts on this species. In the Recirculated DEIR, the species would be avoided, minimized, or mitigated through implementation of Mitigation Measures BIO-1, BIO-2a, BIO-2b, BIO-5, GEO-1, HAZ-4, and HAZ-5. This species is included in Table 3.4-2 and in Impact BIO-1 on page 3.4-54, including specific locations of known populations of this species.

Response to Comment V-15

The comment states that the DEIR does not include mitigation measures to protect Alameda whipsnake. This comment on Alameda whipsnake is superseded by information provided as a result of comments by the California Department of Fish and Wildlife on the Recirculated DEIR. See Response to Comment BH-4.

Response to Comment V-16

The comment states that the DEIR fails to address cumulative impacts of the project. Chapter 4 of the Recirculated DEIR, *Other Statutory Considerations,* contains a full analysis of cumulative impacts related to the Revised VMP, including information added as a result of comments on the Prior 2020 DEIR.

The comment also states that the DEIR does not address claims that the City has failed to enforce mitigation measures for special-status species in the past. See Response to Comment V-9.

Response to Comment V-17

The comment provides a timeline of impacts on Presidio clarkia in Oakland from 1956 to 2020 and claims that no mitigation was implemented for those impacts. This comment does not apply to the Revised VMP or Recirculated DEIR, nor does the comment pertain to the scope of the Project VMP Area. See Response to Comment V-9.

Response to Comment V-18

The comment provides a timeline of impacts on pallid manzanita in Oakland from the 1960s to 2009 and claims that no mitigation was implemented for those impacts. This comment does not apply to the Revised VMP or Recirculated DEIR, nor does the comment pertain to the scope of the Project VMP Area. See Response to Comment V-9.

Response to Comment V-19

The comment cites instances of impacts on the Alameda striped racer in Oakland from 2007 and 2016 and claims that no mitigation was implemented for those impacts. This comment does not apply to the Revised VMP or Recirculated DEIR, nor does the comment pertain to the scope of the Project VMP Area. See Response to Comment V-9.

Response to Comment V-20

The comment states that the City must enforce mitigation measures to reduce impacts to a less-than-significant level. The comment correctly interprets CEQA Guidelines Section 15097. This comment does not apply to the Revised VMP or Recirculated DEIR, nor does the comment pertain to the scope of the Project VMP Area. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment V-21

The comment states that the City must create conservation easements for Presidio clarkia. The Recirculated DEIR includes Mitigation Measure BIO-2b: Provide Compensatory Mitigation for Special-Status Plant Species (pages 3.4-60 to 3.4-61), which requires the City to prepare a Compensatory Mitigation Plan and provide compensatory mitigation for impacts on special-status plant populations where such impacts are unavoidable, and where a qualified botanist has determined that the treatment activity will not be beneficial to the special-status plant population.

Response to Comment V-22

The comment states that the DEIR must clarify that no activities can take place without incidental take permit. In Section 3.4.2, the Recirculated DEIR describes the federal Endangered Species Act (page 3.4-43) and its applicability to the Proposed Project:

> Listed plant species are legally protected from take under the ESA only if they occur on federal lands or if the project requires a federal action, such as a Clean Water Act (CWA) Section 404 fill permit from USACE. […] [T]he following federally listed plant species occur, or have potential to occur, in the Revised Draft VMP area: pallid manzanita and Presidio clarkia. If Revised Draft VMP activities requiring a Section 404 permit would result in adverse effects on any federally listed plant species, Section 7 consultation with USFWS would be required. However, the City would not need incidental take approval for impacts on federally listed plant species occurring on City-owned land.

The federal Endangered Species Act defines take of special-status plant species as being possible only on federal land or as part of a federal action. The VMP requires adherence to the City's Protected and Endangered Species Policy (Appendix J), which calls for avoiding impacts to listed plant species (Section 10.4). The VMP also identifies avoiding creek areas (Section 10.2), in accordance with the City's Creek Protection Ordinance, or obtaining a permit if treatment in creek zones is necessary. Regarding wetlands, 0.4 acre of wetlands was mapped in the Plan Area and the VMP includes language to avoid these in most areas. Mitigation Measure BIO-2a describes the steps to be taken to avoid impacts on special-status plant species, and Mitigation Measure BIO-2b describes the process required for providing compensatory mitigation if impacts to special-status plant species are unavoidable and a qualified botanist has determined that the treatment activity will not be beneficial to the population.

Response to Comment V-23

The comment states that the City fails to comply with Oakland Municipal Code Section 17.158.340.F, which requires preparation of a mitigation measure checklist for any approved project. The checklist described in the comment is essentially a mitigation monitoring and reporting plan (MMRP), which is required under CEQA Guidelines Section 15097(a). The City prepares an MMRP for each project undergoing environmental review and monitors completion of those measures required in the environmental document for the project. (See also Responses V-9 and V-16.) The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment V-24

The comment states that the 2020 Prior DEIR is deficient in multiple areas, including lack of detail and analysis. This comment does not provide any evidence to support the statement. This comment will be conveyed to the decision-makers.

W

From: Robinson Pinon, Angela C
To: Richard Kauffman; info@oaklandvegmanagement.org; DEIR-comments@oaklandvegmanagement.org
Subject: Re: Corrections to VM Plan and EIR
Date: Friday, January 8, 2021 8:25:39 PM

Mr. Kauffmann:

I am sending your comments to the DEIR-comments@oaklandvegmangement.org for archival and response in the Final Environmental Impact Report that will be prepared after the conclusion of the comment period.

Respectfully,

Angela

From: Richard Kauffman <richard@rkcommunications.com>
Sent: Friday, January 8, 2021 8:23 PM
To: info@oaklandvegmanagement.org <info@oaklandvegmanagement.org>
Subject: Corrections to VM Plan and EIR

Hello Angela,

I noticed a couple of things to correct on the Beaconsfield description in the version of the plan we reviewed for the EIR. In the vegetation description, there is no mention of grasses as a fuel source. Maybe this was intentional, but grasses make up one entire slope of the canyon and are primarily what the goats feed on. The other absence is the goats themselves as one of the recommended management techniques. OFD has been using a small herd for the past three years that has been effective in eliminating grasses and shrubs. Unlike larger areas, the solution here involves a very small herd (about 100 goats I think) and not leaving them on the land very long. This year it was one day. W-1

Please let me know if you have questions about this.

Thank you,

Richard

Richard Kauffman
Beaconsfield Canyon Volunteer Coordinator
510-908-2563 (c)
richard@rkcommunications.com

Letter W: Richard Kauffman

Response to Comment W-1

The comment states that description of Beaconsfield Canyon in the Prior 2020 DEIR should mention grasses as a fuel source and goat grazing. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The Recirculated DEIR was revised on page 2-54 to state, "Grasses are present in the understory of these communities." Additionally, information was added to page 2-55 to state, "These proposed specific projects at Beaconsfield Canyon (BCN-1 and BCN-2) are summarized in Table 2-9. Follow-up maintenance treatments once BCN-1 and BCN-2 are implemented are anticipated to include goat grazing."

X

From: Maria Kiernik
To: DEIR-comments@oaklandvegmanagement.org
Subject: Herbicides / pesticides
Date: Wednesday, December 16, 2020 11:27:34 PM

Do not permit herbicide / pesticide use on public lands where families enjoy time outside. The WHO has identified glyphosate as a probable carcinogen. Stop exposing families to chemicals that cause cancer.

X-1

~ Maria Kiernik

Letter X: Maria Kiernik

Response to Comment X-1

The comment requests that herbicides and pesticides not be used on public lands due to their potential to cause cancer. See Master Response 3. The Recirculated DEIR describes the risks of herbicide and the approach to minimizing the risks under the Project. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to biological resources and ecological health and identifies mitigation measures that would reduce the risk to a less-than-significant level. Section 3.8, *Hazards and Hazardous Materials*, of the Prior 2020 DEIR describes the risks to biological resources and ecological health and identifies mitigation measures that would reduce the risk to a less-than-significant level. Information is also provided in the Revised Draft BMP in Section 8.4.1, "Herbicides," on pages 118 to 119 and in Section 8.4.4, "Best Management Practices for Chemical Techniques," on page 120.

Y

From: Maire Lanigan
To: DEIR-comments@oaklandvegmanagement.org
Subject: VMP - DEIR Comments
Date: Friday, January 22, 2021 2:48:59 PM

We, residents of neighborhoods closest to the 4th bore's west entrance of the Caldecott Tunnel, respectfully request that vegetation be cleared in a way to allow a safe, accessible pedestrian evacuation pathway for people fleeing on Caldecott Lane and Tunnel Road during a fire or earthquake.

Caldecott Lane and Old Tunnel Road were ground zero for the Oakland Firestorm of 1991 - aka the Tunnel Fire - that killed 25 people and injured 150, destroying 2,843 single-family homes and 437 apartment and condo units. We are in a climate change emergency which extended the length of our fire season by 75 days in 2020. It was chaos for residents on Caldecott Lane in the 1991 fire and it will be so again if nothing is done.

Y-1

There are upwards of 3,000 residents who live on Caldecott Lane - either in the Parkwoods Community or one of the five separately-owned apartment buildings - who have no safe route to escape in a Very High Fire Hazard severity zone at the wildland-urban interface. At present, there is no sidewalk in the area, and pedestrians are forced to either walk in the street or trample over vegetation including the gardens at the Gateway Exhibit Center (where Tunnel Road turns into Caldecott Lane).

Therefore, we respectfully request that a continuous pedestrian pathway be cleared of bushes and vegetation from the east end of Caldecott Lane - where the short stretch of sidewalk directly in front of buildings abruptly ends - to Tunnel Road at the Berkeley border.

The Requested Path should be:
1) ADA accessible
2) Clear of dangerous vegetation that can burn away from the sidewalk.
3) An all weather surface.

Pedestrian Safety Concerns:
1) Currently there is no safe way for a pedestrian to flee an emergency.
2) Currently, pedestrians are forced to share the same road as cars. which impedes the speed of exit and causes traffic jams.

Thank you very much for your consideration,
Maire Lanigan

Letter Y: Maire Lanigan

Response to Comment Y-1

The comment requests the creation of a pedestrian evacuation pathway on Caldecott Lane and Tunnel Road. Creating new evacuation pathways is beyond the scope of the VMP and EIR, which are focused on reducing wildfire risk through vegetation management activities on City-owned property. As stated in Section 4.1.7 of the Revised VMP, the General Plan Safety Element identifies evacuation routes. The comment will be conveyed to the decision-makers. Contact Oakland City staff for concerns about evacuation routes, which is beyond the scope of the Revised VMP.

Z

From: miri malmquist
To: DEIR-comments@oaklandvegmanagement.org
Subject: Pesticides and herbicide in Oakland
Date: Friday, January 22, 2021 8:30:04 AM

I stand strong be behind a been to stop the use of any toxic herbicides or pesticides in the city of Oakland.

Z-1

Letter Z: Miri Malmquist

Response to Comment Z-1

The comment states opposition to the use of herbicides in Oakland. See Master Response 3 and Response to Comment X-1.

AA

From: melissa mandel
To: DEIR-comments@oaklandvegmanagement.org
Subject: Object to any vegetation plan that uses pesticides!
Date: Thursday, January 21, 2021 10:06:01 AM

Dear Managers:

I have learned that the vegetation management plan for fire prevention in the East Bay hills includes (still includes or includes again!) the use of pesticides and herbicides. I have advocated for more than a decade against the use of these killer chemicals, whatever the justification, because they contradict the balance of nature, they kill indiscriminately (no matter what delusional ideas are promoted about them), and they damage not only the ecosystem where they are applied but they damage the ecosystem that we humans inhabit.

AA-1

I object to any vegetation management plan that includes the use of pesticides and/or herbicides.

We must move past the use of these destructive chemicals. They have accumulated in our bodies and we already know they are implicated in many health issues, among their many adverse effects..

Thank you for your time,
Melissa Mandel
Oakland CA

Letter AA: Mandel Melissa

Response to Comment AA-1

The comment states opposition to the proposed use of pesticides in the VMP because of the adverse effects they have on the ecosystem and human health. See Master Response 3 and Response to Comment X-1.

AB

From: Ken Schwarz
To: Angela Pinon; Allison Chan; Robin Hunter
Subject: FW: response to Draft EIR
Date: Thursday, January 21, 2021 2:03:03 PM

FYI

-----Original Message-----
From: Tamia Marg <tmarga@mac.com>
Sent: Thursday, January 21, 2021 1:56 PM
To: Ken@horizonh2o.com
Cc: dkalb@oaklandca.gov; rkaplan@oaklandca.gov
Subject: response to Draft EIR

Ken Schwarz,

As a former member of Oakland's WPAD, still involved with vegetation management and fire hazard reduction, I would like to add my name to the people in support of Oakland FireSafe Council's fifth alternative to the four in the proposed plan.

AB-1

Thank you,

Tamia Marg
4885 Grizzly Peak Blvd

Letter AB: Tamia Marg

Response to Comment AB-1

The comment states support for the Oakland Firesafe Council's proposed Alternative 5. See Master Response 2.

AC

From: Howard Matis
To: deir-comments@oaklandvegmanagement.org
Subject: Comments on the DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE OAKLAND VEGETATION MANAGEMENT PLAN
Date: Wednesday, November 25, 2020 5:40:55 PM

I looked at the map of priority roads. I am shocked that the Sherwick Drive, Charing Cross Road and Hiller Drive is not listed as a Priority Road. I was there in the 1991 fire. I was trapped on Charing Cross. I witnessed the backlog of cars on that street. These streets were a major evacuation route and it became clogged. As a result there was a backlog of cars. I and my 11 year old son were picked up by a stranger. My car was the last car to get out alive. Eight people who were behind us, go burnt to death.

Hiller, Charing Cross, Sherwick must be labeled a Priority Road because it was used as one.

As this was a major evacuation route, it needs to be addressed in your plan. Here are my suggestions for it and other Priority Roads.

AC-1

1. Parking being restricted on these roads all of the time.
2. These roads be widened as much as possible.
3. During high fire days, these roads should be regularly patrolled for parking violations.
4. Vegetation should be cleared that is near all Priority Roads including that on private property. Even private homes should have their vegetation inspected. Too many people have trees lining these roads. If these trees catch fire, then people cannot flee. The car behind me had five people die because a burning tree fell on the car. Our car lived but we had to drive blindly through the fire of the tree.
5. We have several properties that the owners are bankrupt. We need the city to take immediate action to make those properties safe as we can not wait for the properties to have a rightful owner.
6. There must be pedestrian paths alongside the road so cars and pedestrians can flee at the same time.
7. These roads be regularly cleaned of leaves and debris so that flammable items are kept away from these roads.

I would be happy to testify to your committee to describe what it is like to flee a fire. I can tell you want caused all these deaths and how our area can be made safer.

Howard Matis

Letter AC: Howard Matis

Response to Comment AC-1

The comment recommends that Hiller, Charing Cross, and Sherwick Roads be labeled as Priority Roads in the VMP. The comment includes specific recommendations (e.g., parking restrictions, road widening, road patrolling for parking violations, veg clearing along these roads). Some of the recommendations are outside of the scope of the VMP and EIR (e.g., designation of additional priority routes, parking restrictions, road widening); these comments will be conveyed to the decision-makers. Contact Oakland City staff for concerns about parking and road widening.

Portions of this comment have been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The Revised VMP and Recirculated DEIR have been revised to include the area within 30-100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees (as determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property and could strike the road if they fell. See Section 2.2, "Revised Draft VMP Area," on page 2-1 in the Recirculated DEIR for more information.

AD

From: Howard Matis
To: deir-comments@oaklandvegmanagement.org
Subject: Comments on DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE OAKLAND VEGETATION MANAGEMENT PLAN AND NOTICE OF PUBLIC HEARING ON DEIR
Date: Thursday, January 21, 2021 3:42:00 PM

There should be an ADA accessible path on all major evacuation routes. This will enable people to flee a fire if they do not have a car. During, the 1991 fire, I was unable to get my car out and my son and I had to flee on foot. We fled leaving our car behind.

In particular, the people living in the Parkwoods and the apartments nearby have no ADA route to escape. It was chaos for them in the 1991 fire and it will be so again if nothing is done.

AD-1

Therefore, I request that Caldecott Lane and the path to Berkeley via Tunnel Road be made ADA accessible. Also, the path along Broadway also be made ADA accessible.

Thank you.

Howard Matis
Oakland Resident

Letter AD: Howard Matis

Response to Comment AD-1

The comment states that an ADA-accessible path should be provided on all major evacuation routes, particularly along Caldecott Lane, Tunnel Road, and Broadway. Creating ADA-accessible paths is beyond the scope of the VMP and EIR; the EIR is focused on reducing wildfire risk through vegetation management activities on City-owned property. The Revised VMP and Recirculated DEIR have been revised to include the area within 30-100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees (as determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property and could strike the road if they fell. See Section 2.2, page 2-1 in the Recirculated DEIR for more information. As stated in Section 4.1.7 of the Revised VMP, the General Plan Safety Element identifies evacuation routes. This comment will be conveyed to the decision-makers. Contact Oakland City staff for concerns about evacuation routes, which is beyond the scope of the Revised VMP.

AD

From: Sherri Maurin
To: DEIR-comments@oaklandvegmanagement.org
Cc: lvitale33@yahoo.com; Sherri Maurin; Max Ventura
Subject: No pesticides
Date: Wednesday, January 20, 2021 8:07:46 PM

To whom it may concern;

I am an 88 year old Friar who has lived in Oakland for decades. Pesticides can be life threatening for me, other elders and young children, especially in this time of Covid.

AE-1

PLEASE NO PESTICiDES

Thank you,
Fr. Louis Vitale, OFM
lvitale33@yahoo.com

My assistant:
S. Maurin

Letter AE: Sherri Maurin

Response to Comment AE-1

The comment requests that pesticides are not used as part of the VMP. The Revised VMP and the Recirculated DEIR do not consider use of pesticides but do consider use of herbicides. See Master Response 3 and Response to Comment X-1.

AF

From: Robinson Pinon, Angela C
To: MARG HALL; Mary McAllister
Cc: Ken Schwarz; Smith, Tanya; Teri Smith; DEIR-comments@oaklandvegmanagement.org
Subject: Re: Request for clarification about the OVMP
Date: Monday, November 30, 2020 8:21:21 PM

Mary:

Your question has been received by City staff and the consultant team. I am cc'ing the DEIR comments email so that your questions can be tracked and included in the response to comments that will be included in the Final EIR.

Respectfully,

Angela

From: MARG HALL <sismhall1@aol.com>
Sent: Monday, November 30, 2020 6:15 AM
To: Mary McAllister <marymcallister@comcast.net>
Cc: Ken Schwarz <Ken@horizonh2o.com>; Robinson Pinon, Angela C <ARobinsonPinon@oaklandca.gov>; Smith, Tanya <tanyasmi014@gmail.com>; Teri Smith <tsmith@sonic.net>
Subject: Request for clarification about the OVMP

Great questions Mary.
When on my regular hikes, (on UCB land) I have seen goats grazing in areas where herbicide was applied. It was disturbing.
Marg

Sent from my iPad
Smash patriarchy

> On Nov 30, 2020, at 5:23 AM, Mary McAllister <marymcallister@comcast.net> wrote:
>
> Dear VMP Team, I am writing to request clarification of the number of acres of public land that will be treated with herbicide if the proposed VMP

AF-1

is approved.
The following statement is made on page 5-8: “Under this alternative, no herbicides would be used (compared to an annual maximum of 35 acres of proposed herbicide treatment under the VMP).”
I am writing to ask how that estimated acreage was calculated.
I have tried to confirm that number by using Table 2-4 on page 2-67 and Table 2-8 on page 2-75. Table 2-4 identifies the treatment areas for which herbicides are planned and Table 2-8 identifies acres of vegetation types and management actions. I don’t see the relationship between the statement on page 5-8 and the tables in Chapter 2.
I also have a question about planned herbicide use (according to Table 2-4) where goat grazing is the management action (according to Table 2-8): GPO-4, SHP-4, JMP-4, OKN-2, KNO-5, SHF-3.
Please confirm that herbicides will be used where goat grazing will continue and if so, why.
I haven’t read the entire document yet. If the answers to my questions are in a section I haven’t yet read, I apologize.
Thank you for your help to understand this complex document in order to make an accurate assessment of the DEIR.
Mary McAllister
510-547-2563

AF-1 (cont'd)

AF-2

Letter AF: Mary McAllister

Response to Comment AF-1

The comment requests clarification on the number of acres of public land to be treated by herbicide under the VMP and in particular requests information about how the estimated annual maximum of 35 acres of herbicide application was calculated. The Recirculated DEIR provides an explanation for this calculation in Table 2-7, "Estimated Maximum Area for Vegetation Treatment Activities." Specifically:

> "[T]he maximum annual herbicide treatment value for trees was calculated by adding the acreage of proposed tree herbicide treatments identified in Table 2-5 to determine the total acreage of proposed tree herbicide treatment and dividing by 10 to find the annual value. The same process was used for shrubs."

Response to Comment AF-2

The comment requests confirmation regarding whether goats would be grazed in areas where herbicides had been applied and, if so, an explanation for why this practice would occur. Section 2.4.6, "Vegetation Management Techniques," in the Recirculated DEIR was revised to provide additional information about goat grazing in areas that were previously treated with herbicides:

> "Grazing may occur in areas where herbicides have previously been applied. Livestock would be excluded from grazing for the post-treatment exclusion period included on the herbicide product label, at a minimum. A standard exclusion duration is not included in this EIR, as the exclusion duration is product-specific (page 2-81)."

AG

From: Mary McAllister
To: amandamonchamp@gmail.com; tlimon.opc@gmail.com; jfearnopc@gmail.com; cmanusopc@gmail.com; nhegdeOPC@gmail.com; SShiraziOPC@gmail.com; lraylynch@yahoo.com
Cc: Ken Schwarz; DEIR-comments@oaklandvegmanagement.org
Subject: Oakland"s Vegetation Management Plan and Draft EIR
Date: Monday, January 11, 2021 5:36:40 AM

Dear Oakland Planning Commission,
On December 16, 2020, the Planning Commission held a public hearing about Oakland's Vegetation Management Plan and draft EIR. Many speakers asked the Planning Commission to consider major alterations to the plans that they called "Alternative 5." This article on the Conservation Sense and Nonsense blog explains the consequences of "Alternative 5." Please look at the pictures of the project that they are asking Oakland to replicate. The pictures preview the consequences of "Alternative 5."
Thank you for your consideration,
Mary McAllister
Webmaster of Conservation Sense and Nonsense
510-547-2563

Respond to this post by replying above this line

New post on **Conservation Sense and Nonsense**

Final chapter for Oakland's Vegetation Management Plan? Maybe not.

by milliontrees

The draft Environmental Impact Report (DEIR) for Oakland's Vegetation Plan (OVMP) has been published. When the DEIR is approved and funding is identified, implementation will finally begin after a process that began four years ago. The plan and its EIR are available HERE. The deadline for public comments on the DEIR is January 22, 2021. The email address for submitting public comments is DEIR-comments@oaklandvegmanagement.org

The primary purpose of the plan is to reduce fire hazards in High Fire Hazard Zones in Oakland by reducing fuel loads on about 2,000 acres of public land and 300 miles of roadside. Although there were many issues, the primary **battle lines** were drawn by these issues at the beginning of the process and they remain:

- **On one side**, some people were concerned by the scale of tree removals that were considered and the herbicides that would be needed to control the resprouts of the trees after removal. If the plan as proposed is approved, herbicides will be permitted in places where they were prohibited in the past.
- **On the other side**, some survivors of the 1991 Oakland wildfire and native plant advocates who are their allies, want all non-native trees to be destroyed and replaced with native plants. They are not satisfied with plans to thin trees around structures and roadsides.

AG-1

The consequences of destroying Oakland's urban forest

The **survivors of the 1991 fire in Oakland** asked that the OVMP be radically revised at a public hearing about the OVMP DEIR on December 16, 2020. They called their version of a vegetation management plan Alternative 5. It is an alternative that does not exist in the DEIR. These are the major elements of **what they asked for**:

- They ask that all non-native trees be destroyed everywhere in the treatment areas. They ask that the trees be clear-cut rather than thinned, as proposed by the plan. They ask that tree removals not be confined to defensible space around structures, as proposed by the plan.
- They ask that removed trees and non-native vegetation be replaced with native trees and vegetation.
- They ask that roadside clearance of vegetation occur 100 feet from both sides of the road rather than 30 feet as the OVMP proposes.
- They expressed concern about dead trees. They are apparently unaware of the epidemic of Sudden Oak Death that has killed 50 million native oaks in the past 15 years and is spreading rapidly.

The OVMP DEIR is responsive to some of these concerns.

AG-1 (cont'd)

- The OVMP DEIR makes a commitment to seeding areas that are steep and barren after vegetation removal with seeds of native plants. The purpose of this seeding is to minimize the potential for erosion.
- The OVMP DEIR makes a commitment to replant trees removed in riparian areas as required by Oakland's ordinance to protect creeks.
- The OVMP makes a commitment to remove all dead trees in treatment areas. Sudden Oak Death (SOD) is the probable cause of the dead trees described at the public hearing. SOD has been found in many treatment areas in the plan: Garber Park, Shepherds Canyon, Dimond Canyon Park, Joaquin Miller Park, Leona Heights Park, Knowland Park, and Sheffield Village. (OVMP DEIR 3.4-87)

Increasing roadside clearance to 100 feet would increase the acreage of roadside tree removals and vegetation required by the OVMP by 233%. The consequences of such extensive removals can be seen on Claremont Ave, west of Grizzly Peak. These removals were done by UC Berkeley. Catastrophic erosion after intense rainfall looks inevitable.

Claremont Ave, West of Grizzly Peak Blvd. November 2020

Huge piles of wood chips and logs must be disposed of. Such piles of wood chips are known fire hazards until they are spread or disposed of. The wood chip piles resulting from roadside clearance on Claremont Ave cannot be spread because the quantity exceeds available land. UC Berkeley has made a commitment to build a biofuels plant

to burn the wood chips to generate electricity for campus facilities. The OVMP does not make a commitment to build a biofuels plant to properly dispose of wood chips and it mandates a limit of 6 inches of wood chip mulch on the ground. Please look at these pictures of some of the wood debris created by clearcutting less than one mile of roadside on Claremont Ave. Then consider that the OVMP proposes to treat 300 miles of roadside. Multiply these piles of wood chips and logs by 300 to consider the consequences of "Alternative 5."

One of many piles of wood chips, Claremont Ave, November 2020

One of many piles of logs, Claremont Ave., December 2020. Photo by Doug Prose, courtesy Hills Conservation Network.

AG-1
(cont'd)

Oakland does not want a biofuels plant because it will significantly increase pollution. Sierra Club Magazine reports that *"The manufacturing of biomass-energy wood pellets requires drying the logged material in a wood-fired process, then pressing the dried wood into pellets—and every step emits significant amounts of air pollution. According to the Environmental Integrity Project study, the emissions from the facilities include fine particulate matter, nitrogen oxides, carbon monoxide, and volatile organic compounds. Wood-pellet manufacturing emits a form of soot and dust called PM 2.5, which can pass deep into the lungs and depress lung function, worsen asthma, and cause heart attacks. Volatile organic compounds, when exposed to sunlight, transform into ozone, which is especially dangerous to children and the elderly."*

This aerial view of the clear cut on Claremont Ave makes it clear that this is a native plant "restoration," not fire hazard mitigation. The north side of the road has been clear cut 100 feet from the road where the trees were non-native. There has been no comparable clearance on the south side of the road where the trees are native. The native trees are predominantly native bay laurels that are known to be highly flammable. The leaves of bay laurel contain more oil than the leaves of eucalyptus and the branches grow to the ground, providing a fire ladder to the tree canopy. If fire hazard mitigation were the goal of this project, both sides of the road would have been treated the same.

This picture of the Claremont Ave project was taken from the west December 2020. Photo by Doug Prose, courtesy Hills Conservation Network.

The cost of Alternative 5 would be prohibitive. The plan would need to be rewritten and a new EIR prepared. The first plan took four years to prepare; the second will take nearly as long after new funding is secured for it. Funding for implementing the OVMP has not been identified. The City of Oakland is currently running an annual budget deficit of $62 million. Budget cuts are planned to address the deficit, including 10 mandatory furlough days for police and firemen.

One of many reasons why I love my home, Oakland, is its deep commitment to equity. If Oakland had the resources to fund restoration of approximately 2,000 acres of public land and 300 miles of roadside to native vegetation, it is unlikely to spend those resources in the wealthiest communities in Oakland on a project that would bring little benefit for the poorest communities in Oakland. Oakland's Equitable Climate Action Plan (ECAP) is a case in point. Its forestry section is devoted to planting trees in the poorest neighborhoods that suffer the most air pollution and have the fewest trees, as it should be.

I am sympathetic to the survivors of the 1991 Oakland fire as well as to those who have been injured by chemicals to which they were exposed. Fire survivors have had a traumatic experience that has irrevocably altered their perception about the causes of wildfire. There are also other survivors of the 1991 fire who watched native redwoods and oaks burn. Their understanding of wildfire is therefore different, but it is more consistent with the wildfires of the past 5 years that have occurred in predominantly native vegetation. Native vegetation in California is fire adapted and fire dependent. Non-native vegetation is not inherently more flammable than native vegetation.

AG-1
(cont'd)

Public Policy requires compromise

Thinning of non-native forests and herbicide treatment to prevent resprouting is not without risks. We will lose some of our protection from wind. The trees that remain will be more vulnerable to windthrow. There may be some erosion in steep areas. The herbicide that is usually used to prevent resprouts (triclopyr) kills tree roots by traveling from the freshly cut stump through the roots of the tree. The roots of trees are intertwined with the roots of their neighbors that are often damaged by the herbicide and sometimes killed. The herbicide kills mycorrhizal fungi that live on the roots as well as microbes in the soil. Their loss reduces the health of the soil, handicapping the survival of remaining and new plants. This damage to soil is one of many reasons why native plant "restorations" are frequently unsuccessful after scorched earth eradications. Both triclopyr and imazapyr are on the list (California Code of Regulations 6800) of pesticides that have "the potential to contaminate groundwater" because they are very mobile and persistent in the soil.

I accept these risks in the interests of reducing fire hazards. I have asked for a few tweaks to the plan, including continuing to prohibit foliar spraying of herbicides in public parks and open spaces. These are the compromises that must be made to make public policy. We cannot paralyze ourselves by letting the perfect be the enemy of the good. **Oakland needs a Vegetation Management Plan that is effective, affordable, and safer than other alternatives. That's what the Oakland Vegetation Management**

Plan is.

milliontrees | January 11, 2021 at 4:53 am | Tags: Oakland Vegetation Management Plan | Categories: Ecology, Fire Safety, Herbicides/Pesticides | URL: https://wp.me/pT04m-2V6

Comment See all comments

AG-1
(cont'd)

AG-1
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AG-1
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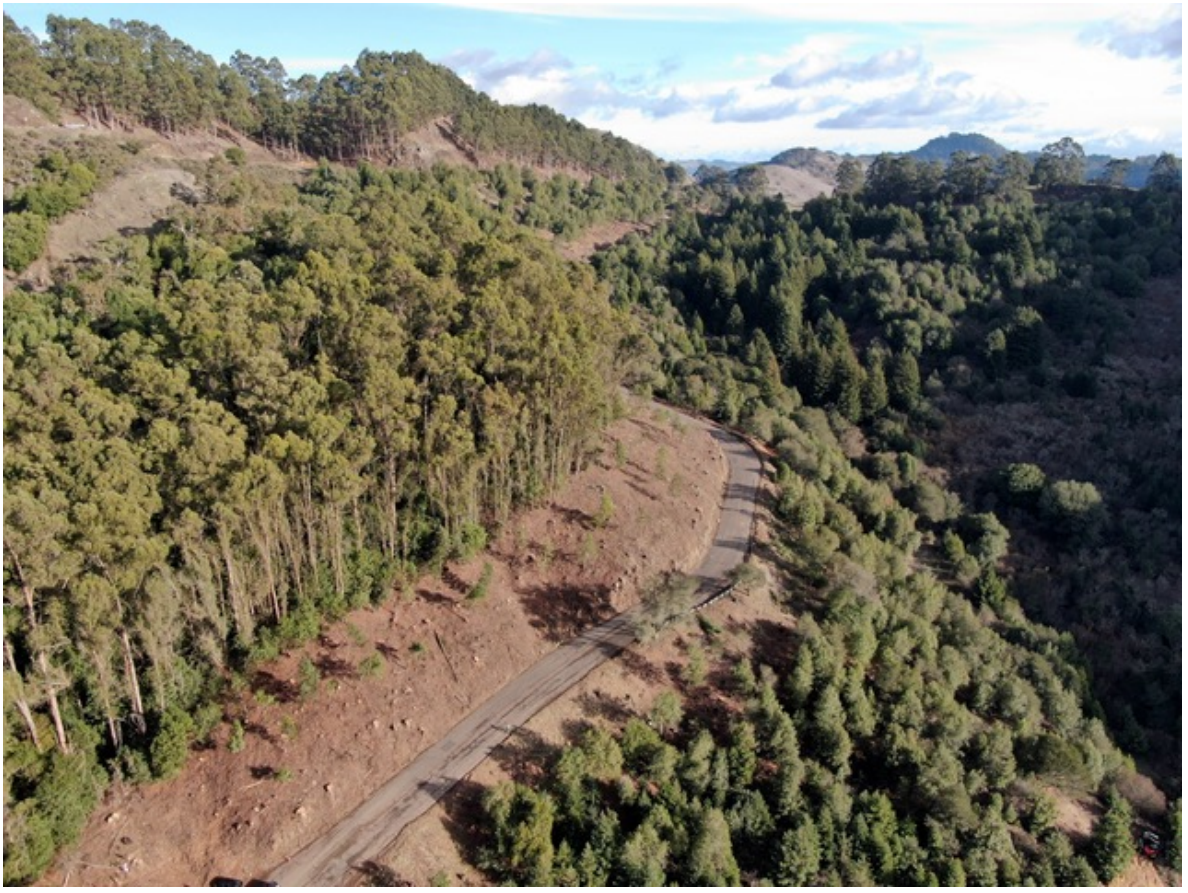


AG-1
(cont'd)

AG-1
(cont'd)

Letter AG: Mary McAllister

Response to Comment AG-1

This comment consists of an article from the *Conservation Sense and Nonsense* blog explaining the consequences of "Alternative 5" that was proposed by members of the public who attended 12/16/20 Planning Commission Hearing. See Master Response 2.

Oakland Vegetation Management Plan – Draft Environmental Impact Report

AH

Public Comment

I am writing to support **Alternative 4 to reduce herbicide use by allowing cut-stump herbicide treatment to prevent destroyed trees from resprouting, but continuing to prohibit foliar herbicide spraying of shrubs** for the implementation of the Oakland Vegetation Management Plan (OVMP). I make this request for the following reasons: AH-1

1) **The authorization that will permit the use of herbicides in Oakland where they have not been used, does not authorize foliar spraying.** In 2005, Oakland City Council Resolution 79133 authorized the use of herbicides in public parks, open spaces, and roadsides where herbicides were previously prohibited. However, Resolution 79133 placed limits on the method of application and the types of herbicides. Those restrictions are:
   - **"FURTHER RESOLVED: That the environmental review will analyze the use of herbicides painted or applied directly on the plant or tree stumps…" The foliar of herbicide on shrubs was not authorized by Resolution 79133**.
   - Resolution 79133 authorized the use of specific glyphosate products and triclopyr products. **Resolution 79133 did not authorize the use of imazapyr products proposed for use to implement the OVMP.**

AH-2

2) The November 2019 draft of the OVMP made a commitment to avoid foliar herbicide spraying:
   - "Herbicide use should be limited to localized applications rather than foliar applications to eliminate the possibility of drift and impacts to neighboring desirable vegetation." (Page 133)
   - "The use of foliar (spray) applications should be minimized, prioritizing localized or direct applications." (Page 134)
   - "Foliar spray. This technique delivers herbicide to a plant through its foliage, so it uses herbicide less efficiently than in the cut-stump treatment. Because the herbicide is being sprayed, there is the possibility of contacting non-target plants, which can result in undesired damage if you're using a non-selective herbicide like glyphosate." (Appendix F of Draft OVMP, Weed Workers Handbook, Page 40)
   - "Herbicides do not remove any vegetation from a treatment area; therefore, dead plant material remains unless otherwise treated." (page 132) Fire hazards are increased by the dead vegetation created by herbicide use.

     In other words, foliar spray causes more drift than cut-stump applications and therefore more contamination, exposure, and damage to non-target vegetation. It also creates dead fuel unless it is removed by hand after the herbicide has killed the plant.

AH-3

3) I welcome the OVMP's proposal to increase goat grazing because it is the least toxic and physically damaging method of fuels management. However, **I ask that no herbicides be sprayed where goats will graze, as proposed by the OVMP for the following treatment areas:** GPO-4, SHP-4, JMP-4, OKN-2, KNO-5, SHF-3. (Tables 2-4 and 2.8, OVMP DEIR) I make this request for the following reasons:
   - Glyphosate is the most widely used product for foliar spraying. Although it is less toxic than triclopyr in some respects, it is known to kill microbes in the mammalian gut. These microbes are essential to digestion and they play a central role in the functioning of the immune system of mammals. https://pubmed.ncbi.nlm.nih.gov/31442459/
   - A recent legal decision upholds this causal relationship between glyphosate and damage to mammalian physiology. In 2020, plaintiffs in a class-action suit against Monsanto alleging that it falsely advertised that the active ingredient in Roundup only affects plants were awarded $39.5 million. The settlement also requires that the inaccurate claim be removed from the labels of all glyphosate products. Monsanto falsely claimed through its labeling that glyphosate, the active ingredient in Roundup, targets an enzyme that is only found in plants and

AH-4

would therefore not affect people or pets. According to the lawsuit, that enzyme is in fact found in people and pets and is critical to maintaining the immune system, digestion and brain function. The microbes in our bodies contain these enzymes and are the mechanism by which mammals are harmed by glyphosate. https://www.bloomberg.com/news/articles/2020-03-30/bayer-pays-39-5-million-to-settle-roundup-false-ad-lawsuits

- Table 10 in the Draft OVMP informs us that goat grazing and herbicide treatments occur at the same time, that is, late spring to early summer. (Page 196) The Programmatic EIR for the California Vegetation Treatment Program (CalVTP PEIR) informs us that glyphosate can remain on plants for as long as 42 weeks. Triclopyr can remain on plants for as long as 56 weeks. (Table D.2-4, Appendix HAZ-2).

AH-4, cont'd

Herbicides should not be foliar sprayed on vegetation where goats will graze because the goats will be harmed by the herbicide. This fact has been firmly established by science as well as our judicial system.

4) **Glyphosate is harmful to all plants and animals, not just mammals.**

The Environmental Protection Agency has finally published its Biological Evaluation (BE) of the impact of glyphosate products (all registered formulations of glyphosate products were studied) on endangered animals (mammals, birds, amphibians, reptiles, fish, invertebrates) and plants. The Biological Evaluation reports that 1,676 endangered species are "likely adversely affected" by glyphosate products. That is 93% of the total of 1,795 endangered species evaluated by the study. 96% of the legally designated critical habitats for endangered animals were also evaluated to be "likely adversely affected" by glyphosate products. https://www.epa.gov/pesticides/epa-releases-draft-biological-evaluation-glyphosate

Both agricultural and non-agricultural uses of glyphosate products were evaluated by the BE. Although only endangered plants and animals were evaluated by the BE, we should assume that **all other plants and animals are likewise harmed by glyphosate because the botanical and physiological functions of plants and animals are the same, whether or not they are endangered.** In other words, the multitude of projects that are eradicating non-native plants in public parks and open spaces are undoubtedly harming animals and non-target plants.

AH-5

The City of Oakland is legally obligated to protect endangered species. According to a letter from US Fish and Wildlife Service, there are 20 federally listed species and one critical habitat in the treatment areas of the OVMP. (OVMP DEIR Appendices, digital page 130) Therefore, **Oakland should reduce contamination and exposure as much as possible by prohibiting foliar spraying.** It is probably pointless to replace glyphosate products with other herbicides about which less is known because they are undoubtedly just as toxic as glyphosate, if not more.

5) **The four non-native shrubs (Spanish and French broom, pampas and jubata grass) singled out by the OVMP DEIR for eradication with herbicide are not more flammable than many other native and non-native shrubs**, according to Appendix D of the Draft OVMP.

Leaving all other "highly flammable" plants in place is not fire hazard mitigation. If fire hazard mitigation were prioritized, bay laurel, chamise, and coyote brush would be prioritized for eradication before broom and non-native grasses.

AH-6

The four non-native shrub species were targeted for eradication by Resolution 79133 in 2005, at a time when wildfires were less frequent and less intense. In the past few years, we have learned from experience that non-native plants are not the primary drivers of wildfire in California. We have learned that wildfires occur in predominantly native vegetation because native vegetation in California is fire adapted and dependent. Flammability has nothing to do with the nativity

of a plant species. The specific characteristics of a plant determine its flammability. These characteristics do not correspond to the nativity of the plant.

Such prejudicial eradications violate Oakland's General Plan:

- "Policy CO-7.5: Non-native Plant Removal – **Do not remove non-native plants within park and open space areas solely because they are non-natives.** Plant removal should be related to other valid management policies, including fire prevention." (Page 3.4-48) and conversely,
- "Policy CO-7.2: Native Plant Restoration – Encourage efforts to **restore native plant communities** in areas where they have been compromised by development or invasive species, **provided that such efforts do not increase an area's susceptibility to wildfire."**

A-6, cont'd

In other words**, Oakland's General Plan dictates that fire hazard mitigation is a higher priority than native plant restorations. Given the risks of herbicide spraying, all flammable shrubs should be treated using non-chemical methods to the same standards set by the OVMP.**

6) **Alternative 4 should be designated the Environmental Superior Alternative**.

NEPA/CEQA defines the Environmental Superior Alternative as the alternative that causes the least damage to the biological and physical environment without risk to health or safety or other undesirable and unintended consequences. Alternative 4 accomplishes these goals by enabling the management of vegetation to reduce fire hazards, while minimizing the damage of using herbicides to accomplish that goal.

AH-7

Commitments made to stewards will handicap vegetation management

Stewards and volunteers should be prohibited from planting listed and rare plant species in treatment areas because:

The OVMP DEIR makes commitments to stewards and volunteers to coordinate their activities with vegetation management activities. The OVMP DEIR also makes extensive commitments to avoid damaging legally protected species as well as a lengthy list of over 150 plant species considered rare by the California Native Plant Society.

Endangered plant and animal species have the same legal protections whether they occur naturally or they are planted or reintroduced where they do not presently occur. Therefore, **there is a conflict between the commitment to consult with stewards before conducting vegetation management activities and the commitment to find and protect the plants being planted by stewards.** If the stewards are permitted to plant listed and rare species, vegetation management activities will be restricted in the areas where these plants are subsequently found.

AH-8

This conflict can be resolved by prohibiting the stewards from planting listed and rare plant species in treatment areas. Another alternative that would be less restrictive to the activities of the stewards would be to remove the commitment made by the DEIR to provide equal protections to rare plants that are not legally protected. The City of Oakland is not legally required to protect rare plants that are not legally designated as threatened or endangered species.

Eucalyptus is not allelopathic

I ask that the reference to allelopathy in the following statement be removed from the EIR: *"In some areas, especially in groves with mature eucalyptus trees, the understory is very sparse, in part due to the allelopathic (growth-suppressing) effects of the eucalyptus leaf litter (del Moral and Muller 1970)."* (3.4-5)

- The cited study has been discredited because it used concentrations of eucalyptus extracts beyond what occur in nature.
- The California Invasive Plant Council removed claims of allelopathy in eucalyptus forests when they changed the classification of invasiveness from "moderate" to "limited" in 2015.
- A study conducted at Cal Poly concluded that there is no evidence that germination of 5 species of native plants was inhibited by eucalyptus chemical compounds in leaves or soil. This study was presented to the California Native Plant Society in 2018. https://www.researchgate.net/publication/309607484_EVALUATING_THE_MYTH_OF_ALLELOPATHY_IN_CALIFORNIA_BLUE_GUM_PLANTATIONS

AH-9

There are no dead stone pines in Dimond Park

Please remove this statement from the OVMP DEIR: *"Dead stone pines present on the southfacing hillslope west of Lyman Road in the southern portion of Dimond Park…"* (Page 2-47) Dead stone pines were removed from Dimond Park by Oakland Tree Services in June 2019. Many healthy stone pines remain that should not be removed. This erroneous statement endangers the stone pines that remain. **Since the OVMP DEIR makes a blanket commitment to remove all dead trees, there is no reason to point a finger at specific trees.**

AH-10

A small, but important safety and quality measure

Please revise this statement to require that dye be added to herbicides to make herbicide applications visible: *"An indicator dye may be added to the tank mix to help the applicator identify areas that have been treated and to better monitor the overall application."* (OVMP DEIR 3.8-34) The word "shall" should be substituted for the word "may."

AH-11

Herbicides must be applied to cut-stumps shortly after the tree is cut down to prevent resprouts. Colored dye in the herbicide helps the applicator correctly identify which stumps have been done and which haven't. The dye also alerts the public to the presence of herbicides so that they can avoid contact.

"Alternative 5" is not fire hazard mitigation

At the public hearing on December 16, 2020, the survivors of the 1991 fire in Oakland asked that the OVMP be radically revised. They called their version of a vegetation management plan Alternative 5. It is an alternative that does not exist in the DEIR. These are the major elements of what they asked for:

- They ask that all non-native trees be destroyed everywhere in the treatment areas. They ask that the trees be clear-cut rather than thinned. They ask that tree removals not be confined to defensible space around structures, as proposed by the plan.
- They ask that removed trees and non-native vegetation be replaced with native trees and vegetation.
- They ask that roadside clearance of vegetation occur 100 feet from both sides of the road rather than 30 feet as the OVMP proposes.
- They expressed concern about dead trees. They are apparently unaware of the epidemic of Sudden Oak Death that has killed 50 million native oaks in the past 15 years and is spreading rapidly. https://nature.berkeley.edu/matteolab/?page_id=5438

AH-12

The OVMP DEIR is responsive to some of these concerns.

- The OVMP DEIR makes a commitment to seeding areas that are barren and steep after vegetation removal with seeds of native plants. The purpose of this seeding is to minimize the potential for erosion.
- The OVMP DEIR makes a commitment to replant trees removed in riparian areas in accordance with Oakland's ordinance to protect creeks.
- The OVMP makes a commitment to remove all dead trees in treatment areas. Sudden Oak Death (SOD) is the probable cause of the dead trees described at the public hearing. SOD has been found in many treatment areas: Garber Park, Shepherd Canyon, Dimond Canyon Park, Joaquin Miller Park, Leona Heights Park, Knowland Park, and Sheffield Village. (OVMP DEIR 3.4-87)

Increasing roadside clearance to 100 feet would increase the acreage of required roadside tree removals and vegetation by 233%. The consequences of such extensive removals can be seen on Claremont Ave, west of Grizzly Peak. Catastrophic erosion after intense rainfall looks inevitable.

Claremont Ave, West of Grizzly Peak Blvd. November 2020

Huge piles of wood chips and logs must be disposed of. Such piles of wood chips are known fire hazards until they are spread or disposed of. https://www.newsbreak.com/news/2117014067445/california-firefighters-shudder-at-use-of-commonly-seen-wood-mulches The wood chip piles resulting from roadside clearance on Claremont Ave cannot be spread because the quantity exceeds available land. UC Berkeley has made a commitment to build a biofuels plant to burn the wood chips to generate electricity for campus facilities. The OVMP does not make a commitment to build a biofuels plant to properly dispose of wood debris and it mandates a limit of 6 inches of wood chip mulch on the ground. Please look at these pictures of some of the wood debris created by clearcutting less than one mile of roadside on Claremont Ave. Then consider that the OVMP proposes to treat 300 miles of roadside. Multiply these piles of wood chips and logs by 300 to consider the consequences of "Alternative 5."

AH-12, cont'd

One of many piles of wood chips, Claremont Ave., November 2020

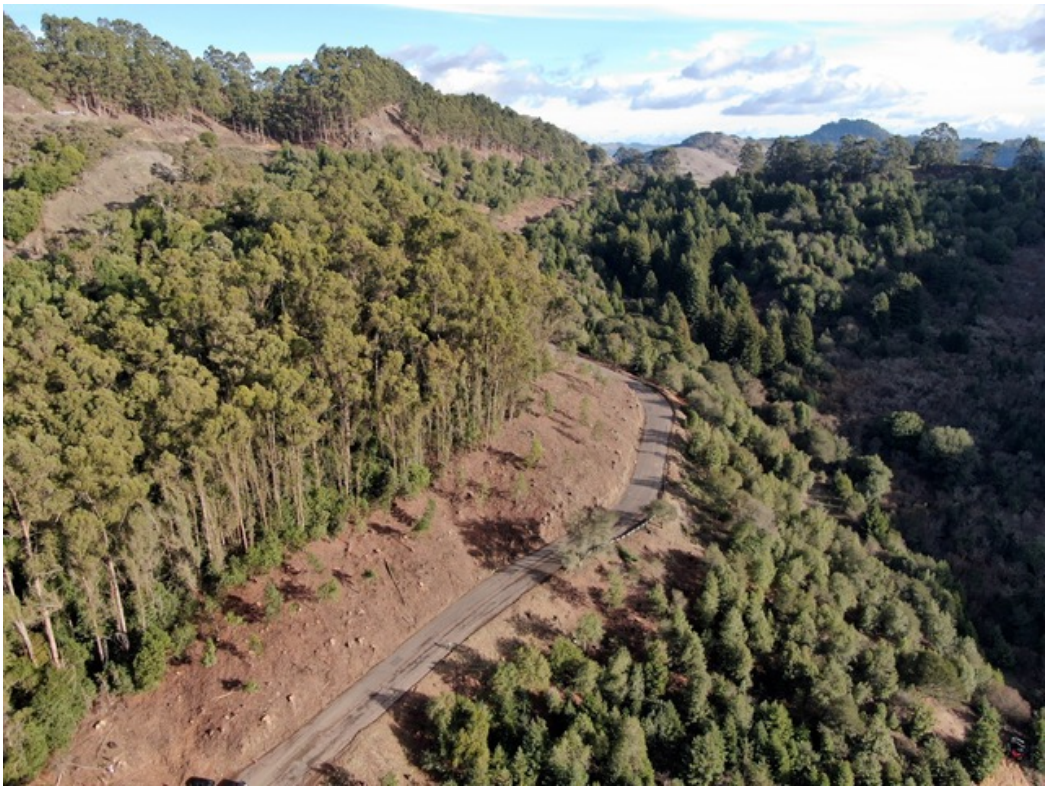
One of many piles of logs from Claremont Ave., December 2020. Photo by Doug Prose, Courtesy Hills Conservation Network.

AH-12, cont'd

Oakland does not want a biofuels plant because it will significantly increase pollution. Sierra Club Magazine reports that *"The manufacturing of biomass-energy wood pellets requires drying the logged material in a wood-fired process, then pressing the dried wood into pellets—and every step emits significant amounts of air pollution. According to the Environmental Integrity Project study, the emissions from the facilities include fine particulate matter, nitrogen oxides,*

carbon monoxide, and volatile organic compounds. Wood-pellet manufacturing emits a form of soot and dust called PM 2.5, which can pass deep into the lungs and depress lung function, worsen asthma, and cause heart attacks. Volatile organic compounds, when exposed to sunlight, transform into ozone, which is especially dangerous to children and the elderly." https://www.sierraclub.org/sierra/2021-1-january-february/protect/forests-burn

This aerial view of the clear cut on Claremont Ave makes it clear that this is a native plant "restoration," not fire hazard mitigation. The north side of the road has been clear cut 100 feet from the road where the trees were non-native. There has been no comparable clearance on the south side of the road where the trees are native. The native trees are predominantly native bay laurels that are known to be highly flammable. The leaves of bay laurel contain more oil than the leaves of eucalyptus and the branches grow to the ground, providing a fire ladder to the tree canopy. If fire hazard mitigation were the goal of this project, the roadside on both of sides of the road would have been treated the same.



This picture of the Claremont Ave project was taken from the west. Photo by Doug Prose, Courtesy Hills Conservation Network.

The cost of Alternative 5 would be prohibitive. The plan would need to be rewritten and a new EIR prepared. The first took four years; the second will take nearly as long after new funding is secured for it. Funding for implementation of the OVMP has not been identified. The City of Oakland is currently running an annual budget deficit of $62 million. Budget cuts are planned to address the deficit, including 10 mandatory furlough days for police and firemen.

One of reasons why I love my home, Oakland, is its deep commitment to equity. If Oakland had the resources to fund restoration of approximately 2,000 acres of public land and 300 miles of roadside to native vegetation, it is unlikely to spend those resources in the wealthiest communities in Oakland on a project that would bring little benefit for the poorest communities in Oakland. Oakland's Equitable Climate Action Plan (ECAP) is a case in point. Its forestry section is devoted to planting trees in the poorest neighborhoods that suffer the most pollution and have the fewest trees, as it should be.

I am sympathetic to the survivors of the 1991 Oakland fire as well as to those who have been injured by chemicals to which they were exposed. Fire survivors have had a traumatic experience that has irrevocably altered their perception about the causes of wildfire. There are also other survivors of the 1991 who watched native redwoods and oaks burn.

AH-12, cont'd

Their understanding of wildfire is therefore different, but it is more consistent with the wildfires of the past 5 years that have occurred in predominantly native vegetation.

AH-12, cont'd

Public Policy requires compromise

Thinning of non-native forests and herbicide treatment to prevent resprouting is not without risks. We will lose some of our protection from wind. The trees that remain will be more vulnerable to windthrow. There may be some erosion in steep areas. The herbicide that is usually used to prevent resprouts (triclopyr) kills tree roots by traveling from the freshly cut stump through the roots of the tree. The roots of the trees are intertwined with the roots of their neighbors that are often damaged by the herbicide and sometimes killed. The herbicide kills mycorrhizal fungi that live on the roots as well as microbes in the soil. Their loss reduces the health of the soil, handicapping the survival of remaining and new plants. This damage to soil is one of many reasons why native plant "restorations" are frequently unsuccessful after scorched earth eradications. Both triclopyr and imazapyr are on the list (California Code of Regulations 6800) of pesticides that have "the potential to contaminate groundwater" because they are very mobile and persistent in the soil

AH-13

I accept these risks in the interests of reducing fire hazards. These are the compromises that must be made to make public policy. We cannot paralyze ourselves by letting the perfect be the enemy of the good. We need a Vegetation Management Plan that is effective, affordable, and safer than other alternatives. That's what the OVMP is.

I commend the consultants and the Oakland Fire Department for producing a viable plan and a very thorough EIR for the plan. The EIR compares favorably to the many EIRs and EISs I have read. The authors of this plan and its OFD steward went above and beyond what the law requires to consult the community and the plan reflects that consultation. I am deeply grateful for their work on this complex and controversial issue. Now let's all work together to fund it!

Mary McAllister
January 13, 2021

Letter AH: Mary McAllister

Response to Comment AH-1

The comment expresses support for Alternative 4, the Reduced Herbicide Use Alternative. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment AH-2

The comment states that Resolution 79133 does not authorize foliar spraying or imazapyr. In 1997, the City adopted an IPM policy that limits use of pesticides to manage pests on City-owned property. In 2005, the City adopted Resolution 79133 authorizing staff to evaluate an additional exemption from the IPM Policy that would permit the use of glyphosate and triclopyr on City-owned land within the Wildfire Prevention Assessment District (WPAD) to "improve fire prevention and reduce wild land fuels in a cost effective and environmentally sensitive way." The revised herbicide policy is part of the project being evaluated in this EIR Recirculated DEIR. Therefore, the VMP EIR evaluates limited use of herbicides for the purpose of improving fire prevention. If the EIR is certified and the VMP is approved, the City may change the IPM ordinance through a separate process.

With regard to foliar spraying of herbicides, Section 8.4.1, "Herbicides," of the Revised VMP states that "Herbicide use should be limited to localized applications rather than foliar applications to eliminate the possibility of drift and impacts to neighboring desirable vegetation." In addition, Section 8.4.4, "Best Management Practices for Chemical Techniques," states that "The use of foliar (spray) applications should be minimized, prioritizing localized or direct applications." The comment is in agreement with the Revised VMP.

Response to Comment AH-3

This comment states that the November 2019 VMP committed to avoid foliar herbicide spraying, which have greater impacts than cut-stump applications. See Response to Comment AH-2.

Response to Comment AH-4

This comment states that herbicides should not be sprayed where goats will graze and lists treatment areas where this has been proposed. Refer to Master Response 1 for revisions to the DEIR concerning goat grazing and herbicide. Additionally, see revisions to Mitigation Measure BIO-5, "Grazing," in Impact BIO-1, page 3.4-62 of the Recirculated DEIR.

Response to Comment AH-5

The comment cites a study by USEPA regarding effects of glyphosate on special-status species. The comment states that we should assume glyphosate is harmful to all plants and animals, not just endangered species, and says that foliar spraying should be prohibited. The Prior 2020 DEIR and the Recirculated DEIR both describe risks of herbicide and the approach to minimizing the

risks under the Project. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to ecological health and mitigation that would reduce the risk to less than significant with mitigation. Section 3.8, *Hazards and Hazardous Materials*, of the Prior 2020 DEIR describes the risks to human health and mitigation that would reduce the risk to less than significant with mitigation. See Master Response 3 for further discussion regarding the use of herbicide. See also Response to Comment AH-2 regarding foliar application of herbicides.

Response to Comment AH-6

The comment states that Appendix D of the Draft VMP indicates that the four non-native shrubs addressed in the DEIR are not more flammable than others. Section 2.3, "Vegetation and Fuels," of the Revised VMP contains descriptions of the primary vegetation communities in the Plan Area and their contribution to fire hazard. Section 2.3.1.4, "Other High Fire Risk Plants," states, "Broom and pampas/jubata grass are of primary concern in the Plan Area, although others have been identified (as listed below). Some of the plants listed below are listed by the California Invasive Plant Council (Cal-IPC; Cal-IPC 2022)." The Proposed Project does not focus specifically on these plants or the use of herbicide in their eradication.

The comment also states that whether a plant is native or non-native is not an indication of its flammability, and that fire hazard mitigation is a higher priority than native plant restoration. As stated in the objectives of the Revised VMP in Section 1.4, page 9, the goals and objectives of the Project support minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. Replacement/restoration is not a goal of the Revised VMP.

Response to Comment AH-7

The comment shows support for Alternative 4 and says it should be considered the environmentally superior alternative. Alternative 4, the Reduced Herbicide Use Alternative, was found to be infeasible. See Sections 5.4.3 and 5.4.4 beginning on page 5-8 of the Recirculated DEIR for further discussion. This comment will be conveyed to the decision-makers.

Response to Comment AH-8

The comment states that commitments made to stewards and volunteers in the DEIR will handicap vegetation management of rare and endangered plant species. Section 11.2, Coordination with Stakeholder and Volunteer Groups, of the Revised VMP emphasizes "continued and on-going coordination between OFD and local volunteer and stewardship groups that are active in parklands or other areas within the VMP." This coordination would include OFD seeking input from stewardship groups about identified needs for vegetation management within their areas; OFD notifying groups of scheduled work within their areas; and groups staying in close contact with OFD regarding their intended vegetation management activities to avoid conflicts with City plans or goals for vegetation management. Stewardship and volunteer groups would not be independently engaging in restoration or vegetation management activities as part of the Revised VMP without City oversight.

As described in Section 3.4, *Biological Resources,* of the Recirculated DEIR, Mitigation Measure BIO-1 requires a training program for all staff, contractors, and volunteers who would perform vegetation management work; that training would be conducted by a qualified biologist and would include a description of special-status plant and wildlife species and an explanation of

how to avoid harming the species. Additionally, Mitigation Measure BIO-2a would require pre-activity surveys to identify and flag protected plants, implement avoidance buffers, and identify appropriate treatment windows to avoid sensitive seasons during a species' lifecycle.

Response to Comment AH-9

This comment states that statements in the DEIR about eucalyptus being allelopathic should be removed. This comment has been superseded by revisions to the Recirculated DEIR in response to the comment. See Master Response 1. The statement on page 3.4-5 of Section 3.4, *Biological Resources,* has been removed and no longer says that eucalyptus trees are allelopathic.

Response to Comment AH-10

This comment states that the discussion of dead stone pines in Dimond Park is incorrect because they were removed in 2019. This comment has been superseded by revisions to the Recirculated DEIR in response to the comment. See Master Response 1. The statement on page 2-51 regarding previously removed trees west of Lyman Road within Dimond Park has been removed. The revised text focuses only on existing dead acacia trees present within the area.

Response to Comment AH-11

The comment requests that BMP VEG-2 be revised from "an indicator dye may be added to the tank mix" to say, "an indicator dye shall be added to the tank mix." The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment AH-12

The comment expresses opposition to the proposed Alternative 5, as it was described at the December 16 public hearing, and states that it is not fire hazard mitigation. This comment has been superseded by revisions to the Recirculated DEIR; the proposed Alternative 5 was not incorporated into the CEQA analysis. The comment does not pertain to the adequacy of the CEQA analysis. Further, this proposed alternative is discussed in Master Response 2.

The comment also states disagreement with increasing roadside clearance of vegetation from 30 feet to 100 feet, as proposed in Alternative 5. This comment has been superseded by revisions to the Recirculated DEIR. See Master Response 1.

Response to Comment AH-13

The comment states that the Revised VMP is a good compromise as it is effective, affordable, and safer than other alternatives. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

AI

From: Mary McAllister
To: DEIR-comments@oaklandvegmanagement.org; Ken Schwarz
Subject: Fwd: [New post] Cal Fire grant has created fire hazards in the East Bay Hills
Date: Monday, January 18, 2021 11:12:18 AM

Please add this article to my public comment for Oakland's Vegetation Management Plan draft EIR. This article is also visible to the public at conservsense.org. and milliontrees.me.
Thank you.
Mary McAllister
Webmaster, Conservation Sense and Nonsense

AI-1

Respond to this post by replying above this line

New post on **Conservation Sense and Nonsense**

Cal Fire grant has created fire hazards in the East Bay Hills

by milliontrees

Hoping to get the public's attention, I will begin this story with its ending. This is the **concluding paragraph of my formal complaint to Cal Fire about its grant to UC Berkeley for a project that has increased fire hazards in the East Bay Hills, caused other significant environmental damage, and created conditions for further damage:**

"In conclusion, the grant application for this project makes a commitment to reducing greenhouse gas emissions that is based on the assumption that a biofuels plant will generate electricity from the wood debris. Such a plant has not been built and UC Berkeley apparently does not intend to build such a plant. Other claims made in the grant application about carbon storage are based on inaccurate claims about carbon storage. Grant guidelines state, "Failure to meet the agreed upon terms of achieving required GHG reduction may result in project termination and recovery of funds." In other words, Cal Fire should terminate this project and recover any funds that have been remitted to UC Berkeley. The project is a misuse of grant funds because it will increase fire hazards and increase greenhouse gas emissions. Without imputing motives, on the face of it, the grant application looks fraudulent."

I published an article about this project last week that I invite you to revisit if you need a reminder of a project that has clear cut all non-native trees 100 feet on the north side of Claremont Ave. in Berkeley, leaving equally flammable native trees in place on the south side. Huge piles of wood chips and logs are stacked along the road that were supposed to have been disposed of by generating electricity in a biofuels plant. No such biofuels plant exists and there are no plans to build it. The disposition of these potential bonfires is at the moment unknown.

The source of the funding for Cal Fire grants is California's carbon cap-and-trade law that is intended to reduce greenhouse gas emissions, primarily carbon emissions. Therefore, the grant application required the applicant to prove that the project would reduce greenhouse gas emissions to qualify for the grant. The grant application submitted by UC Berkeley claimed to meet this requirement by making a commitment to use the grant to build a biofuels plant. The biofuels plant would have generated electricity by burning wood fuel instead of burning fossil fuels. In fact, the project has significantly increased greenhouse gas emissions by destroying large, mature, healthy trees. The carbon the trees have stored throughout their lifetimes is now being released into the atmosphere as the wood debris decays along the roadside.

UC Berkeley made other **inaccurate claims about carbon storage** in order to qualify for the grant:

- **Statements made in the grant application about carbon loss and storage by planting oaks are not accurate:**
    1. Coast Live Oaks (CLO) do not live for "hundreds of years," as erroneously claimed by the grant application. USDA plant data base says CLOs live about 250 years in the wild. However, that estimate of longevity does not take into account that Sudden Oak Death has killed over 50 million oaks (CLOs and tan oaks) in California in the past 15 years.
    2. Blue Gum eucalyptus lives in its native range 200-400 years. It has lived in California for 160 years, where it has fewer predators than in its native range.
    3. The grant application states that carbon storage will be increased by "changing species composition to hardwoods." In fact, eucalyptus is also a hardwood tree, making this an inaccurate, discriminatory distinction.
    4. Above-ground carbon storage in trees is largely a function of biomass of the tree. Therefore, larger trees store more carbon. It follows that carbon storage is not increased by destroying large, mature, healthy trees and replacing them with saplings of smaller trees, such as oaks. The carbon lost by destroying mature trees is never recovered by their smaller replacements with shorter lifespans.

- Plans to plant oaks where non-native trees have been clear cut willfully ignore the realities of the accelerating epidemic of Sudden Oak Death (SOD) in the East Bay Hills. According to the press release for the 2020 SOD Blitz, *"…overall the rate of SOD infections increased in the wildland urban interface, in spite of reduced rainfall. This is the first time in 13 years of SOD Blitz survey that infection rates increase in spite of reduced rainfall, suggesting SOD is becoming endemic at least on the Central coast of California."* As Cal Fire knows, dead trees are a greater fire hazard than living trees.
- The grant budget commits the grantee (UCB) to pay "volunteers" to plant oaks. That budget line item is described in the budget narrative as being funded by volunteer, non-profit organizations over which UC Berkeley has no authority. A "volunteer" is, by definition, not required to perform the assigned task. It follows, that calculations regarding carbon storage resulting from this project are not ensured by the project because the planting of oak trees is not ensured by the project. The "cost" of this line item in the budget seems more theoretical than real.

Planting young trees will require frequent irrigation that is not funded by the grant. Given continuing and worsening drought, planting young trees without making a commitment to irrigating them is throwing good money after bad. Rainfall to date is 26% of the previous year. Rainfall the previous year was less than half the year before that. Oaks are not more drought tolerant than eucalyptus that are native to an equally dry climate.

The grant application also displays ignorance of trees and the functions they perform in the environment.

- The trees that remain on the north side of the road are now more vulnerable to windthrow because they have lost protection from their neighbors on their windward side. Trees develop their defenses against the wind while they grow in response to the wind to which they are exposed. In California, most wildfire events are associated with high winds, making windthrow and wildfire probable simultaneous events.
- The run off from the eroded hillside will undoubtedly pollute the creek on the south side of the road with sediment and road run off.

Claremont Ave. west of Grizzly Peak Blvd, December 2020. Photo by Doug Prose.

The project is not a suitable evacuation route

Claremont Ave, west of the Cal Fire/UCB project is a residential neighborhood, heavily wooded with native trees that overhang the road. Source Google Earth.

The justification for this project was to provide an evacuation route. It is a premise that makes little sense. There are no residences east of Grizzly Peak Blvd, where the project begins. The residential community on Claremont Ave. is downhill, west of the project. If the residential community needs to evacuate, it won't be fleeing up hill. Residents will need to flee downhill, through a tunnel of native trees. The roadside through the residential community is heavily wooded in native oaks, bays, and buckeyes. High voltage power lines overhang the road. Nothing has been done to clear that road for possible evacuation. This residential community would benefit from the creation of a safe evacuation route, not the pointless project that was done.

Claremont Ave, west of Cal Fire/UCB project is heavily wooded with native trees that overhang the road. There are also high-voltage power lines hanging over the road. Source Google Earth.

What's next?

I received the following promising reply from Cal Fire by the end of the day I sent the complaint: *"We are in receipt of your email dated 1/14/2021 in regards to a Fire Prevention Grant awarded to the University of California Berkeley (UCB). We will promptly begin investigating your concerns and allegations of UCB non-compliance with the grant's guidelines and contractual agreement. I will respond to you within 30 days with the results of our findings. CAL FIRE takes the grant assistance programs very seriously so we will investigate thoroughly."*

What's done cannot be undone. The best we can hope for is that the strategy used to reduce fuel loads on Claremont Ave. won't be used elsewhere. My primary goal is to prevent this destructive approach from being used on 300 miles of roadside in Oakland, as the supporters of the UCB project on less than one mile on Claremont Ave are demanding.

Governor Newsom has proposed that the State budget should invest an additional $1 billion in reducing fire hazards in California. The proposal includes $512 million for landscape-scale vegetation projects. Cal Fire will probably administer those grants. **It is critically important that Cal Fire improve its evaluation of grant applications to avoid funding disastrous projects such as the project done by UC Berkeley on Claremont Ave. There are many worthwhile projects that deserve funding, such as providing the residential community on Claremont Ave a safe evacuation route.**

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milliontrees | January 18, 2021 at 4:58 am | Tags: Cal Fire, drought, erosion, greenhouse gas emissions, Oakland Vegetation Management Plan, Sudden Oak Death, windthrow | Categories: Fire Safety | URL: https://wp.me/pT04m-2Vz

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Comment See all comments

Letter AI: Mary McAllister

Response to Comment AI-1

This comment comprises an article about fire hazards created through a CAL FIRE grant to UC Berkeley in the East Bay Hills. In particular, it states that the UC Berkeley grant-funded project has increased fire hazard, caused other significant environmental damage, and created conditions conducive to further damage. Further, the comment states that UC Berkeley has no plans to build a biofuels plant to generate electricity from the wood debris resulting from vegetation management; however, the grant application included a commitment to build such as plant. This comment does not address the Revised VMP, the Prior 2020 DEIR, or the Recirculated DEIR. The comment does not pertain to the adequacy of the CEQA analysis, but will be communicated to the decision-makers.

AJ

From: Mary McAllister
To: DEIR-comments@oaklandvegmanagement.org; Ken Schwarz
Subject: Public Comment: Oakland's Vegetation Management Plan and draft EIR
Date: Thursday, January 21, 2021 10:06:19 AM

Please add this email correspondence with Stewart McMorrow of Cal Fire regarding California's Wildfire and Forest Resilience Plan to my public comment on Oakland's Vegetation Management Plan and draft EIR.
Thank you,
Mary McAllister

AJ-1

---------- Original Message ----------
From: "McMorrow, Stewart@CALFIRE" <Stewart.McMorrow@fire.ca.gov>
To: Mary McAllister <marymcallister@comcast.net>
Cc: "Worthington, Lisa A@DOT" <lisa.worthington@dot.ca.gov>
Date: 01/21/2021 8:03 AM
Subject: RE: Question about California Wildfire and Forest Resilience Plan

HI Mary,

I'm going to punt that question to our Roads and Right of Ways (R/W) Sub working Group. Lisa Worthington was the lead for that group and she works for CalTRANS. She would be the best person to discuss this issue with you and perhaps help with more of the work being proposed.

While I agree with you that the wood waste issue is huge and can be problematic, the 100 feet of clearance was initially discussed as being very similar to the defensible space around a structure. By no means is it intended to be a clear cut. Usually the first 30 feet is the critical area to do extensive removals of ladder fuels while keeping some element of a sparse over story. As one brings the treatment out to 100 feet, the most critical aspect is to remove ladder fuels, but do a less intense removal of trees. Our guideline is to keep some amount of spacing between the branch tips. This helps to slow the spread of wildfire while retaining some amount of shade to keep brush and grass from regrowing in the area.

I will say that the roads are one of our most important places to make a stand as a firefighter. We value forests for many reasons (I'm a registered professional forester myself) but in terms of 'destroying healthy trees' that's just going to happen along the way as we create a more fire resilient landscape. Not all trees naturally would have been there anyway asnd overstocked stands just keep the individual trees from achieving their full potential… and in drought years, the excess trees contribute greatly to mortality. Where we to allow fire to take its usual return interval across CA, we would see far less trees on the whole. Wildfires are also more intense in our State because we have not allowed fire to perform its natural function of thinning out overstocked stands. This is one area where absolute focus on GHG sequestration (in trees conflicts) with the needed removals to keep those same forests healthy.

So our recommendations seek to balance the need for fire safety along roads as evacuation routes and to suppress fire starts that might otherwise get out of hand very quickly, but also to increase GHG sequestration in healthy trees in stands that are not overly dense. There is so much more to it that can't be expressed here. I'll leave it to Lisa from this point . Thank you for reaching out and I'm always available for a phone call to further discuss. ☺

Cheers!

Stewart McMorrow

Deputy Chief, Forestry Assistance

CAL FIRE

Headquarters

Phone: (530) 379-5085

From: Mary McAllister [mailto:marymcallister@comcast.net]
Sent: Thursday, January 21, 2021 7:47 AM
To: McMorrow, Stewart@CALFIRE <Stewart.McMorrow@fire.ca.gov>
Subject: Question about California Wildfire and Forest Resilience Plan

Dear Mr. McMorrow,

I have a question about Figure 4 on page 32 of California's Wildfire and Forest Resilience Plan. The distances on that figure are not clear to me. https://fmtf.fire.ca.gov/media/cjwfpckz/californiawildfireandforestresilienceactionplan.pdf

The distances are important to a local controversy in Oakland, where a Vegetation Management Plan is in its final stages of approval. The plan presently proposes roadside clearance of 30 feet on both sides of 300 miles of roads in Oakland. Opponents of that plan are asking for 100 feet of clearance on both sides of the road.

These are my questions. I have indicated the spaces in question on the page. See below and attached.

- What are the width of spaces labeled 1, 2, and 3?
- What is the definition of R/W?
- What is the definition of "fuels removed"? Is that space clear cut?

Full disclosure: I support the proposed plan. I believe 100 feet of roadside clearance would be unnecessarily destructive and produce more wood debris than can be safely disposed of without increasing fire hazards. Where such roadside clearance has been done, huge piles of wood chips and logs are the result with no known disposition. Wildfires in California have become more intense and frequent because of climate change. Therefore, destroying more healthy trees expected to live another 200 years is not in our collective interests.

I hope to meet a deadline for public comment on the plan. Therefore, my question is urgent. If my questions are not clear, please call me.

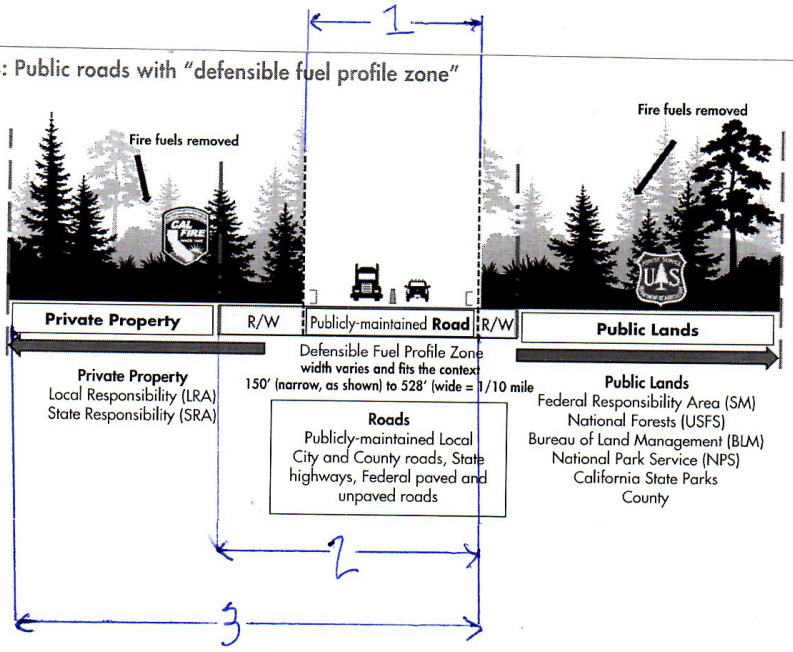
Thank you for your assistance.

Mary McAllister

Oakland, CA

510-547-2563

Figure 4: Public roads with "defensible fuel profile zone"



Letter AJ: Mary McAllister

Response to Comment AJ-1

The commenter requested that correspondence with CAL FIRE staff regarding California's Wildfire and Forest Resilience Plan be added to public comment on the VMP and Prior 2020 DEIR. The correspondence described the plan's goals with respect to ladder fuels in the 30-foot and 100-foot buffer areas. The Revised VMP incorporated this buffer between 30 and 100 feet. See Master Response 1. This comment does not address the Revised VMP, the Prior 2020 DEIR, or the Recirculated DEIR. The comment does not pertain to the adequacy of the CEQA analysis.

From: Marvin Moss
To: DEIR-comments@oaklandvegmanagement.org
Subject: Vegetation and Car Parking
Date: Wednesday, December 16, 2020 4:30:09 PM

AK

Ken Schwarz,
Charing Cross between Sherwick Drive and Hiller Drive is one of three major escape routes in case of a fire or other disaster.
In the DEIR please have Charing Cross (between Schooner and Hiller Dr.) allow parking on only one side of the street. Parking on both sides allows only one lane of traffic on that road. One lane is not enough for emergency evacuation. We experienced this one-lane-problem in the 1991 fire. People died on Charing Cross for lack of quick access to an escape route.
Thank you for considering this request.
Marvin Moss
6890 Charing Cross Rd.

AK-1

Letter AK: Marvin Moss

Response to Comment AK-1

The comment requests that Charing Cross between Sherwick Drive and Hiller Drive allow parking on only one side of the street. This comment does not directly relate to the scope of the VMP or the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers. Please reach out to Oakland City staff for general parking concerns.

AL

From: Sonia Nosratinia
To: DEIR-comments@oaklandvegmanagement.org
Subject: VMP DEIR Comments
Date: Tuesday, January 5, 2021 10:39:14 PM

Dear City of Oakland,

I would like to submit the following comments on the Draft Vegetation Management Plan (VMP) and Draft Environmental Impact Report (DEIR):

I live in the high-density building community located by the Caldecott Tunnel (94618) and the two major evacuation routes near my home are Tunnel Road and the Caldecott Lane. This area was devastated by the Oakland firestorm of 1991 and continues to have a very serious need for a path on Caldecott Lane/Tunnel Road that would allow a safe evacuation in an emergency.

The path should be:
1) ADA accessible
2) Clear of dangerous vegetation that can burn away from the sidewalk.
3) An all weather surface

AL-1

This is a serious and urgent need for the following reasons:

1) We live in a very high fire danger area and currently there is no safe way for a pedestrian to flee in an emergency. I for one do not own a car and evacuating on foot would be my only option.
2) It would be extremely unsafe for me to flee on the road with exiting cars.
3) Having pedestrians on the same road as cars impedes the speed of exit and causes traffic jams.

Thank you for your consideration.

Sincerely,

Sonia Nosratinia

Letter AL: Sonia Nosratinia

Response to Comment AL-1

The comment requests the addition of a pedestrian evacuation pathway on Caldecott Lane and Tunnel Road. Creating ADA-accessible paths is beyond the scope of the VMP and EIR; the EIR is focused on reducing wildfire risk through vegetation management activities on City-owned property, and so the project does not address or impact the status of evacuation routes. As stated in Section 4.1.7 of the Revised VMP, the General Plan Safety Element identifies evacuation routes. This comment will be conveyed to the decision-makers. Contact Oakland City staff for concerns about evacuation routes.

AM

From: K O
To: deir-comments@oaklandvegmanagement.org
Subject: Integrated Pest Management (IPM) ordinance
Date: Friday, January 22, 2021 12:18:25 PM

Dear Committee,
DO you know that before the current deforestation in the east bay hills, NOAA[National Oceanic and Atmospheric Administration] estimated that the SF bay area would be the one place on the west coast that would be most resistant to persistent drought predicted due to its tall trees and flora that captured moisture from fog?
That deforestation and pesticides/herbicides applied damage mycological life which support the regrowth of new flora and sequestration CO2 and other green house gases?
Did you know MOST California native require fire to germinate, indication an inerrant flammability
Did you know that bees and other pollinators cannot /do not read signs announcing toxic chemicals that will endanger
their lives have been applied either systemically or topically?
Did you know that pesticides/herbicides that impact bees population are also accumulated in human, especially children's bodies, through food and environmental contact.

AM-1

So why allow strips of poison to run through our city when other cities are creating pollinator path ways and even mandating them as a way to ensure citizens and pollinators health and mitigate rising CO2 levels? [See Ottaowa, Canada]
Are tax monies going to pay for the poisoning of the good? [how Clint, Michigan!]
Please don't back down, the Integrated Pest Management (IPM) ordinance, needs to be made stronger, not weakened
.
Finally, trees being clearcut are part of the common good [once again, producing oxygen, harvesting moisture and creating an environment of nature around the city] that have VALUE, so who is profiting from their removal?
Are tax monies going to pay for the removal of the public good?

AM-2

Choose love,
KO
776 65th St Oakland,CA 94609

Letter AM: KO

Response to Comment AM-1

This comment describes a range of potential impacts of herbicide use. See Master Response 3.

Further, this comment requests strengthening of the IPM ordinance. This ordinance is outside the scope of CEQA analysis. Accordingly, the comment does not pertain to the adequacy of the CEQA analysis.

Response to Comment AM-2

The comment states that trees have value and should not be clearcut. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. See Section 2.4.1 for more information on project objectives. See also Section 10 and Appendix I of the Revised VMP for a list of BMPs to help minimize impacts from tree removal. Additionally, Section 8.3.6, "Tree Removal," of the Revised VMP states that proposed tree removal would be selective and strategic rather than broad and would be used to minimize crown fire spread. See Master Response 5 for further discussion regarding impacts of tree removal.

AN

OAKLAND FIRESAFE COUNCIL

January 21, 2021

Ken Schwartz, Ph.D.
Managing Principal
Horizon Water and Environment
266 Grand Avenue, Suite 210
Oakland, CA 94610

Dear Mr. Schwarz,

As residents of the City of Oakland and as members of community organizations concerned about the safety of our neighborhoods and preservation of our homes, our lives and our environment, we have reviewed the proposed vegetation management plan and environmental impact report. While it contains much of value and is a good start, it needs some major revisions before we can consider it satisfactory and before we can support it with the tax measure that is likely necessary to fund it. We make the following requests and observations today:

1. Since the EIR currently under consideration is based on an unrevised 2019 Draft Vegetation Management Plan, we ask that you provide the public with a list of major changes made to that Plan and that you extend the time for comments beyond the holiday season to the full 60 days permitted under CEQA—January 22, 2021. AN-1

2. We ask that you provide a corrected VM Plan and DEIR based on recent fire behavior, which requires new assumptions: 40 and 55-60 mph winds instead of 20 mph, new pathogens that are killing large stands of trees in city parks, and increased severity of fire storms and lightning-caused wildfires that mandate increasing the scope of vegetation management and defensible space boundaries. (See bullet point a. below for more details). These changes should be aimed at lowering the Oakland Hills Very High Fire Hazard Severity Zone rating through landscape scale management of its most dangerous vegetation. AN-2

3. We ask that you provide a fifth alternative that would be the preferred alternative to the four presented in the Plan that takes a broader vegetation management approach based on the increasing severity of fires as noted above. This would include removal of large stands of the most flammable and unsafe vegetation (eucalyptus, pine, cypress, acacia, broom, non-native grasses) in key areas, to be replaced with native plants that have proven to be safer and more sustainable both environmentally and financially. AN-3

4. We ask that you provide a corrected Plan and DEIR incorporating the 3Rs advocated by the environmental community: the phased Removal of the most dangerous non-native vegetation, the Restoration of native habitat that is less fire prone and less costly to maintain, and the Re-establishment of native biodiversity that prevents fire-prone monocultures of invasive plants and protects endangered species. AN-4

These requests are based on the following concerns and observations:

a. The Plan and DEIR do not sufficiently acknowledge the increased risk of wildfire in the past two to three years, necessitating more vegetation management than the plan currently anticipates. Vegetation is dying at a faster rate from the effects of climate change, pathogen-caused disease and perhaps other reasons as well. Oakland today experiences greater drought conditions, higher temperatures and stronger winds than it did when the VM plan was first conceived. For example, the Plan and DEIR are based on a wind condition of 20 mph, yet we are experiencing much stronger winds on a frequent basis. Even the 1991 firestorm winds were clocked at 60 mph. Pathogens are rapidly increasing the death of vegetation affecting large swaths of eucalyptus, acacia, oaks, bay laurel and various species of brush. All of these increase the risk of wildfire and damage to property and lives. Therefore, more fuel load reduction than called for in the plan must be undertaken. AN-5

b. The Plan and DEIR call for thinning of eucalyptus groves, such as at the North Oakland Sports Field and on Grizzly Peak. Thinning removes much of the danger from fires that start on the ground but does nothing to prevent fires that start in tree canopies (such as lightning fires) or that spread into canopies. Preventing canopy fires requires removal of those trees most likely to ignite, such as eucalyptus due to its very flammable nature and the large amount of fuel it creates. AN-6

c. While the EIR addresses housing density adjacent to city properties and its impact on fuel load, thus contributing to prioritization of projects, it does not address vegetation density adjacent to city properties that also impacts the goal of reducing the spread of fire. For example, at the North Oakland Sports Field, there are equally hazardous groves of trees on Caltrans and privately owned property on either side of the city-owned property. The current Plan and DEIR do not look at treating a larger percentage of the city-owned grove to compensate for the high fire risks on either side. AN-7

d. Once a eucalyptus tree is cut, it must be prevented from resprouting. This requires the use of Garlon. Scientific research has shown that this herbicide does not pose the risks to people, animals and other plants that other herbicides do. Therefore, we wholeheartedly agree with the conclusion in the EIR that its use does not conflict with Oakland city resolution 79133. AN-8

e. The Plan and DEIR must include replacing vegetation that is removed, be it by planting or by natural occurrence. Otherwise, the most opportunistic, invasive vegetation is likely AN-9

to grow back, recreating or exacerbating the fire hazard. Current research shows that a more diverse, native landscape is more fire resistant and cost-*effective in the long run. Any replacement plan must also include erosion control on steep hillsides.* The Plan and DEIR need to better describe how existing and habitat-supporting native vegetation will be protected during fuel treatment work, especially since existing native non-hazardous vegetation cover can contribute to erosion control and the goal of reducing the fuel load.

AN-9, cont'd

f. What the Oakland Vegetation Management Plan and Draft EIR need are statements that ecological restoration is a goal that must to be integrated into the annual maintenance plan and each new project. The topic of ecological restoration, an inventory of current sites, and future opportunities for restoration in high priority projects on City property is also worthy of its own Appendix. The consequences of leaving ecological restoration out of the VMP and DEIR may be that certain parties could challenge future ecological restoration efforts on City property as invalid because their impacts were not studied and that prospects for potential funding for ecological restoration projects could be hampered due to their absence from these environmental documents. Additional mention should be made of past and on-going ecological restoration efforts that have already yielded positive results including habitat improvements, safer and more enjoyable parks, serve as outdoor classrooms, increased community pride, and youth employment just as honor is given in these documents of the City's past and ongoing fire prevention efforts.

AN-10

g. While the Plan and DEIR set priorities for the various areas, more prioritization is required to clarify in what order projects will be implemented. Projects should be prioritized based on greatest risk to life and property so that the overall risk of wildfire in Oakland can be reduced most expeditiously.

AN-11

h. The methodologies contained in the Plan and EIR must be based on the best available and applicable fire science. This means that a scientific approach developed for use in a woodland forest is not applicable in the wildland urban interface (WUI) like the Oakland Hills. Thinning is a forestry practice employed to maximize lumber harvests that should not be applied to eucalyptus fire risk reduction in the densely populated Oakland hills, especially when canopy fires have become a major concern.

AN-12

h. While there are other means of preventing damage from wildfire, such as home hardening and improving escape routes and warning systems, these must not be considered alternatives to vegetation management. Rather, vegetation management must proceed independently of these other means of risk reduction.

AN-13

i. The Plan and DEIR call for removal of large trees and other vegetation to a distance of 35 feet from the sides of key roads. It should be noted that the University of California is removing such vegetation to a distance of 100 feet to account for tall trees that could fall across roadways and block evacuation routes and fire department access. Wildfire

AN-14

and flaming embers will not respect artificial boundaries, especially if they are unrealistic, given recent experience.

AN-14, cont'd

j. As a practical matter, the Plan needs to include maintenance strategies for each parcel and a timetable once initial fuel reduction work is completed. Without ongoing maintenance, flammable vegetation will re-grow and the city's properties will become high risk again. These strategies and timetables should inform each year's annual plan and budget.

AN-15

k. The Plan and DEIR documents need to be organized for easy understanding by the public. The charts in Section 2 for each site should be expanded to include which site projects would be first in line; how many years it would take to complete that portion of the project; when is the best time to schedule the work (winter, spring, summer or fall); follow up maintenance and schedule; what would be planted to replace what was removed and in what quantities. While having a city-wide plan meets the legal requirements of CEQA, residents of the WUI are primarily interested in the public spaces that are closest to where they live or play. There needs to be an easy way to understand the chart for each site so that the public fully understands what to expect.

AN-16

AN-17

We appreciate the work that city and consulting staff have expended to date and look forward to a revised Plan and DEIR that addresses our concerns and, when implemented, will best reduce the wildfire risks we currently face.

Sincerely,

Sue Piper
Chair
Oakland Firesafe Council/
Former WPAD
Member
Hiller Highlands

Barbara Goldenberg
Vice Chair
Oakland Firesafe Council/
Former WPAD Member/
Paso Robles/Shepherd Canyon

Ken Benson
Secretary
Oakland Firesafe Council/
Former WPAD Member/
Chabot Highlands

Karen Asbelle
Friends of Knowland Park

Lin Barron
Friends of Montclair RR Trail

Haywood Blake
Glenview

Denise Bostrom
Montclair

John Brega
Los Aramos
Piedmont Pines

Carolyn Burgess
Tunnel Road

Kay Carney-Filmore
President
Crownridge Neighborhood
Association

Jim Clardy
Fernwood
Montclair

Macy Cornell
Chair, Montclair
Neighborhood Council

Glen Dahlbaka
Former WPAD Member/
Hillcrest Estates
Neighborhood

Jim Hanson
Chair, Conservation
Committee, California Native
Plant Society, East Bay

Steve Hanson
President, North Hills
Community Association/
Former WPAD Member

Jeffery Kahn
Leader
Rockridge Terrace
Association

Jon Kaufman
President
Claremont Canyon
Conservancy

Richard Kauffman
Friends of Beaconsfield
Canyon

Jerry Kent
Claremont Canyon
Conservancy

Norman LaForce
Chair, Sierra Club
East Bay Public Lands
Committee

Daniel Lieberman
Colton-Heartwood
Montclair

Martin Matarrese
Former WPAD Member/
King Estates

Neil McElroy
Westview Drive

Neighborhood Steering
Committee
Upper Dimond/Lincoln
Heights

Mike Petouhoff
Former WPAD Member
Shepherd Canyon

Gordon Piper
Chair, Oakland Landscape
Committee/Former WPAD
Member

Dale Risden
Chair
Friends of Joaquin Miller
Park

Anna Marie Schmidt
Director
Friends of Sausal Creek

Pat Scwinn
Forestland
Montclair

Joan Squires-Lind
Forestland Heights
Montclair

Nick Vigilante
Vice Chair, Montclair
Neighborhood Council

Allene Warren
Former WPAD Member/
Grass Valley

Stan Weisner
President
Piedmont Pines
Neighborhood Association

Brenda Rueda-Yamashita
Co-Chair
Beat 35Y NCPC
Chabot Park Estates

CC: The Oakland City Planning Commissioners and staff
City Council members
Oakland City Mayor
City Administrator

Accurate Characterization of Past, Current and Increasingly Likely Conditions Challenges the City's Proposed Vegetation Management Plan Fundamentals and Effectiveness

Attachment 1 to Letter AN

Current Proposed Vegetation Management Plan Based on a 2018 Assessment

- Focus on tree thinning and ground fuel reductions
- Based on 20 mph winds
- Create Defensible Space according to:
  - 300 feet from ridge
  - 35 foot roadside clearance
  - 150 feet around structures
  - 10 feet around perimeter of city property

Why Underying Assumptions in the Vegetation Management Plan Are Problematic:

- Based on activity for last 15 years-which only did annual maintenance.
- Supposedly based on 1991 Fire circumstances, but winds were 60 mph in 1991, not 20 mph.
- Using fire code applies to defensible space around structures-- parks are open space and have few structures.
- Focuses on reducing incidence of ground fires and fire ladders and does little to address the increasing danger of crown fires.
- Ongoing maintennce is not factored into the plan.
- No plan for replacing removed vegetation with more fire resistant native trees and plants --no assessment of long-term sustanabililty in terms of enviroment, cost-effectiveness.

Changed Circumstances since 2018

- Increased incidence of 60 mph winds--embers flying 1/2 mile = 2640 feet* --Defensible space needs to be broader.
- Flying embers = more crown fires-- need to create fire breaks and not just do tree thinning, so-called "shaded fuel breaks".
- Increased incidence of lightning fires in Bay Area=more crown fires.
- 3Rs support Environmental and financial sustainabity: **Phased Removal** of the most dangerous non-native vegetation, **Restoration** of native habitat that is less fire prone and less costly to maintain, and **Re-establishmen**t of native biodiversity that prevents fire-prone monocultures of invasive plants and protects endangered species.

New Approach to Vegetation Management

Requires:

- Re-calculating defensible space requirements-- treatment on more acres of most hazardous habitat-pines, cypress and eucalyptus.
- Look at short and long term cost benefit of treatments--one time and ongoing maintenance--may mean removal rather than thinning and annual high intensity maintenance.
- Consider adjusting treatment to compensate for high risk fuel load on adjacent property--look at parks as "neighborhoods" rather than postage stamps.

Underlying assumptions of Alternative 5

- Builds on the VMP but replaces thinning of pines, cypress and ecualyptus habitats with removing and restoring with nativestrees and plants for long term sustainabiilty.
- Annual grazing to reduce ground fuel does not address the high risk of crown fires; goats don't deal with dead limbs and tree slash; replacing these high maintenance risks is more fire safe, sustainable and economic in the long run.

Alternative 5 is basically the proposed Vegetation Management Plan plus a phased removal of hazardous trees and replacement with native trees and plants in the Eucalyptus/Pine/Cypress habitat. Under Alternative 5, 359 acres of eucalyptus/pine/cypress would be removed and restored as opposed to 214 acres treated through thinning in the VMP. This is necessary because the VMP does not propose any ongoing maintenance to deal with the slash and other debris from the treated areas, other than goat grazing. Goats don't eat dead limbs or tree slash, and there is no plan for raking this up year after year--expensive and not sustainable. Goat grazing cannot have an impact on crown fires, which are a growing risk. When pine, cypress & eucalyptus burn, they generate embers that jump the gap that we create with annual maintenance under the current standards. The plan needs to address these risks using a 3R approach.

Attachment 2 to Letter AN

Revised Table 5-1 Comparison of Acreas Treated Among the VMP and Alternatives

Vegetation Management Activities	Table 3.4.1-Habitats acres within the VMP Area	VMP	Alternative 1: No Project Alternative	Alternative 2: Reduced Vegetation Management Activities Alternative	Alternative 3: No Herbicide Alternative	Alternative 4: Reduced Herbicide Use Alternative	Alternative 5: More-Based on 3R's for Euc/Pine/Cypress
Goat Grazing		760	886	1,100	1,100	1,100	760
Roadside and Parcel Treatments using Hand Labor, Mechanical, and Chemical Treatment Techniques		429	152	300	555	573	574
Oak Woodland	630.6	112					112
Redwood	141.4	18					18
Eucalyptus/Pine/Cypress	358.6	214	152	300	555	573	359
Coastal Scrub	176.9	46					46
Annual Grassland	258.1	35					35
Other Habitats	26.3	4					4
Subtotal Vegetation	1591.9	429	152	300	555	573	574
Urban (Golf, Zoo, and other Developed areas)	654.6						
Totals	2246.5						

Need breakdown by haitat for each alternative to better understand where treatment will be located.

3Rs: phased removal of hazardous trees; restore native habitat to replace removed vegetation; re-establish native biodiversity to better withstand wildfires.

Letter AN: Oakland City Planning Commissioners and staff, City Council members, Oakland City Mayor, City Administrator, Oakland Firesafe Council

Response to Comment AN-1

The comment states that a final VMP was not available for review and requests that the public review period be extended. The Prior 2020 DEIR included the Draft VMP as Appendix A; this version of the VMP was the Proposed Project being evaluated at that time. The close of the comment period for the Prior 2020 DEIR was extended from December 2, 2020, to January 22, 2021, for a total of 60 days. Further, the purpose of the CEQA environmental review process for a plan document is to solicit input from the public and stakeholders on a draft plan in order to collect relevant information to revise the draft plan document to a final version. Therefore, the Revised VMP is not final until the project is approved.

Response to Comment AN-2

The comment requests that the VMP and DEIR be updated based on recent fire behaviors including faster winds, pathogens, and an increased severity of storms and wildfires cause by lightning. See Response to Comment E-1 for information on how recent fire behaviors have been further incorporated into the development of the Revised VMP. Additionally, the Recirculated DEIR includes discussion on pathogens affecting trees, as well as BMPs to prevent the spread of these pathogens. See Section 3.4, pages 97 to 101 of the Recirculated DEIR for further discussion.

Response to Comment AN-3

The comment requests that a fifth alternative be added that takes a broader vegetation management approach based on the increasing severity of wildfires. See Master Response 2.

Response to Comment AN-4

The comment requests that the VMP and DEIR be revised to incorporate the 3Rs: removal, restoration, and re-establishment. See Master Response 2 under "3R's Concept: Removal, Restoration, Re-establishment of Native Species."

Response to Comment AN-5

The comment states that the VMP and DEIR do not acknowledge increased risk of wildfire in the past 2-3 years and that the plan requires additional vegetation management. This comment has been superseded by revisions in the Recirculated DEIR. See Master Response 1.

Response to Comment AN-6

The comment states that, while thinning of eucalyptus groves removes fire danger from fires that start on the ground, this does not prevent tree canopy fires. See Master Response 2. New

language has been incorporated into the Recirculated DEIR that addresses horizontal tree crown spacing (equivalent to canopy spacing) that must follow CAL FIRE's current defensible space standards. See Table 2-4 in the Recirculated DEIR, beginning on page 2-14, for more information on new crown thinning requirements in the Revised VMP.

Response to Comment AN-7

The comment states that the VMP and DEIR should address vegetation density with adjacent, non-City-owned high fire risk and lists the North Oakland Sports Field eucalyptus groves as an example. The vegetation management standards regarding thinning tree canopies have been revised in the Recirculated DEIR. Section 2.4.3 of the Recirculated DEIR states: "Where feasible, horizontal crown spacing should adhere to CAL FIRE's most current defensible space standards (presently codified in Pub. Res. Code Section 4291)." As stated on page 2-56 in Chapter 2 of the Recirculated DEIR, North Oakland Sports Field fire behavior modeling conducted for the Revised VMP showed an active crown fire throughout most of the property's tree-dominated vegetation (eucalyptus and coastal oak woodland) and surface fire concentrated in managed areas along the property's dirt access road and in the area between the sports field and the eucalyptus stand. Additionally, treatment standards for eucalyptus stands were revised in the Recirculated DEIR and Revised VMP as follows:

> "Treatment standards for eucalyptus stands have been updated to increase the trunk diameter of single-stem eucalyptus recommended for removal from 8 to 10 inches, as well as to recommend removal of trees that pose an unreasonable fire and/or life safety risk, based on the determination of a Certified Arborist, Licensed Forester, or Fire Safety Expert."

See the vegetation management standards in the Recirculated DEIR, starting on page 2-14, for specific criteria that guide the management of eucalyptus trees; see suggested treatments for the North Oakland Sports Field (NOR-1 through NOR-3) in Section 9.2.3.1 of the Revised VMP.

Response to Comment AN-8

The comment shows support for the use of Garlon, consistent with City of Oakland Resolution 79133. This comment does not relate to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment AN-9

The comment states that the VMP and DEIR should include replacement of vegetation and should better discuss how existing habitat-supporting native vegetation will be protected during VMP activities. As stated in the objectives of the Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. While replacement and restoration is not a goal of the VMP, BMPs in Appendix I of the Revised VMP would be implemented in order to minimize potential impacts of removing vegetation, including for activities on steep hillsides where erosion could be a concern. See Appendix I for a detailed list of these BMPs. Additionally, see Section 3.4, *Biological Resources*, in the Recirculated DEIR for further discussion on what measures would be utilized to protect habitat-supporting vegetation.

Response to Comment AN-10

The comment expresses that the VMP and DEIR should include ecological restoration as a focus. See Master Response 2 under "3R's Concept: Removal, Restoration, Re-establishment of Native Species." As stated in the objectives of the Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/restoration is not a goal of the VMP. Additionally, during VMP development, the City received feedback requesting that the plan not replace non-native trees and vegetation with native vegetation. Though the results of such a plan may meet fire hazard reduction goals, the VMP does as well by addressing areas with the highest fire hazard and prioritizing treatments there.

Response to Comment AN-11

The comment states that greater prioritization should be included in the VMP and DEIR to clarify what projects will be implemented, and that projects should be prioritized based on greatest risk to life and property. As outlined in Section 3 of the Revised VMP, a wildfire hazard assessment was done to inform the selection of priority treatment areas. Areas identified within the Priority 1 group were chosen based on proximity to structures of critical infrastructure, major access/egress routes which support evacuation capabilities during emergencies, ridgelines that exacerbate dangerous fire behavior, land within 150 feet of park access gates to promote firefighter safety, fuelbreak areas, and areas within up to 30-foot buffer around known/historic sources, areas, or sites of ignition. Priority project areas were chosen based on their ability to impact fire behavior and therefore, to lessen the likelihood that fires would harm human lives and property. Section 3 of the Revised VMP and Chapter 2 of the Recirculated DEIR acknowledge that OFD would prioritize work on an annual basis based on field assessments (see Section 2.4.12).

Response to Comment AN-12

The comment states that an approach developed for use in a woodland forest is not applicable in the wildland urban interface (WUI), such as the Oakland Hills, and that thinning should not be applied to eucalyptus fire risk reduction where canopy fires have become a concern. Section 2.6 of the Revised VMP, starting on page 70, addresses that the Oakland Hills is within a WUI and discusses advantages and disadvantages that may affect treatments to reduce wildfire risk. As discussed in Section 8 of the Revised VMP, thinning is one of several treatments proposed that aim to minimize the risk of wildfires by reducing wildfire fuels. See Section 8.2.5, "Mosaic Thinning and Dripline Thinning," for further information about how thinning within a WUI can help achieve spacing standards, thereby reducing fuel continuity and loading. Additionally, new language has been incorporated into the Recirculated DEIR that addresses horizontal tree crown spacing, which must follow CAL FIRE's current defensible space standards. See Table 2-4 in the Recirculated DEIR, beginning on page 2-14, for more information on new crown thinning requirements in the Revised VMP.

Response to Comment AN-13

The comment expresses support for the VMP by recommending that vegetation management must proceed independently of other means of fire risk reduction such as home hardening and

improved escape routes. This comment does not relate to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment AN-14

The comment states that the University of California removes vegetation to 100 feet from key roads. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. The Revised VMP and Recirculated DEIR have been updated to include the area within 30-100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees (as determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property and could strike the road if they fell. See Section 2.2, page 2-1, in the Recirculated DEIR for more information.

Response to Comment AN-15

The comment states that the VMP should include maintenance strategies and an applicable timetable for every parcel. Specific treatments for each major area are included in Table 2-9 of the Revised VMP. The timeline for implementation will depend on site-specific conditions and will be evaluated during the annual work plan development process, described in Section 2.4.12 of the Recirculated DEIR.

Response to Comment AN-16

This comment recommends a change to the organization of the charts in Section 2 of the VMP and Prior 2020 DEIR. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment AN-17

The comment requests that, while the VMP meets CEQA requirements, the chart for each project location needs to be easy to understand because residents of the WUI are primarily interested in the public spaces closest to them. The Revised VMP divides vegetation treatment areas by type of geographic area (e.g., canyons, ridgetops), and they are further broken down by the closest landmark, which is often a park or recreational area, so that people can see what treatments are proposed nearest them. See Section 9.2, beginning on page 126 of the Revised VMP, for more information. Additionally, the locations of urban and residential parcels can be seen in Figures 5-1 through 5-10 of the Revised VMP. This is not directly related to the CEQA analysis but will be conveyed to the decision-makers.

From: Meaveen O"Connor
To: DEIR-comments@oaklandvegmanagement.org
Subject: East Bay Deforestation
Date: Friday, January 22, 2021 4:29:06 PM

AO

No more cutting of trees including eucalyptus, monterey pine and acacia in the East Bay. And no more use of herbicides/pesticides such as Round Up on tree stumps. These are counter productive practices to bringing out climate and planet back into balance.

Eucalyptus trees hold more water than most trees, are loved by insects and animals and often act as breakers against the spread of fire. It is a fallacy the these trees cause or encourage fires. It is the grasses more than anything that aid in the spread of fires in our East Bay hills. By spraying herbicide or painting herbicide on the cut tree stumps you are allowing a toxic chemical to go to our shared water table which causes many humans and animals to take in this unwanted poison. No pesticide applications on any cut tree stumps should be exempted from Oakland's pesticide guidelines.

AO-1

By cutting down so many trees in such a ridiculous frenzy much erosion can occur. This is dangerous for homeowners, takes away precious topsoil and leaves an ugly mess.

These precious trees are some of our best carbon holders. It makes absolutely no common sense to destroy them.

Cut no trees and use no herbicides.

Sincerely,
Meave O'Connor
Perkins St.
Oakland, CA 94703

Letter AO: Meave O'Connor

Response to Comment AO-1

This comment opposes cutting down trees and using herbicide. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project support minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. Treatments were selected for their ability to reduce fire risk. The Recirculated DEIR describes risks of herbicide use and the approach to minimizing the risks under the Project. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to ecological health and mitigation that would reduce the risk to less than significant with mitigation. Section 3.8, *Hazards and Hazardous Materials*, of the Prior 2020 DEIR describes the risks to human health and mitigation that would reduce the risk to less than significant with mitigation. See Master Response 3 for further discussion regarding the use of herbicide, and Master Response 5 for further discussion regarding impacts of tree removal.

AP

From: Susan Oehser
To: DEIR-comments@oaklandvegmanagement.org
Subject: I live at 1845 Manzanita in the Montclair district of Oakland above Huckleberry Regional park in the high fire risk area. We used to have rigorous, consistent inspections and consequences for non-compliance in clearing brush, debris and creating defensible spaces. Voters who live in this area stopped supporting that fire prevention district tax so the city must fund the costs out of general funds which is too bad. In addition to annual inspections, regular street sweeping and gutter clearing could be a good way to lessen fire danger. My neighbors do not take care of the eucalyptus debris and pine needles piled high in the gutter in front of their houses which can blocks storm drains. This is a fire hazard. I have mentioned in earlier communications that the city owned corner at Manzanita and Villanova has dangerous trees and debris that threaten our safety. The neighbors on hill above at 196 Villanova Drive has dangerous debris uncleared. I do thank the EBRPD for their amazing ef
Date: Monday, December 21, 2020 9:42:46 AM

AP-1

Letter AP: Susan Oehser

Response to Comment AP-1

This comment states concerns about hazardous trees, vegetation, and debris near Manzanita and Villanova, and recommends regular street sweeping and gutter clearing. This comment does not relate to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers. Contact Oakland City staff for concerns about street maintenance.

AQ

From: kate bernier
To: Chandra Johannesson; deir-comments@oaklandvegmanagement.org; editors@berkeleyside.com; news@berkeleydailyplanet.com
Subject: Pesticides and Lake Anza - please distribute
Date: Friday, January 22, 2021 12:48:29 PM

To: Integrative Pest Management (IPM) and Other Advocates of East Bay Regional Parks,

I am a Berkeley resident, Sierra Club member and frequent visitor and member of the East Bay Regional Parks, who is concerned about the herbicide/pesticide and synthetic fertilizer runoff from Tilden Golf Course (TGC) into Tilden Park's Lake Anza. Pesticides and nutrient overload, notably from nitrogen and phosphorous from the fertilizer, are the two most significant causes of toxic algae bloom in water supplies worldwide. Please ensure their discontinuation at the Tilden Golf Course up the hill from the lake. Pesticide use elsewhere in the park has the potential to find its way into the lake and should also be eliminated. AQ-1

#1:

H armful Algal Blooms - National Park Service

https://www.nps.gov/orgs/1632/upload/Harmful-Algal-Blooms.pdf

TOXIC ALGAL GROWTH FROM THE GOLF COURSE IN LAKE ANZA:

Examination of Nutrient Sources and Transport in a ... - MDPI Examination of Nutrient Sources and Transport in a Catchment with an Audubon Certified Golf Course AQ-2

"Despite significant improvements to the ecological functions of the TGC and the subsequent Audubon Sanctuary Certification, integrated geochemical analyses suggest that Tilden Golf Course has a somewhat negative effect on water quality to downstream receptors and may be an additional source of excess nutrients to Lake Anza, where eutrophication is a concern. PO4 from historic fertilizer use and natural sources may have also accumulated in bottom sediments of Lake Anza after runoff events. In anoxic conditions, bound PO4 is released into the water column, promoting algal growth. NO3 in the system also appears to have some natural provenance, but was observed to increase substantially downstream from golf course. It is important to note that Wildcat Creek, between the golf course and Lake Anza, is channelized and concrete lined. This disconnection between the creek and its bed, bank, flood plain and riparian community results in little opportunity for nutrient uptake before deposition in the Lake Anza impoundment. Therefore, excess nutrients accumulate in the lake at a greater rate than they would under natural conditions, possibly contributing to algal growth."

Conclusion #4, paragraph 3 from website above.

#2: AQ-3

A practical step to fire management in the East Bay hills-

not non-native pesticide application that contributes to the formation of toxic blue-green algae in the water:

AQ-3, cont'd

I stumbled across three families barbequing at Lake Anza last Monday, Martin Luther King's birthday. The weather was unusually warm and windy that day. One family was from the other side of the world, new to the area and ignorant of local fire protocol on 'red flag warning' days, when barbequing is discouraged. Why should cooking ever be allowed in fire- prone East Bay Parks? Can visitors not bring a picnic lunch already assembled and concentrate instead on the beauty a park has to offer? Lest we forget - a local workmen's barbeque was the origin of the tragic Berkeley hills fire of '91 in which 25 people died. Human error, not pesticide-targeted non-natives, caused that fire and most other California fires (Cal Fire). If you feel you must kill non-native intruders to our parks, please seek 'green' alternatives to pesticides. They do exist, e.g.:

AQ-4

Biological "Green" Alternatives to Chemical Pesticides : USDA .

https://www.ars.usda.gov/oc/utm/biological-green-alternatives-to-chemical-pesticides/

AQ-5

It was pioneering environmentalist Rachael Carson ("Silent Spring") who first warned us that "pollution of ground water anywhere is pollution of water everywhere." Don't allow attempts to control non-natives and fires with pesticides continue to pollute our waters - not our ground water, not our lakes and not our oceans.

Surf-Loving Cat Bubby Will Thank You

Kate O 'Rose

Letter AQ: Kate O'Rose

Response to Comment AQ-1

The comment states that Tilden Golf Course has a negative effect on water quality at Lake Anza. This comment does not relate to the Recirculated DEIR or Revised VMP. This comment will be conveyed to the decision-makers. Contact Oakland City staff for concerns about Tilden Golf Course.

Response to Comment AQ-2

This comment contains images and text related to toxic algae blooms, including toxic algae blooms in Lake Anza. This comment does not relate to the Recirculated DEIR or Revised VMP. This comment will be conveyed to the decision-makers. Contact Oakland City staff for concerns about Tilden Golf Course.

Response to Comment AQ-3

The comment contains a map of nutrient transport from Tilden Golf Course. This comment does not relate to the Recirculated DEIR or Revised VMP. This comment will be conveyed to the decision-makers. Contact Oakland City staff for concerns about Tilden Golf Course.

Response to Comment AQ-4

This comment recommends that barbecuing not be allowed in Tilden Park. This comment does not relate to the Recirculated DEIR or Revised VMP. This comment will be conveyed to the decision-makers. Contact Oakland City staff for concerns about Tilden Golf Course.

Response to Comment AQ-5

The comment recommends seeking green alternatives to pesticides in parks and cites Rachel Carson's *Silent Spring*. This comment does not relate to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

AR

From: Gordon Piper
To: DEIR-comments@oaklandvegmanagement.org
Cc: dkalb@oaklandca.gov; Thao, Sheng; LSchaaf@oaklandca.gov; ereiskin@oaklandca.gov; Susan Piper; jdevries
Subject: Comments on Draft Environmental Impact Review of Oakland"s Vegetation Management Plan
Date: Thursday, January 14, 2021 12:51:09 PM

RE: Comments on Draft Environmental Impact Review of Oakland's Vegetation Management Plan

The plan does not incorporate recent changes in fire behavior, high wind events or changes to the health of the vegetation since it was documented in 2018. Fire modeling in the plan is based on 20 mph winds, when even in 1991, the winds were clocked at 60 mph. The frequency of high wind events requiring Public Safety Power Shut offs is further evidence that the fire modeling is out of sync with reality. Furthermore, the North Oakland Sports Field sits just below the ridgeline where winds have been clocked at speeds much higher than 20 mph. Stronger winds lead to longer flame lengths and embers flying longer distances. Without removing the high fuel load at the North Oakland Sports Field, the plan doesn't meet its goal of reducing the risk of wildfire to people and property in Oakland. AR-1

Using the State Fire Code standards does not apply to large open spaces such as the North Oakland Sports Field. They don't address the fire risks of the vegetation, nor do they take into consideration the potential ignition sources in the area. There have been homeless encampments with evidence of fire pits, and no city monitoring of the property. About 15 years ago, there was a 2-acre fire started by a lit cigarette butt. Daily, there are hikers and dog walkers in the area, which is tinder dry due to long-term drought. AR-2

First and second growth eucalyptus need to be removed as a priority one:

- Thinning does not impact crown fires—removal and replacement with less flammable native trees and shrubs would be more environmentally sustainable.
- The plan's proposed maintenance for under the thinned trees is not economically sustainable—goat grazing will reduce ground fuels but will not address the bark and dead limbs from the trees that remain and there is no plan for the hand labor that would be necessary to keep this area maintained.
- The plan lists the second growth eucalyptus as priority two, when because of the many stems they have been recognized as unstable and a high fire risk. They are a short fuse on a stick of dynamite—and could spread fire to Montclair, Upper Rockridge and Hiller Highlands.
- The City of Oakland was sued in a class action lawsuit after the 1991 Fire, along with CalTrans and the utility companies for negligence and lack of maintenance and ended up settling for millions of dollars. Two years ago, Carol Rice, an expert witness in this suit, identified the second growth eucalyptus as a high risk and the need for their removal. She said that you could have a wall of fire with these second growth trees that would launch embers and spread the fire to surrounding residences. AR-3

- The Sports Field is surrounded with the same high-risk vegetation on non-city properties on either side. It would be more prudent to remove the eucalyptus to create a true fire break to protect the nearby residences should a fire occur.

AR-3, cont'd

The area west of the sports field that has a mix of oaks, mature pines and eucalyptus is listed as a Priority 3 in the plan. It should be raised to a higher priority. We've started to see within a mile of this site evidence of Sudden Oak Death at the Firestorm Memorial Garden. The city has not done sufficient maintenance on ground fuel in this area. This adds further to risk of flying embers spreading wildfire to the homes in Oakland and Berkeley.

AR-4

The issue of lack of water due to a leak in the EBMUD reservoir and a landslide causing the cut off of water to the Sports Field for the past 3 years, further exacerbates the situation.

AR-5

I support the addition of a fifth alternative that would address the changing fire risk in Oakland, and specifically the issues I've identified at the North Oakland Sports Field.

AR-6

Sincerely,

Gordon Piper
Chair
Oakland Landscape Committee

Letter AR: Gordon Piper, Oakland Landscape Committee

Response to Comment AR-1

The comment states that the VMP did not incorporate recent changes in fire behavior, high wind events, or changes to the health of vegetation since it was documented in 2018. The Recirculated DEIR was revised to incorporate these changes. See Master Response 2 under "Climate Change and Increasing Fire Risk."

Response to Comment AR-2

This comment states that State Fire Code standards do not apply to large spaces like the North Oakland Sports Field. This comment does not relate to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment AR-3

This comment states that eucalyptus removal should be priority one. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. As stated in the objectives of the Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/restoration is not a goal of the VMP. Additionally, during VMP development, the City received feedback requesting that the plan not replace non-native trees/vegetation with native vegetation. Though the results of such a plan may meet fire hazard reduction goals, the VMP does as well by addressing areas with the highest fire hazard and prioritizing treatments there.

Response to Comment AR-4

This comment states that the area west of North Oakland Sports Field should be higher priority. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1.

Response to Comment AR-5

This comment states that the lack of water at North Oakland Sports Field exacerbates the fire hazard. This comment does not relate to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment AR-6

This comment states that the author supports the proposed fifth alternative. See Master Response 2.

AS

From: Robinson Pinon, Angela C
To: DEIR-comments@oaklandvegmanagement.org
Subject: Fw: Following up to the Planning Commission Hearing of last week
Date: Wednesday, December 23, 2020 5:42:11 PM
Attachments: Explaining Why Alternative 5 is Necessary.pdf

For achiving

From: Payne, Catherine <CPayne@oaklandca.gov>
Sent: Wednesday, December 23, 2020 5:37 PM
To: Robinson Pinon, Angela C <ARobinsonPinon@oaklandca.gov>
Cc: Clark Manus <cmanusopc@gmail.com>
Subject: Fw: Following up to the Planning Commission Hearing of last week

Hi, Angela. Correspondence to the Planning Commission regarding the OVMP DEIR, for your records. Thanks,

Catherine Payne, Acting Development Planning Manager
City of Oakland, Bureau of Planning
Phone/cell: (510) 915-0577
Email: cpayne@oaklandca.gov

From: Clark Manus <cmanusopc@gmail.com>
Sent: Wednesday, December 23, 2020 4:09 PM
To: Tom Limon <tomlimon@gmail.com>; Payne, Catherine <CPayne@oaklandca.gov>
Subject: Fwd: Following up to the Planning Commission Hearing of last week

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I did see you copied...

Stay safe

Clark Manus FAIA| HELLER MANUS | 87th AIA PRESIDENT

From: Susan Piper <susangpiper@gmail.com>
Sent: Wednesday, December 23, 2020 4:00:37 PM
To: leo.raylynch@hmcarchitects.com <leo.raylynch@hmcarchitects.com>; Clark Manus <cmanusopc@gmail.com>; SShiraziOPC@gmail.com <SShiraziOPC@gmail.com>
Cc: Robinson Pinon, Angela C <ARobinsonPinon@oaklandca.gov>; Ken Schwarz <Ken@horizonh2o.com>; Jon Kaufman <jonk@solem.com>; Jerry Kent <JKent58@aol.com>; Elizabeth Stage <stage@berkeley.edu>; Ken Benson <kenbenson@earthlink.net>; Norman LaForce <n.laforce@comcast.net>
Subject: Following up to the Planning Commission Hearing of last week

First, thank you for extending the comment period of the Draft EIR to the full 60 days. We also appreciate your raising questions on how the consultants have or will incorporate the changed conditions in our parks, in our weather and in fire behavior in the final EIR and Final Plan.

AS-1

However, we were disappointed that the Planning Commission didn't take a stronger stand on adding Alternative 5 to the DEIR. It is not as simple as adjusting the plan to these new, more intense conditions in our parks since the situation was first assessed in 2018. As the attached schematic tries to show, more intense winds, greater drought, lightning-sparked fires now a reality for the Bay Area, and the rampant pathogen killing so many trees in the East Bay hills significantly changes the underlying assumptions upon which the Vegetation Management Plan and DEIR is based. We don't believe that fire code requirements for defensible space around homes ever applied to the City's open spaces and parks; nor do forestry standards for thinning because they are based on managing timber for sale. Under the new "abnormal" of wildfires in California, they are even more out of sync.

AS-2

Rather than insist on the plan being rewritten at this time, we propose that a 5th Alternative be added to the DEIR to assess and address these game-changing conditions on the City's parks and open spaces. It allows the process to proceed without pause to revamp the Plan itself-- at least not until the EIR is completed. If Alternative 5 is addressed seriously-- and in fact becomes the preferred alternative as we believe it should--then the final Vegetation Management Plan would reflect the changes and the City would present to the public an actionable plan that is environmentally, fiscally and politically sustainable.

AS-3

There is still time for City Staff and the Consultants to give Alternative 5 real attention and integrate it into the final Vegetation Management Plan.

Susan Piper
Chair
Oakland Firesafe Council
www.oaklandfiresafecouncil.org

Accurate Characterization of Past, Current and Increasingly Likely Conditions Challenges the City's Proposed Vegetation Management Plan Fundamentals and Effectiveness

Attachment A to Letter AS

Current Proposed Vegetation Management Plan Based on a 2018 assessment

- Focus on tree thinning and ground fuel reductions
- Based on 20 mph winds
- Create Defensible space according to:
  - 300 feet from ridge
  - 35 foot roadside clearance
  - 150 feet around structures
  - 10 feet around perimeter of city property

Why underying assumptions in the Vegetation Management Plan are problematic:

- Based on activity for last 15 years-which only did annual maintenance.
- Supposedly based on 1991 Fire circumstances, but winds were 60 mph in 1991, not 20 mph.
- Using fire code applies to defensible space around structures-- parks are open space and have few structures.
- Focuses on reducing incidence of ground fires and fire ladders and does little to address the increasing danger of crown fires.
- Ongoing maintennce is not factored into the plan.
- No plan for replacing removed vegetation with more fire resistant native --no assessment of long-term sustanabililty in terms of enviroment, cost-effectiveness.

Changed Circumstances since 2018

- Increased incidence of 60 mph winds--embers flying 1/2 mile = 2640 feet* --Defensible space needs to be bigger.
- Flying embers = more crown fires-- need to create fire breaks and not just do tree thinning, so-called "shaded fuel breaks".
- Increased incidence of lightning fires in Bay Area=more crown fires.
- 3Rs support Environmental and financial sustainabity: **phased Removal** of the most dangerous non-native vegetation,**Restoration** of native habitat that is less fire prone and less costly to maintain, and **Re-establishmen**t of native biodiversity that prevents fire-prone monocultures of invasive plants and protects endangered species.

New Approach to Vegetation Management

Requires:

- Re calculating defensible space requirements-- treatment on more acres.
- Look at short and long term cost benefit of treatments-- one time and ongoing maintenance-- may mean removal rather than thinning and annual high intensity maintenance.
- Consider adjusting treatment to compensate for high risk fuel load on adjacent property-- look at parks as "neighborhoods" rather than postage stamps.

Letter AS: Susan Piper

Response to Comment AS-1

The comment expresses appreciation of the extension of the comment period. The comment period for the Prior 2020 DEIR was extended to 60 days. In addition, the comment inquires how changed conditions regarding weather and fire behavior in parks would be addressed in the final EIR and final VMP. See Master Response 2 under "Climate Change and Increasing Fire Risk."

Response to Comment AS-2

This comment states that the proposed Alternative 5 should be evaluated. See Master Response 2. As stated in the objectives of the Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/restoration is not a goal of the VMP. Additionally, during VMP development, the City received feedback requesting that the plan not replace non-native trees/vegetation with native vegetation. Though the results of such a plan may meet fire hazard reduction goals, the VMP does by addressing areas with the highest fire hazard and prioritizing treatments there.

Response to Comment AS-3

The comment suggests that the proposed Alternative 5 be incorporated as an alternative rather than rewriting the EIR. See Master Response 2.

AT

From:	Jeremy P.
To:	DEIR-comments@oaklandvegmanagement.org; Ken@horizonh2o.com; Sthao@oaklandca.gov
Cc:	Robbie Neely
Subject:	Ref: VMP DEIR Comments
Date:	Thursday, January 7, 2021 1:37:52 PM

Horizon Water and Environment, LLC
Attn: Ken Schwarz, Principal, VMP
266 Grand Avenue, Suite 210
Oakland, CA 94610

Council Member Sheng Thao

LET MANY HANDS BE KEY TO OAKLAND VEGETATION MANAGEMENT

My name is Jeremy Warner Potash and I've lived in Oakland since 1971.

As you discuss the Oakland Vegetation Management plan, I reference the dead and dying acres of acacia, eucalyptus, scotch broom, coyote bush, etc. that pose a threat for a massive conflagration on both sides of the east bay hills, mostly in the regional area, but also within Oakland borders.

Now is the time for bold action to turn this potential catastrophe into a re-blossoming of the East Bay Hills. A renaissance that will bring hope, joy, a true sense of purpose to each of the many Oakland citizens involved.

AT-1

I am speaking specifically of the miniature urban forests that are being planted around the world, by community members, using native species. In a concept developed by Japanese botanist Akira Miyawaki, these mini-forests contribute mightily to carbon capture. For more details, please see https://www.weforum.org/agenda/2020/07/tiny-urban-forests-miyawaki-biodiversity-carbon-capture

Think bold, think of the future you want for Oakland and our residents. Think employment and learning. Think of building hope and pride. Think of beauty and a gently satisfying contribution to our children's future.

Be happy to help.

Jeremy Warner Potash
Jeremypotash@yahoo.com

510-207-8990

Ms. Jeremy W. Potash
jeremypotash@yahoo.com

Letter AT: Jeremy Warner Potash

Response to Comment AT-1

This comment states that miniature urban forests are being planted around the world by community members, using native species. This comment does not relate to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

AU

From: Catherine Robyns
To: DEIR-comments@oaklandvegmanagement.org
Subject: tree cutting
Date: Friday, January 22, 2021 3:58:39 PM

Concerning the Oakland VegetationManagement Plan.

Cutting trees at this juncture of climate crisis is a very badly thought out plan. As a co-initiator of this plan the University of California with its strong science departments could well come up with a more sustainable assessment of your plan to defy internationally known research on the subject of deforestation and climate crisis.

AU-1

As an alumni of UC Berkeley, I regret the discreditation of the school, both nationally and internationally.

Please consult with the UC faculty faculty.

Thank you,

Catherine Robyns

Letter AU: Catherine Robyns

Response to Comment AU-1

This comment states that UC Berkeley could evaluate the VMP's intent to defy internationally known research on the subject of deforestation and climate crisis. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. Additionally, Section 8.3.6, "Tree Removal," of the Revised VMP explains that proposed tree removal would be selective rather than broad. See Master Response 5 for further discussion regarding impacts of tree removal.

AV

From: Lucy Rudolph
To: DEIR-comments@oaklandvegmanagement.org
Subject: Oakland hills
Date: Wednesday, January 20, 2021 8:33:45 PM

I oppose any and all use of herbicide in the Oakland hills. It harms the environment, the animals, and of course herbicides harm humans. It is shortsighted knowing what we all know about the harmful effects of chemicals. We need a cleaner environment not a more polluted one.
Sincerely,
Lucy Rudolph

AV-1

Sent from my iPhone

Letter AV: Lucy Rudolph

Response to Comment AV-1

This comment expresses opposition to the use of herbicides in Oakland. See Master Response 3.

AW

From: Anastasia Glikshtern
To: DEIR-comments@oaklandvegmanagement.org
Subject: Oakland Vegetation Management Plan DEIR - Public Comment
Date: Friday, January 22, 2021 4:28:55 PM

Dear Sir/Madam

The San Francisco Forest Alliance is very concerned about deforestation and pesticides, not just in our city, but in neighboring areas and all over the world.

We have submitted comments on Oakland Vegetation Management Plan in December asking that you remove the sections advocating for removing eucalyptus trees, do not approve use of toxic pesticides, and in particular, to remove Appendix F from the plan. AW-1

Our concerns are not addressed in the DEIR.

We request ALTERNATIVE 1: NO PROJECT ALTERNATIVE which is environmentally superior to all the others.

"ALTERNATIVE 3: NO HERBICIDE USE ALTERNATIVE" is next. While destroying healthy trees, increasing the dryness of the surroundings, heat and wind, and therefore the fire danger and air pollution, at least it avoids poisoning the environment and people. AW-2

The other alternatives are unacceptable, and the OVMP is environmentally worse of all.

The DEIR proclaims OVMP to be environmentally superior to the other identified alternatives, while extremely hazardous herbicides are to be used. Environmentally, anything employing these poisons gets a failing grade. The DEIR is INACCURATE.

1) MATURE TREES FIGHT CLIMATE CHANGE AND REDUCE FIRE DANGER

Climate Change has made wildfires more frequent and destructive.

Research has shown that planting trees across the world is one of the biggest and cheapest ways of taking CO2 out of the atmosphere to fight the global warming. For example, in a July article, the Guardian newspaper pointed out that "planting billions of trees is the best way to tackle the Climate Crisis..."
https://www.theguardian.com/environment/2019/jul/04/planting-billions-trees-best-tackle-climate-crisis-scientists-canopy-emissions AW-3

Scientists have made an initial calculation that a trillion *more* trees could be planted without encroaching on crop land or urban areas.

It is important to remember that *not destroying existing trees* is essential to make carbon sequestration and storage successful.

As the plan itself acknowledges, mature trees – regardless of their origin – are not easily ignitable and therefore do not present a fire danger.

As the plan itself acknowledges, drying out the surroundings, and increasing wind – which would certainly follow the tree removals - present substantial *increase* of a fire danger.

If this VMP does not try to accomplish vegetation type conversion, why does it continue to propose the destruction of individual "non-native" trees within stands of "native" trees? In a plan which is supposed to reduce the risk of fire the origin of plants should not even be mentioned.

"Native" is an unhelpful concept: vegetation which was probably growing in a given area at some arbitrarily selected point in time, and which often cannot grow there anymore, due to evolution and the changing environment. Nature adapts, and wildlife by now depends on "non-native" ("invasive") vegetation being destroyed by "restorations." Meanwhile, native trees - especially oaks - are vulnerable to fatal diseases. Sudden Oak Death has killed 50 million oaks in California since 1995. Bay laurel, which grows in the same areas, acts as a reservoir of infection and spreads it to oak trees. In 2019, the rate of SOD infection increased from 1% to 12% in one year in sampled trees between Richmond and San Leandro. So it is reasonable to assume that planting more oaks would add fire fuel.

Research has lately shown that trees live as a community and destroying some of it adversely affects the rest.

There is no possible justification (except vegetation type conversion) for removal of individual "non-native" trees within stands of "native" trees. And, since "non-native" vegetation is not inherently more flammable than "native" vegetation the vegetation type conversion should have no place in the plan dedicated to fire safety.

Eucalyptus is an excellent tree for carbon sequestration - fast growth, dense wood that sequesters more carbon, and a lifespan of hundreds of years to keep that carbon sequestered (unless it's cut down). Despite eucalyptus not being defined as a protected tree in the Oakland Municipal Code – it should be protected as any other tree.

AW-3, cont'd

2) PESTICIDES ARE MORE DANGEROUS THAN THEIR MANUFACTURERS ACKNOWLEDGE AND MORE DANGEROUS THAN WE KNOW.

The DEIR explains at length how good and safe the extremely toxic herbicides (glyphosate, triclopyr, imazapyr) proposed for use by OVMP are. It cites USEPA repeated findings of safety, time of registration, how long were they poisoning California, how many products contain these chemicals, the incredibly wide spread of their use, and following the labels recommendations as a cancer prevention measure.

You should be aware, that in 2015 the International Agency for Research on Cancer (IARC) of the World Health Organization (WHO) classified glyphosate as "probably carcinogenic to humans", but, as usual, EPA and USA government are on the side of manufacturers, not the people.

AW-4

US EPA registration review for glyphosate, deciding the herbicide remains safe to use, is currently challenged in court.

Glyphosite is included in the official PAN International list of Highly Hazardous Pesticides.

"Whitewash: The Story of a Weed Killer, Cancer, and the Corruption of Science", by Carey Gillam, American investigative journalist, tells a story of Roundup/glyphosate. It details how corporate interests influence the science behind American agriculture, allowing the potentially cancer-causing

herbicide to be used liberally throughout the industry. The book contains accounts from farm families with cancers they believe were caused by glyphosate, and scientists whose reputations were impugned for publishing writings that challenged "business interests". Whitewash won the 2018 Rachel Carson Book Award from the Society of Environmental Journalists as well as "Outstanding Book of the Year" from the Independent Publisher Book Awards 2018.

The documents showing EPA/Monsanto collusion are available to anybody at the US Right to Know site.

More than 100,000 plaintiffs in the United States are waiting for a day in court alleging that exposure to Bayer/Monsanto glyphosate-based herbicides led to various types of cancer. There are young children among the plaintiffs.

Juries in all three trials held to date found that Monsanto's glyphosate based herbicides do cause cancer and that Monsanto spent decades hiding the risks. In the last trial (May 2019), the punitive damage award was $2 billion.
The jury found Monsanto guilty after less than two full days of deliberations.

The DEIR repeats the same arguments Monsanto used during decades since glyphosate introduction, and during these trials.

Other herbicides, like triclopyr, might be even more toxic than glyphosate, but are less researched since they are less widely used.

AW-4, cont'd

With this knowledge, discussing "Chemical Techniques" and "Best Management Practices for Chemical Techniques" (which will result in poisoning the environment and people) is clearly dangerous. You state that herbicides use exemptions are "required to preserve and/or protect human health and safety."

In fact, they could seriously compromise human health and safety. Numerous scientific studies associate exposure to herbicides of all kinds with cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, multiple sclerosis, Parkinson's disease, diabetes, infertility, birth defects, disruption of gut microbiomes, and of the endocrine system. Each drop of these poisons contaminates soil, water, and air and adversely affects human health. We already know that these chemicals do not degrade as quickly as the manufacturers claim, and can be found in the environment years later.

Here is a recent article from Salon (October 2019) – "Why Dr. Zach Bush believes herbicides could end life on Earth." Dr. Zach Bush went from developing chemotherapy to fighting pesticide-makers":

https://www.salon.com/2019/10/14/why-dr-zach-bush-believes-herbicides-could-end-life-on-earth/?fbclid=IwAR3SP03M6zfVuNipCr2YsMjR9Lbp5iVXhe6fMFa4PWWXnK_UtarBJ04YHnI

The DEIR claim of safety of herbicides is wrong – either due to ignorance - or, as is the case with Bayer/Monsanto, other chemical companies, and USEPA, as means of deceiving the public.

Regardless of the reason: The DEIR is clearly INACCURATE

3) REMOVING APPENDIX F, THE WEED WORKERS' HANDBOOK – is not addressed in the DEIR

Appendix F, “THE WEED WORKERS’ HANDBOOK, A Guide to Techniques for Removing Bay Area Invasive Plants”, has absolutely no bearing on fire safety. It is a propaganda piece for herbicides written by California Invasive Plant Council. It contains numerous errors, demonizes “invasive” plants, and promotes most dangerous herbicides.

We are providing you with two examples of such errors.

+ “Invasive species are one of the most serious environmental problems of the twenty-first century.”

This is clearly not true. Global warming and chemical contamination are the most serious environmental problems.

The war on invasive species actually contributes to these problems.

AW-5

+ Invasive species “impose tremendous cost on human communities” and “disrupt natural processes”.

In fact, it is the War - and seldom the invasive species - that cost us. The “$21 billion in control costs” for “invasive species” mostly goes to remediation firms and units, and to chemical companies. We all pay for it with our health.

Neither John Muir, nor Adolf Sutro, who planted eucalyptus trees (including blue gum), were land speculators – they were environmentalists and philanthropists – working to improve the environment and benefit the people.

Anybody paying any attention to the surrounding can see that eucalyptus is not invasive. The Invasive Plant Council itself – not a friend of eucalyptus – reclassified their invasiveness from “moderate” to "limited" in March of 2015.

Incidentally, The Nature Conservancy’s Business Council, lauded in the Handbook, is made up of a select group of 14 corporations including Dow Chemical, and Bayer (Monsanto).

The DEIR is INACCURATE and INCOMPLETE – not addressing this erroneous propaganda piece in the fire protection plan, where it doesn’t belong.

Sincerely,

San Francisco Forest Alliance.

(For San Francisco Forest Alliance - Anastasia Glikshtern, treasurer.)

San Francisco Forest Alliance is a 501(c) 4 organization with a message of inclusive environmentalism. We work to eliminate toxic herbicides (including Roundup/Glyphosate) in our parks and watersheds, to preserve non-hazardous trees from unnecessary destruction, to preserve public access to parks and open spaces, to insist on transparency in governmental decisions regarding these issues, and to inform the public.

Letter AW: Anastasia Glikshtern

Response to Comment AW-1

The comment states that the San Francisco Forest Alliance submitted comments on the VMP before the Prior 2020 DEIR was released and notes that these comments are not addressed in the Prior 2020 DEIR. These comments included removing sections from the VMP that allow for removal of eucalyptus trees and for use of toxic pesticides [sic] and removing Appendix F. Developers of the Revised VMP considered input from specialists in wildfire, biological resources, hydrology and water quality, and other resources; advocates for minimal vegetation removal as well as advocates for native plant restoration; opponents for herbicide use as well as proponents for use of certain herbicides; and many other issues that are represented by the VMP developers as well as the commenters. As described on page vii of the Revised VMP:

> "The VMP has been developed to meet its stated goals of reducing wildfire hazard on City-owned land and along critical access/egress routes, reducing the likelihood of ignitions and extreme fire behavior to enhance public and firefighter safety, avoiding or minimizing impacts to natural resources, and contributing to regional efforts to reduce wildfire hazard in the Oakland Hills…
>
> Development of this Plan included a detailed assessment of wildfire hazard, which was used to identify and map areas with high ignition potential or where extreme wildfire behavior would be expected, given current terrain and fuel conditions. Plan development also included coordination with OFD personnel and significant public and stakeholder outreach to better understand current vegetation management activities in the Plan Area."

All aspects of the Revised VMP content are focused on the stated purpose and are based on this extensive coordination.

Response to Comment AW-2

This comment ranks the preferred alternatives. See Master Responses 3 and 5.

Response to Comment AW-3

This comment states that trees fight climate change; removing non-native trees increases fire danger. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Responses 1 and 5. In addition, see Section 3.7.2, "Regulatory Settings/California Forest Carbon Plan," of the Recirculated DEIR. As stated in Section 2.2 of the Revised VMP, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. Additionally, Section 8.3.6, "Tree Removal," of the Revised VMP explains that proposed tree removal would be selective rather than broad. See Master Response 5 for further discussion regarding impacts of tree removal.

Response to Comment AW-4

This comment states that pesticides are more dangerous than their manufacturers acknowledge and that the analysis in the Prior 2020 DEIR is inaccurate. See Master Response 3 under "Human and Environmental Health." The Recirculated DEIR concludes, based on substantial evidence, that herbicides can be used safely with respect to biological resources and ecological health, with conformance to applicable laws, regulations, and mitigation measures specified in the Recirculated DEIR.

Response to Comment AW-5

This comment states that the VMP Appendix F, "The Weed Worker's Handbook" should be removed for inaccuracies. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. Additionally, Section 8.3.6, "Tree Removal," of the VMP explains that proposed tree removal would be selective rather than broad. See Master Response 5 for further discussion regarding impacts of tree removal.

AX

From: tanya smith
To: DEIR-comments@oaklandvegmanagement.org
Subject: Save trees, stop poisoning us
Date: Friday, January 22, 2021 9:45:55 AM

Major aspects of the Oakland Vegetation Management project threaten our environment unnecessarily creating greater fire risks by removing healthy, carbon sequestering trees whose canopy prevents the growth of brush and grasses, the origin of most wildfires, e.g., the 1991 East Bay hills fire.

As a longtime resident of Oakland, I'm appalled that fear mongering by people who have not recovered from that 1991 fire is being used to attack trees along 300 miles of Oakland's roads. Moreover, the vegetation plan suggests violating the City's law prohibiting the use of pesticides on public lands.

The country of France has banned all pesticides; organic farmers in California grow wonderful food without pesticides; Oakland can manage its vegetation without pesticides.
If you are need of information or guidance, I have heard several members of Oakland's community who work in organic gardens offer various agencies advice in avoiding pesticides. Oakland can meet this challenge and in the interest of ourselves and future generations, we need to value our trees and stop poisoning our environment.

AX-1

Many of us have seen the results of the Cal Fire grant activity by UC on Claremont Ave. This wasteland has already become a dumping zone for trash -- the poison-painted stumps of hundreds of trees invite garbage dumping. Don't follow their ugly example and turn 300 miles of Oakland's roads into garbage dumps.

Respectfully yours,
Tanya Smith
6221 Auburn AVe.
Oakland, CA 94618

Letter AX: Tanya Smith

Response to Comment AX-1

This comment states that the VMP threatens the environment and creates greater fire risk by removing trees and using pesticides. See Master Response 3 regarding use of herbicides. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. See also Section 10 and Appendix I of the Revised VMP for a list of BMPs to help minimize impacts from tree removal. Additionally, Section 8.3.6, "Tree Removal," of the Revised VMP explains that proposed tree removal would be selective and strategic rather than broad and would be used to minimize crown fire spread. See Master Response 5 for further discussion regarding impacts of tree removal.

AY

From: Teri Smith
To: DEIR-comments@oaklandvegmanagement.org
Subject: VMP DEIR Comments
Date: Thursday, January 21, 2021 8:51:57 PM

To Whom it may concern,

I am very disappointed in Oakland's vegetation management program as it promotes the use of pesticides and clear cutting of trees. It is short-sighted and destructive to our public lands, wildlife, domestic animals, flora, residents, and our water ways. Oakland has a law in place preventing the use of pesticides on public lands, and yet this plan recommends it. Marin has taken the stance of prohibiting the use of pesticides, Oakland needs to follow their lead and follow its own laws. I urge you not to destroy the natural habitat because of fear. Oakland can do better than this.

AY-1

With deep concern for our environment,

Teri Smith

Long time Oakland resident

Letter AY: Teri Smith

Response to Comment AY-1

This comment states that the VMP promotes use of pesticides and cutting of trees. See Master Responses 3 and 5.

AZ

From: Janette Sperber
To: DEIR-comments
Subject: Oppose any exemptions or weakenings of Oaklands pesticide ban
Date: Wednesday, January 20, 2021 11:06:28 PM

Dear Sir or Madam,
I am writing to request most strenuously that there be no exemptions whatsoever to the Oakland pesticide ban and additionally that protections be maintained and strengthened for the preservation of living trees.

Both these items are crucial to the well-being of residents of Oakland. The first to reduce toxic exposures to human beings as well as reducing degradation of the environment and ecosystem.

AZ-1

Second, the preservation of every living tree to the fullest extent, fights climate change and mitigates the risk of wildfire.

Thank you for your consideration,
Janette Sperber

Letter AZ: Janette Sperber

Response to Comment AZ-1

This comment requests that no exemptions be made to the City's pesticide ban and that protection for living trees be maintained and strengthened. See Master Responses 3 and 5.

BA

From: Mike Vandeman
To: DEIR-comments@oaklandvegmanagement.org
Subject: VMP DEIR Comments
Date: Wednesday, November 25, 2020 7:50:51 PM

No native plants should be trimmed or removed! We have already lost far too much wildlife habitat, which is why we are in the midst of the Sixth Extinction crisis. All you need is a system (e.g. satellite) to instantly detect any fire. You should also erect lightning rods on all hilltops.

BA-1

Letter BA: Mike Vandeman

Response to Comment BA-1

This comment states that no native plants should be trimmed or removed. Instead, a satellite system should be used to detect fires and lightning rods should be installed on hilltops. As stated in Section 2.4.1 of the Recirculated DEIR, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/ restoration is not a goal of the VMP. Additionally, during VMP development, the City received feedback requesting that the plan not replace non-native trees/vegetation with native vegetation. Though the results of such a plan may meet fire hazard reduction goals, the VMP does as well by addressing areas with the highest fire hazard and prioritizing treatments there.

BB

From: info@oaklandvegmanagement.org
To: Mike Vandeman; DEIR-comments@oaklandvegmanagement.org
Subject: Re: Oakland Vegetation Management Plan
Date: Monday, November 30, 2020 11:06:55 AM

Mr. Vandeman:

I am forwarding your email to the
DEIR-comments@oaklandvegmanagement.org.

Respectfully,

Angela

On 2020-11-30 10:57, Mike Vandeman wrote:
> 1. We have already destroyed far too much wildlife habitat, which is
> why we are in the midst of the Sixth Extinction crisis!
>
> 2. Don't cut any native plants. Cut only non-native plants.
>
> 3. Leave all cuttings on site, so that the nutrients that they contain
> will be returned to the soil.
>
> 4. Create electronic systems (satellites, etc.) to instantly detect any
> fire.
>
> 5. Erect lightning rods at the top of every hill.
>
> 6. Stop building new trails, which destroys more habitat. Ban mountain
> biking, which accelerates erosion, destroys habitat, and expands the
> human footpring into wildlife habitat.

BB-1

Letter BB: Mike Vandeman

Response to Comment BB-1

This comment states that no native plants should be trimmed or removed; the comment also provides input on ways to avoid cutting native plants. Instead, a satellite system should be used to detect fires on hilltops. See Response to Comment BA-1.

BC

From: Bev
To: DEIR-comments@oaklandvegmanagement.org
Subject: My response to the Oakland Vegetation Management Plan I vote for the alternative option of "No Project."
Date: Wednesday, January 20, 2021 3:35:26 PM

My response to the Oakland Vegetation Management Plan

I vote for the alternative option of "No Project."

The most disturbing part of your plan is that it **introduces** pesticides into the parks and open spaces where it is now banned. This will cause more cancer and chronic illness in humans as well as killing animals, polluting the earth, air, water. Saying it will be "limited" is not good enough. There is no rational reason to do this other than for money.

BC-1

You must know that Marin parks and Open Spaces, including the Marin Municipal Water District, which manages most of Mt. Tamalpais, has stopped all pesticide use so you could also. (The last group who insisted fragile Ring Mountain in Marin **had** to be sprayed were stopped by law, and the brush cutters used instead worked perfectly.) Again, I am left wondering how much money from the poison manufacturers like Monsanto and Dow influence your decisions.

The main focus is about fire prevention, but this plan is more likely to cause catastrophic fire than prevent it.

Most fire has one cause: Man -- whether it's PG&E, avoidable accidents (fireworks, barbecue, cigarettes, etc.) or deliberate arson. (Your plan opens the parks in ways that make them far more welcoming to arsonists than a closed, dense, dark forest full of poison oak and blackberry thorns.) Local news stations reported that PG&E caused at least 7 of the recent major fires, and over 2000 other ignitions. The CPUC determined that PG& E was responsible for the most catastrophic fire in California history. The documentary on PBS by Frontline, actually shows PG&E starting the Paradise fire: https://www.pbs.org/wgbh/frontline/film/fire-in-paradise/.

Every branch or limb cut, every shrub or vine or tree killed, increases the heat and dryness and eliminates moisture from the parks and the earth. I'm not even going to refer to "carbon sequestering" or saving the "canopy" because those divert from the real issue, which is that the parks need to be left alone, to grow as dark and dense and moist as possible, which they can do without human harassment. There is no need to spend money on making our parks more in danger from fire. If we eliminate the money to be made from killing the trees and opening up the parks, then there is no rational reason for most of this plan.

Wind is the major fire problem besides heat and dryness. Wind increases the dryness that leads to fire and spreads fire. So why on earth do most agencies' plans want to open our parks to more wind? Recommending thinning "mature pine or cypress stands to reach an average 30-foot horizontal spacing" is an enormous distance and makes no sense. The so-called "defensible space" recommendations also increase fire risk. There is absolutely no reason to prune or "limb" or make space between trees by "thinning" unless you want to increase wind and thereby increase fires, especially since every cut on a tree opens it to disease. Trees also don't compete for water and resources, but work together. It's been documented that if one tree needs help, the nearby trees try to provide the moisture, food, etc. Why on earth do humans think they know better than the trees and other plants how want to live? Haven't humans done enough irreparable damage to the Oakland hills forests, once the tallest in the world?

BC-2

The 1991 firestorm was caused by humans when the original grass fire was not fully put so the next day firefighters inadvertently kicked up embers. The wooden houses caught fire quickly while the streets acted as wind tunnels, spreading the fire, but still, it did not go into the parks. Yet trees are blamed.

Meanwhile, Oakland has had devastating fires in the flatlands and other parts of the city far from parks and maligned trees. The Ghost Ship fire is one example, so why are trees targeted in this enormous money-making plan, when there has been no fires in our parks in all these years?

The revised document looks like a patchwork that is missing awareness of the connection with nature that make up our parks. One section refers to wanting to increase rare species of plants and animals, while another section is about eliminating them. You can't so damage a forest and expect to still have diverse animal and plant habitat.

If you want to see what a healthy, more natural forest looks like, go to Muir Woods. It's relatively tiny, but it has the rare Spotted Owl, Pileated Woodpeckers, Barred Owls, Giant Pacific Salamanders, etc. and incredibly rare wildflowers. You can see that the ground is covered with what would be considered a fire hazard elsewhere, but is actually the opposite. It's a shambles of fallen trees and debris with signs saying to not remove a single twig because the birds need them.

Another, very different forest example is on EBMUD land in Moraga, by a creek and reservoir. It's not natural at all, but has become a wildlife sanctuary because of how EBMUD maintains it. They allow dead trees to stand so the acorn woodpeckers can use them as granary trees and other birds nest and hunt in them. They allow Poison Oak to climb over 30 feet into the Monterey Pines. (In spite of that being called a "fire ladder," it's the opposite, because living plants do not easily burn and also limit wind.) They allow the beautiful native Monterey Pines (yes, they are native) to continue so that the new baby trees grow to replace the old trees. Why on earth kill them when they enrich the soil like no other tree, bring down fog drip, and feed so many animals? (This is a wonderful place to see unusual bird species as well as bobcats and coyotes.)

BC-3

There are only a few Eucalyptus there, who are large and old, proving that they do not easily spread. They provide ideal

nesting for large raptors because they are safer for the fledglings to learn to fly in than the shorter, denser oaks and bays. There is an amazing variety of birds, but I have also seen three rare species of snakes, including the Alameda Whipsnake, who was in a particularly dark dense part of the forest, and not what the Oakland Veg. M recommends. You say you'd like the Dusky-Footed Woodrats to return, but do you know they need a dense forest with fallen branches and twigs to build their enormous nests (some taller than humans) that have chambers where other species live, including some endangered? I've never seen as many Woodrat nests as at this Moraga site. (I can show anyone who wants to see fifty of them in a short walk.) This site also has the Western Pond Turtles that the OVM plan wants.

If the OVM team truly wants the Special-Status Animal Species you mention, like Golden Eagles and White-tailed Kites (who are also at the Moraga EBMUD site), then don't remove any trees. Those animals need to have decent habitat, which means not eliminating herbs like Fennel (which is edible to humans, as well as medicinal), which feeds small birds and rodents, who then would feed the raptors and other predators. Fennel also feeds beautiful Anise Swallowtails, so why are they targeted other than being "non-native"?

In spite of Cotoneaster's red berries feeding many bird species, including Cedar Waxwings, in your plan, Cotoneaster is said to be "thought capable of invading intact ecosystems, where it competes with native vegetation for water, nutrient, and light resources." Sorry, but did the person who wrote that ever see one? They are quite short, barely qualify as a tree, do not spread, and I have only ever seen them in already very disturbed environments and not wilderness parks. Considering how many native animals they feed, how are they a problem? But it's like this with all the targeted plants, such as the incredibly beautiful flowering and edible brassicas, mustard and radish. How are highly flammable dead grasses and Poison Hemlock better than these flowers who maintain moisture and stay green throughout the dry season, and also provide shelter for and feed animals? I've seen rare long-tailed weasels playing in them. Why kill impressive Pampas grass that helps prevent erosion? Or the artichoke relative, Cardoon, who is both beautiful, with large electric blue flowers, but also edible, and sold in gourmet produce stores? Yellow Star Thistle blooms brilliant color when all else is dead and dry, providing significant nectar for honeybees, yet is extremely hated. What do you want instead, bare earth? (These plants are simply targeted because they are not native and are called "trash" by non-native nativists.)

BC-3, cont'd

Mulching isn't an improvement when it's chipped trees that can spontaneously combust, and mulching also eliminates native bees who need bare ground to nest. As honeybees are killed by pesticides, we might soon need those native bees for pollination. This is the problem when focusing only on killing one plant alters the entire eco-system.

The list of "invasive" plants in the plan is bizarre because it includes trees and other plants that aren't even in this area outside of a Botanical Garden and if they did appear magically, would not spread at all.

The plan itself says: "*researchers in Marin County, California, were unable to burn a mature, uncut broom stand, and a young uncut stand had only spotty combustion"* (Odion and Haubensak 2002). So why target broom species? They bloom bright yellow in the dark of winter and have the most delicious scent imaginable. Even more importantly, they fill in and cover highly flammable dry, dead grasses, and when the trees return, the broom disappears. They are ideal in helping change grassland to forest.

BC-4

But instead, "The Weed Worker's Handbook" in your plan recommends putting poison on every plant listed to kill what is considered a problem, but poison is the problem, contaminating the earth, water, air, killing animals and unintended plants. **And pesticides kill humans, no matter how they are applied**. Yet your concern is less *"about the potential to affect non-target vegetation and/or wildlife,"* and more about "*public concern regarding potential health impacts from herbicide use."*

You can say that the poisons are to be safely applied by a "licensed professional," but that does not stop the harm it does. If you have ever seen a California Newt dying an excruciating death after walking through a recently sprayed area, you wouldn't be so casual. We know that glyphosate (which is already in all our bodies) and other poisons kill humans too. There is no safe way to use it, no safe dose, and it also pollutes where it's manufactured. **How about if the next people who die from it are those who order the spraying, rather than the workers?** Plus, how do we trust any agency when I saw poison illegally sprayed from an unmarked container in an EBRP? (And no, saying they are just "dabbing" or otherwise applying it does not reassure me.) Also, how can we trust anyone who uses such shockingly patronizing misinformation and propaganda as at this influential site? https://www.cal-ipc.org/…/Cal_IPC_Symposium_2019_Chris_McDo…

BC-5

Of course they never answer how or why there is any reason to use the poisons -- or where the water goes that they recommend washing off the clothes, equipment, etc. Not one more death or case of chronic illness justifies these poisons. But this con will convince people to keep exposing themselves.

Part of what makes me skeptical of intent are the myriad contradictions, like the bizarre piles of dead branches often left lying around in park lands, even while living trees are killed as "fire hazards." The "masticators" and other heavy machinery that damages the earth are recommended to kill plants yet actually leave shredded branches that are extremely flammable, but no one notices?

Most people don't realize that the European invaders drastically altered California weather -- from eliminating most of the once extensive inland lake (where birds still migrate) which affects the delta and the Sierra snow pack (and is likely why the Sequoiadendrons are suffering), to clearcutting what had once been the largest estuary Oak forest in the world in Oakland (hence the name), to clearcutting the largest Redwoods in the world in the Oakland hills. Those Redwoods would have brought down massive fog drip, filling the creeks to the bay. Parts of Oakland would have been wet year round. The way they destroyed the earth with their machinery permanently altered the land, killing the rare plants that OVM wants to

BC-6

return. But people can learn from this, knowing that continuing to kill trees and other plants will continue damaging the land. You can see in Marin, on Mt. Tamalpais, that the logging there did not do the same damage. There is a wonderful variety of rare wildflowers still growing under the baby (but now huge) Redwoods. They also have the exquisite Douglas Fir that can grow taller than Redwoods and together they bring water down from the fog. (There was a small trail in Redwood Park in Oakland that had some beautiful rare wildflowers, but EBRPD mistakenly ordered everything cut to the ground, apologized, and then brought in heavy machinery that destroyed what was left. It's so easy for a supposed mistake to have permanent consequences. Now, if we want to see those rare wildflowers, we have to travel to another county.)

BC-6, cont'd

Lauding the "Friends of Sausal Creek" as a "stewardship group active in vegetation management efforts in Dimond Canyon Park" does not inspire confidence when they killed 40 large, healthy Redwoods for no rational reason. (I was told the trees' crime was being from Crescent City, whatever that means.) Oakland is so barren and treeless, yet this group was allowed to do this? And they also advocate massive pesticide spraying in their nativist fanaticism, contaminating the land and creek to the bay. Why haven't they been stopped? Promoting them and other nativist groups while completely ignoring the people and organizations who have been working to protect our parks shows disturbing bias. (Members of some of those nativist "steward" groups have advocated that the OVM plan match the proposal in the FEMA EIS, which the city was already sued over, and lost, by the Hills Conservation Network.)

So why not name and recommend people and groups who have been working for years to protect our parks -- like East Bay Pesticide Alert (who provided toxicology and alternatives to city officials and involved agencies back in January 2005), and Save the East Bay Hills (who submitted extensive comments that don't seem to have been mentioned in the revised draft)? Our Coalition to Defend East Bay Forests included members injured and disabled by pesticide poisoning, and some have attended all the meetings of the last 2-1/2 years for this plan and consistently opposed the use of pesticides.

BC-7

You could have balanced your extensive citations of Cal-IPC with alternative perspectives, such as by David Theodoropoulos, who debunked 'Invasion Biology' as a pseudo-science, but which Cal-IPC's entire existence is based on. https://www.youtube.com/watch?v=n1i3RP7eDFc

And instead of citing Cal-IPC's "Weed Workers' Handbook," where are the alternatives to pesticides used by Tao Orion, a longtime worker in the field of "restoration," which Cal-IPC pushes along with pesticide use. And where is there mention of Dave Maloney, retired Oakland firefighter, former Chief of Fire Prevention at the U.S. Army Base in Oakland, and member of the Oakland-Berkeley Mayor's Firestorm Task Force, who wrote "The Next Major Fire in the East Bay Hills"? https://defendeastbayforests.files.wordpress.com/2016/07/nextfiremaloney.pdf

Another serious environmental worry listed in your plan is the acknowledgement that the machinery you're planning to use can cause fires and poison the parks: *"Service and fuel heavy equipment only in areas that will not allow grease, oil, fuel, or other hazardous materials to pass into streams or retained vegetation; Remove from the site and properly dispose of all refuse, litter, trash, and non-vegetative debris resulting from vegetation treatment operations; Ensure that hazardous materials spill kits are available on all heavy equipment."*

How about not risking any of this?

BC-8

This is personal to me because your plan would destroy most of what makes these parks special. In a small section of Joaquin Miller park, Monterey Pines enrich the otherwise clay soil and so there is an amazing variety of mushrooms. The Bay Area Mycological Society has events to show the over 40 species in a 20 minute stroll. It's an excellent way to learn species without having to drive hours to other counties. This is the same area that a local conservation biology group teaches people how to find and see two native scorpion species with UV lights. Who even knew Oakland had these interesting little animals? But it won't take much to destroy this habitat. Just kill the pines and open the forest to wind and increasingly deadly sun, followed by fire.

Your plan also ignores that the various Oak species are ill and dying. Bay trees might be next. Redwoods are suffering because of lack of rain and adequate fog drip and they need every bit of tree companionship they can get in order to survive. The June issue of National Geographic ("Talking Trees" by Daisy Chung and Ryan Williams, p. 26), describes how tree species help each other survive. I've wondered if the Oaks with Sudden Oak Death who are predicted to be dead in a few decades could be helped to heal in this way. But the trees need to be as close as possible for the mycorrozial fungi to connect and help them. The plan to isolate and separate trees is not how they naturally grow, and instead weakens them, as well as drying out and heating the earth. Redwoods who need to conserve as much moisture as possible especially suffer.

BC-9

Wouldn't it make sense to diversify our forests so we aren't without trees as disease spreads and heat increases? We have several species, native and not, perfectly suited to this changing environment. Native Douglas Fir live for hundreds of years and are incredibly disease and pest resistant, and do well in both hot and cold environments. The Grey Pine/Pinus Sabiniana who are east of Oakland could also be planted here. But we already have extremely drought tolerant and disease resistant Acacia species (including the gorgeous Acacia delbata) and several Eucalyptus species. (In terms of fire risk, I could demonstrate trying to set fire to Euc leaves or bark here to show you how difficult that is). When older, Eucalyptus trunks are like steel, and they are perfect windbreaks. (Many people don't know that they were planted specifically as windbreaks on properties out in the open, and not just for lumber.)

Why not commit to not killing another tree and actually talking with us about how to truly prevent fires while enriching our parks, instead of continuing on this destructive path?

BC-10

You describe in detail about working around some of the more vulnerable animals species, including relocating them, but you should know that that is likely to kill them. Animals have a complex relationship with the trees and other plants and animals and the territories they have fought to win. (Again, mistakes inevitably happen. I tried working with Audubon to save the Burrowing Owls in Berkeley, only to see that those in charge knew nothing about the birds and so inadvertently destroyed their habitat, driving the owls away. They apologized, but continued doing more damage.)

Your plan refers to leaving trunks of killed trees to prevent hillsides collapsing but that is another disaster in the making. The trees hold hillsides up, as do the beautiful, evocative, but hated broom. As people lose their homes to landslides, being told the cause was fire prevention will be small comfort. Go along Skyline and in Montclair to see houses and hillsides coming down after Eucalyptus and other trees have been killed. (Also, so many trees have been killed in the Oakland hills that much of the privacy people moved there for is disappearing.)

We need every tree we can get as our climate continues to heat. The difference in how it feels on a very hot day to be on an Oakland street versus under the trees in our parks is dramatic and tens of degrees difference.

Most parts of the US want more trees, but the Bay Area seems set on cutting them down. We can easily see the results in every cut areas, where the highly flammable grasses and thistles and Poison Hemlock spread. (Those plants cannot successfully grow in shade.) And once the targeted trees are killed or “thinned” or “limbed,” there is no returning them to a natural, healthy state. They also make an ugly sterile-looking unnatural “park.” It’s a terrible plan.

BC-10, cont'd

I vote for the option of “No Project.” That is the safest plan in preventing fire and protecting our parks and animals. Please, OVM, take the lead in being on the right side of history, inspiring other cities, and making Oakland safer and more beautiful, but not more vulnerable to fire.

BC-11

Bev Von Dohre

Slakewings@aol.com

Letter BC: Von Dohre

Response to Comment BC-1

This comment supports the No Project Alternative because the VMP introduces pesticides into parks and open spaces. See Master Responses 3 and 5.

Response to Comment BC-2

The comment states that tree removal is likely to cause more fires rather than prevent them The comment does not pertain the adequacy of the CEQA analysis. See Master Responses 3 and 5. As described in the Recirculated DEIR, implementation of Mitigation Measures BIO-1, BIO-2a, BIO-2b, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-9, BIO-10, BIO-11, BIO-13, BIO-14, BIO-15, GEO-1, GEO-2, HAZ-4, and HYD/WQ-1 would reduce potential impacts to special-status species and their habitat during Revised VMP treatment to a less-than-significant level. The Prior 2020 DEIR and the Recirculated DEIR are in conformance with the applicable existing laws and standards established by federal, state, and local laws and ordinances. This comment will be conveyed to the decision-makers.

Response to Comment BC-3

Comment provides information about special-status plant and wildlife species in the surrounding region and states that tree removal is detrimental to special-status species. The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BC-4

Comment states that the VMP list of invasive plants includes plants that do not occur in the area. The comment does not pertain the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers. An inventory of plant and wildlife species observed during the 2017 field surveys is provided within the Revised VMP Appendix B, Species Observed in the Plan Area during Reconnaissance Surveys.

Response to Comment BC-5

This comment states that “The Weed Worker's Handbook” recommends pesticide use. See Master Response 3.

Response to Comment BC-6

The comment states that masticators, which break large wood debris into smaller pieces, leave shredded branches that are extremely flammable. As discussed in Master Response 3 under “Increased Risk of Wildfire and Wildfire-Related Effects through Use of Herbicides,” chipped vegetation is less flammable than pre-treated vegetation. See also the following sections of the Revised VMP for information on techniques and processes used in changing ladder fuels to less

flammable chips: Section 8.2.7, “Mulch Application”; Section 8.3.4, “Mechanical Cutting/Crushing”; and Section 8.3.5, “Chipping.”

Response to Comment BC-7

This comment states that, during development of the VMP, only stewardship groups with a nativist perspective were consulted and recommends that others should be consulted and the VMP should cite other perspectives. See Section 1.7, “CEQA Process,” of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP.

Response to Comment BC-8

This comment states that the VMP acknowledges that machinery damages the environment. See Master Response 5. See Appendix I of the Draft VMP for a list of BMPs related to machinery uses (GEN-1 through GEN-9).

Response to Comment BC-9

This comment recommends diversifying forests with native and non-native species. See Master Responses 1 and 2. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/restoration is not a goal of the VMP. Additionally, during VMP development, the City received feedback requesting that the plan not replace non-native trees/vegetation with native vegetation. Though the results of such a plan may meet fire hazard reduction goals, the VMP does as well by addressing areas with the highest fire hazard and prioritizing treatments there.

Response to Comment BC-10

This comment expresses opposition to the removal of trees. As stated in Section 2.4.1 on page 2-10 of the Recirculated DEIR, the goals and objectives of the Project include minimizing fire danger by reducing the likelihood of extreme fire behavior within the Revised VMP area. The treatments selected in the VMP were chosen for their ability to reduce fire danger. Additionally, Section 8.3.6, “Tree Removal,” of the Revised VMP explains that proposed tree removal would be selective rather than broad. See Master Response 5 for further discussion regarding impacts of tree removal.

Response to Comment BC-11

This comment states that the author supports the No Project Alternative. This comment does not relate to the adequacy of the CEQA analysis. The comment will be conveyed to the decision-makers.

BD

From: isis feral
To: info@oaklandvegmanagement.org
Subject: Re: CITY OF OAKLAND NOTICE OF AVAILABILITY (NOA) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE OAKLAND VEGETATION MANAGEMENT PLAN AND NOTICE OF PUBLIC HEARING ON DEIR
Date: Tuesday, November 24, 2020 10:16:03 PM

The email address to submit comments is incorrect in this mailing, and on your web page, as well as in the Notice of Availability. It is missing the first E in 'management'. I tested the address you provided and it bounced.

BD-1

Please send out a correction, and add however many days to the scoping period as it takes you to correct the error in all relevant documents and announcements.

Thank you.

Isis Feral

Sent from my hardwired computer with all wireless functions turned OFF

> On Tuesday, November 24, 2020, 03:43:03 PM PST, <info@oaklandvegmanagement.org> wrote:
>
> **CITY OF OAKLAND**
> **NOTICE OF AVAILABILITY (NOA) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE OAKLAND VEGETATION MANAGEMENT PLAN AND NOTICE OF PUBLIC HEARING ON DEIR**
>
> **NOTICE IS HEREBY GIVEN THAT** The City of Oakland ("City") has prepared a Draft Environmental Impact Report (DEIR) for the Oakland Vegetation Management Plan (VMP) for City-owned parcels located within the California Department of Forestry and Fire Protection (CalFIRE) designated Very High Fire Severity Zone (VHFSZ). The City is requesting comments on the content of the DEIR. Please refer to the attached Notice of Availability for more information.
>
> **PUBLIC REVIEW AND COMMENT PERIOD:** The City invites comments on the Draft Vegetation Management Plan (VMP) and DEIR during a 45-day comment period that begins on **November 24, 2020 and ends on January 7, 2021** at 5:00 PM. The City prefers that written comments be submitted via email at: DEIR-comments@oaklandvegmanagment.org. Please reference **VMP DEIR Comments** in all correspondence. Comments may also be submitted via mail to the following address:
>
> Horizon Water and Environment, LLC
> Attn: Ken Schwarz, Principal, VMP DEIR Comments
> 266 Grand Avenue, Suite 210
> Oakland, CA 94610
>
> Comments will also be received at the public meetings to be held as noticed below. Written comments submitted via e-mail and mail can be provided no later than **January**

7, 2021 at 5:00 PM.

DOCUMENT AVAILABILITY: The DEIR and the Draft VMP are available for review online at: www.oaklandca.gov/projects/oakland-vegetation-management-plan.

PUBLIC HEARINGS: In accordance with the revised Emergency Order No. 3 of the City of Oakland that was adopted due to the outbreak of COVID-19, meetings of the Oakland City Council and of the Planning Commission are being conducted online, rather than in person.

The City Planning Commission will conduct a public hearing on the DEIR for the project on **December 16, 2020 at 3:00 PM**.

For more information about how to participate in this meeting, please visit: https://www.oaklandca.gov/boards-commissions/planning-commission.

Letter BD: Isis Feral

Response to Comment BD-1

This comment states that the email address for comments provided in the NOA regarding the Prior 2020 DEIR was incorrect and requests that the City extend the comment period. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP has met the legal requirements for soliciting public opinions and comments about the Plan. Comments have been considered and incorporated where applicable. See Appendix B of the Revised VMP.

3.5 Comments on Recirculated DEIR and Responses

Each comment submittal is designated with a unique alphabetical label for ease of identification. Comment submittals on the Recirculated DEIR are labeled continuously with comments on the prior 2020 DEIR; that is, Letter BE, the first submittal on the Recirculated DEIR, follows Letter BD, the last submittal on the Prior 2020 DEIR. Individual comments within each submittal are marked and numbered in the margin of the comment submittal. The responses to those comments correspond to the marked individual comments (e.g., Comment BE-1 from Letter BE corresponds to Response to Comment BE-1).

Friends of Knowland Park

BE

To: Ken Schwarz, Montrose Environmental <DEIR-comments@oaklandvegmanagement.org
From: Karen Asbelle for Friends of Knowland Park <karen.asbelle@gmail.com>
Date: November 3, 2023
Re: Comments on "*Revised Draft Vegetation Management Plan, September 2023*"

Thank you for the opportunity to comment on the "*Revised Draft Vegetation Management Plan; Recirculated Draft Environmental Impact Report; September 2023*"

Comment 1: Please modify Table 2-44 "Vegetation Management Standards and Goals by Dominant Vegetation Type, Grassland/Herbaceous (annual and perennial grasslands)" (p. 2-14):

Bullet 1: Please revise "not exceed 3 inches" to read "**be between 4-6 inches**" as follows:
"Heights of grasses, weeds and thistles shall ~~not exceed 3 inches~~ **be between 4-6 inches** within ~~30~~ 75 feet of habitable structures (within or outside of City-owned property)."

[Note: This revision is critical because clearing vegetation to 3 inches or below, possibly even down to mineral soil, can create a "bowling alley" for embers. Severe grazing or mowing of existing grassland cover can open the area to flammable invasive weeds. Grass heights below 4 inches post-treatment are also an erosion risk and may violate the Clean Water Act. This "shall not exceed 3 inches" wording risks native grasses and forbs being grazed so low that they cannot recover naturally, significantly reducing essential vegetative cover for insects, pollinators, reptiles, including the federally threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*), also known as the Alameda striped racer, and reducing habitat-supporting food sources for grassland birds and wildlife. Additionally, East Bay Regional Park District specifies grazing to "no shorter than 4 inches" as part of their Wildfire Hazard Reduction and Resource Management Plan (WHRRMP).]

BE-1

Bullet 2: Please revise "below 6 inches" to read "**between 4-6 inches**" as follows:
"Heights of grasses, weeds and thistles shall not exceed 18 inches beyond ~~30~~ 75 feet from a habitable structure (recommended height is ~~below 6 inches~~ **between 4-6 inches**)."

[Note: This revision is critical because the "below 6 inches" could be interpreted to mean *any height* less than 6 inches --- even potentially down to the mineral soil. Severe grazing or mowing of existing grassland cover can open the area to flammable invasive weeds. Grass heights below 4 inches post-treatment are also an erosion risk and may violate the Clean Water Act. This "below 6 inches" wording risks native grasses and forbs being grazed so low that they cannot recover naturally, significantly reducing essential vegetative cover for insects, pollinators, reptiles, including the federally threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*), also known as the Alameda striped racer, and reducing habitat-supporting food sources for grassland birds and wildlife. Additionally, East Bay Regional Park District specifies grazing to "no shorter than 4 inches" as part of their Wildfire Hazard Reduction and Resource Management Plan (WHRRMP).]

BE-2

Bullet 3: Please revise bullet to read: "Leave cut grass on the ground to protect soil but **grass clippings** must not exceed ~~6~~ **2** inches in ~~height~~ **depth**."
[Note: This revision is needed because the statement is unclear. While grass heights after grazing or mowing should be targeted to between 4-6 inches, any cut grass/mulch left on top of the remaining grass should not exceed 2 inches in depth to avoid the loss of special status plant species and sensitive natural plant communities.]

BE-3

Bullet 6: Please revise as follows: "Spread all mulch or chipped material to a depth not to exceed 6 inches **in areas where special status plant species and plant communities are not present as determined by botanical surveys. In areas where rare plants and plant communities are present, mulch and chipped materials should not be used.**"
[Note: This revision is needed because covering special status plant species and sensitive natural plant communities with 6 inches of mulch/chips will result in their loss.]

BE-4

ADDITIONAL AS NEEDED: Appendix A: "Revised Draft Vegetation Management Plan, Section 9.1.2 Grassland/Herbaceous (p. 123): For consistency, please revise Appendix A to reflect the same wording changes requested for Table 2-44 in the main OVMP document as discussed above.

BE-5

Comment 2: Please modify "Knowland Park, Current Vegetation Treatments" (p. 2-60):

Last sentence: Please revise to read "~~Most~~ **Portions** of this property **include~~s~~** lands within 100 and 300 feet from existing structures."
[Note: This revision is needed because most of the Knowland Park "property" is not within 100 and 300 feet of existing structures.]

BE-6

Comment 3: Please modify "Knowland Park, Proposed Vegetation Treatments" (p. 2-61):

Bullet 5: Please insert bold text as follows: "Goats should be excluded from sensitive areas, such as rock outcrops and the emergent wetland, **using perimeter buffer fencing.**

Add new bullet: "**Goats should be managed to retain the low, native forb and fern understory in oak woodlands.**"

Add new bullet: "**Onsite water troughs for grazing goats should be located where there will be no risk of concentrated trampling of special status plants and sensitive plant communities.**"

BE-7

Bullet 6: Please modify as follows: "**~~Where feasible,~~ Habitat-supporting** shrubs such as coffeeberry (*Frangula californica*), toyon (*Heteromeles arbutifolia*), **and currant** and gooseberry (*Ribes* spp.) should be protected from goat grazing."
[Note: This revision is needed because "Where feasible" has no measurable criteria and such wording may provide an ongoing loophole.]

BE-8

Comment 4: Please revise "2.4.12 Annual Work Plan Development Process" (p. 2-88):

Paragraph 2: "~~Following the development of the annual work plan, the~~ **The** City will ~~review~~ **develop** the work plan with a qualified **wildlife** biologist **and a botanist (including an onsite visit),** to identify sensitive resources within the treatment areas."
[Note: This revision is needed because appearance of rare plant populations can vary annually based on rainfall patterns, other climate factors, and random disturbances. Site-specific vegetation and wildlife patterns are dynamic and need to be reviewed annually in the field. Also, a wildlife biologist and a botanist possess distinct knowledge and experience. Each needs to be enlisted in the development of the annual work plan to ensure environmental protections are part of the treatment planning. We strongly recommend that the City engage a botanist to do an annual "reconnaissance" survey of special status native plants and sensitive plant communities, and a wildlife biologist to do a field review of wildlife habitat considerations, as part of developing the annual work plan.]

BE-9

Comment 5: Please revise "Table 2-99 Revised Draft VMP Treatment Projects and Proposed Vegetation Management Techniques (p. 2-109 to 2-110):

Boxes for KNO-1, KNO-3, KNO-4: Environmental impacts, analysis of impacts, and mitigation of those impacts on biological resources – special-status plants, sensitive natural plant communities, locally rare plants, and special-status wildlife – *are not adequately described*, particularly for the Oakland Zoo California Trail exhibit property, which is edged by oak woodland, special-status native grasslands, and rare maritime chaparral.

BE-10

Comment 6: Please update "Appendix K: Friends of Knowland Park" contacts (p. K-1)
Delete Elise Bernstein and Laura Baker; **add Barbara Kluger and Jim Hanson** as follows:

Karen Asbelle karen.asbelle@gmail.com
Barbara Kluger bkluger@gmail.com
Beth Wurzburg wurzburg.beth@gmail.com
Jim Hanson conservation@ebcnps.org
Scott Wedge swopw@xemaps.com

BE-11

Thank you!

Letter BE: Karen Asbelle, Friends of Knowland Park

Response to Comment BE-1

The comment requests that the maximum height of grasses, weeds, and thistles close to habitable structures be expanded from a maximum of 3 inches in the Recirculated DEIR to instead a maximum of 4 to 6 inches. The comment states that severe grazing or vegetation removal could foster growth of inflammable invasive weeds, increase erosion risk, reduce viability of listed plant species, and reduce essential vegetative cover for listed wildlife and invertebrate species.

Table 2-4 provides a summary of the vegetation management and maintenance standards described in the Revised VMP, which are derived from principles of vegetation management for fire hazard reduction. As explained in Section 2.4.3, "Vegetation Management Standards," of the Recirculated DEIR (page 2-12): "Specific standards for tree-dominated vegetation types including eucalyptus, closed-cone pine-cypress, urban (acacia) and urban (mixed tree stands), oak woodland, redwood, and riparian vegetation communities are described in Section 9.1 of the Revised Draft VMP." The information provided in Table 2-4 is not intended to be the sole guidance for City staff, the public, and contractors regarding the environmental protection measures that are to accompany vegetation treatment practices. See also Response to Comment F-25.

Regarding the specific request for revision, the Revised VMP and Recirculated DEIR, including management standards (notably the specific language to avoid grass removal to mineral soil), BMPs, and mitigation measures, are sufficiently protective of environmental quality and natural resource values.

Response to Comment BE-2

The comment requests that the maximum height of grasses, weeds, and thistles beyond 30 feet from a habitable structure as provided in Table 2-4, "Vegetation Management Standards and Goals by Dominant Vegetation Type, Grassland/Herbaceous (annual and perennial grasslands)," (p. 2-14) be revised to change the buffer from habitable structures from 30 feet to 75 feet and to change the recommended height from below 6 inches to between 4 to 6 inches."

As stated in Responses to Comments BE-1 and F-25, the information in Table 2-4 is intended to be treated as a summary of treatment recommendations. City staff, the public, and contractors would rely on the full range of management standards, BMPs, and mitigation measures identified in the Revised VMP and Recirculated DEIR. Impacts to sensitive natural communities would be minimized through implementation of Mitigation Measure BIO-1, BIO-2a, BIO-2b, BIO-3, BIO-4, BIO-5, BIO-7, BIO-8, BIO-10 BIO-13, BIO-14, GEO-1, GEO-2, and HYD/WQ-1. With implementation of these measures, impacts on sensitive natural communities and special-status wildlife would be reduced to a less-than-significant level. Additionally, see Revised VMP Section 9.1, "Vegetation Management and Maintenance Standards"; Section 10, *Practices to Avoid/Minimize Impacts;* and Appendix J.

Regarding the specific request for revision, the second bullet point of the management standards included in Section 9.1.2 of the Revised VMP will be edited to include the same language as provided in the first bullet point. Specifically, the second bullet point will be revised to state:

> "Beyond 75 ~~30~~ feet from a habitable structure, grasses (annual and perennial), weeds, and thistles shall be treated such that heights do not exceed 18 inches, but it is recommended to cut grasses below 6 inches in height. Avoid removal to the mineral soil to minimize erosion."

Response to Comment BE-3

The comment requests that Table 2-4, "Vegetation Management Standards and Goals by Dominant Vegetation Type, Grassland/Herbaceous (annual and perennial grasslands)," (page 2-14) be revised to indicate that cut grass should not exceed 2 inches in depth.

See Responses to Comments BE-1, BE-2, and F-25. Regarding the specific request for revision, the third bullet point of the management standards included in Section 9.1.2 of the Revised VMP will be edited consistent with Chapter 49 (within Chapter 15.12) of the Oakland Fire Code to state:

> "Cut grass may be left on the ground surface to protect soil as long as it lays down within 3 inches of the ground ~~does not exceed 6 inches in height.~~"

Response to Comment BE-4

The comment requests that Table 2-4, Vegetation Management Standards and Goals by Dominant Vegetation Type, Grassland/Herbaceous (annual and perennial grasslands)," (page 2-14), in the Grassland/Herbaceous (annual and grasslands) section be revised to specify that all mulch or chipped material not be spread to a depth "in areas where special-status plants species and plant communities are present as determined by botanical surveys." See Responses to Comments BE-1, BE-2, and F-25.

Regarding the specific request for revision, the Revised VMP and Recirculated DEIR, including management standards, BMPs, and mitigation measures, are sufficiently protective of environmental quality and natural resource value. Specifically, as identified in Section 10.4 of the Revise Draft VMP, the City's Draft Protected and Endangered Species Policy and Procedures document (VMP Appendix J) establishes protection procedures for endangered or threated species of flora while conducting vegetation management activities. The Policy and Procedures document requires site view by a qualified biologist and flagging and avoidance of vegetation management work in areas where protected species are present.

Response to Comment BE-5

The comment requests that the Revised Draft Vegetation Management Plan, Section 9.1.2 "Grassland/Herbaceous," page 213 and Appendix A be revised with to reflect the same wording changes for Table 2-4 as requested in Comments BE-1 through BE-4. See Responses to Comments BE-1 through BE-4.

Response to Comment BE-6

The comment requests that the "Knowland Park – Current Vegetation Treatments" subsection (page 2-60), be revised to indicate that portions of the property, as opposed to most of the property, "includes lands within 100 and 300 feet from existing structures." This comment does not relate to the adequacy of the CEQA analysis. The text on page 2-60 will be revised as follows:

> "~~Most~~ Portions of this property include~~s~~ lands within 100 and 300 feet from existing structures."

Response to Comment BE-7

The comment requests that the "Knowland Park – Current Vegetation Treatments" subsection (page 2-61) be revised to specify that perimeter buffer fencing would be used to exclude goats from sensitive areas. In addition, the comment requests that additional requirements be added regarding grazing goats.

Mitigation Measure BIO-2a, Avoid Special-Status Plant Species (revised from VMP BMP BIO-3), requires pre-activity surveys to identify and flag protected plants, implement avoidance buffers, and implement appropriate treatment windows to avoid sensitive seasons during the species' lifecycles. Mitigation Measure BIO-2a includes the following requirements:

4. If special-status plant species are present at the treatment area based on the pre-treatment survey, the City's preferred approach is to avoid causing any impacts to the special-status species or its habitat, if feasible. In the event that complete avoidance is not possible, the qualified biologist shall minimize impacts on the species by implementing one or more of the following measures, as appropriate based upon the plant identified, the nature of the treatment, and the location:

    A. Flag or otherwise delineate in the field the special-status plant populations and/or sensitive natural community to be protected;

    B. Allow adequate (large enough to avoid direct or indirect impacts to the plants or habitat) buffers around plants or habitat; the location of the buffer zone shall be shown on the contract documents and marked in the field with stakes and/or flagging in such a way that exclusion zones are visible to personnel without excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing); […]

Additionally, Mitigation Measure BIO-5 (Grazing) would require exclusion of grazing animals from special-status plant populations. In addition, BMP BIO-4: Grazing (page I-9) in Appendix I of the Recirculated DEIR includes the requirement that goats be excluded from known locations of special-status plant species.

Response to Comment BE-8

The comment requests that the "Knowland Park – Current Vegetation Treatments" subsection (page 2-61) be revised to remove the qualifier "where feasible" and to add "currant" to the

species to be protected from goat grazing. Mitigation Measures BIO-2a and BIO-5 and BMP BIO-4 are sufficiently protective of special-status plants with regard to goat grazing.

Response to Comment BE-9

The comment requests that Section 2.4.12, "Annual Work Plan Development Process," on pages 2-87 and 2-88 of the Recirculated DEIR be revised to specify that the City will develop annual work plans with a qualified wildlife biologist and botanist, rather than review the work plan with these specialists. In addition, the comment requests site visits to identify sensitive resources within the treatment areas.

See Responses to Comments BN-6, BN-7, F-6, F-8, and F-10. Additionally, in the Recirculated DEIR, Mitigation Measure BIO-2a was revised to reduce the time between special-status species surveys from 5 years to 3 years. See Section 3.4, pages 3.4-58 and 3.4-59 in the Recirculated DEIR. Additionally, the City's Draft Protected and Endangered Species Policy and Procedures document (VMP Appendix J) establishes protection procedures for endangered or threated species of flora while conducting vegetation management activities. The Policy and Procedures document requires site view by a qualified biologist during the appropriate plant blooming period. Additionally, the Policies and Procedures document requires that biologists conducting surveys in advance of vegetation management activities have "demonstrated past experience conducting biological assessments for Protected Species and developing and implementing avoidance strategies for such species."

Response to Comment BE-10

The comment states that Table 2-9, "Revised Draft VMP Treatment Projects and Proposed Vegetation Management Techniques" of the Recirculated DEIR (pages 2-109 to 2-110) does not adequately describe impacts on biological resources (special-status plants, sensitive natural plant communities, locally rare plants, and special-status wildlife) in the Knowland Park and Arboretum area, in particular near the Oakland Zoo California Trail exhibit property.

Section 9.2, "Current and Recommended Treatments for Specific Areas," of the Revised VMP includes recommendations and site-specific projects within City-owned parcels and roadsides, categorized based on size, location, and similar characteristics. This information includes a summarized section with existing vegetation management activities that are being implemented by the City along with vegetation management actions and projects recommended under the Revised VMP. Section 9.2 includes specific recommended treatment for select areas, the roles of volunteer and stewardship groups in managing vegetation in City parks, and specific projects identified under the VMP for specific areas and dominant vegetation types. Additionally, mitigation measures would be documented in the MMRP for the Proposed Project, which would document the responsible party for implementation.

The Recirculated DEIR appropriately classifies special-status plants and wildlife for the purposes of identifying, analyzing, and mitigating impacts under VMP implementation. I Implementation of Mitigation Measures BIO-1, BIO-2a, BIO-2b, BIO-3, BIO-4, BIO-6, GEO-1, GEO-2, HAZ-4, and HAZ-5 would prevent potential impacts to special-status species and their habitat during vegetation treatments activities, reducing the potential impact on special-status plant species to a less-than-significant level. The Recirculated DEIR is in conformance with the applicable existing laws and standards established by federal, state, and local regulations and ordinances.

The Revised VMP includes a Biological Resources Report that documents existing biological conditions within the Plan Area at the time of VMP development. The report includes mapping of vegetation and land cover, and identification of potential habitat for special-status species and sensitive natural communities. The findings of this report provide a baseline understanding of existing biological resources in the Plan Area. The Revised VMP was developed to identify and describe vegetation management approaches to reduce fire risk with the existing biological resources and their location as a baseline.

Response to Comment BE-11

This comment requests that Appendix K be updated to show the contacts of the organization as of November 2023. The text will be revised to show the list of contacts as follows:

Knowland Park	Friends of Knowland Park	Scott Wedge	swopw@xemaps.com
		~~Elise Bernstein~~	~~elisebernstein@gmail.com~~
		Beth Wurzburg	wurzburg.beth@gmail.com
		~~Laura Baker~~	~~lbake66@aol.com~~
		Karen Asbelle	karen.asbelle@gmail.com
		Barbara Kluger	bkluger@gmail.com
		Jim Hanson	conservation@ebcnps.org

DEIR-comments

BF

From Ken Benson <kenbenson@earthlink.net>
To <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-03 23:26

Hello.

As President of Oakland Firesafecouncil and as a citizen living within the very high fire severity zone (vhfsz) I am pleased with most if not all of the updated Vegetation Management Plan and related Draft EIR. It could have had mitigations that included more or direct removal of eucalyptus and acacias but on balance it is just right for what will be needed going forward to provide wildfire prevention and increased safety to our Oakland residents. It can be used after the Final EIR as the basis for a new and updated Wildfire Prevention District that is more project focused and has clear fuel load reduction sites and mitigation efforts to be overseen by the revised and updated District. BF-1 BF-2

Looking forward to seeing the comments and updates as the process moves forward.

Thank you.

Ken Benson
President
Oakland Firesafe Council
www.oaklandfiresafecouncil.org

Letter BF: Ken Benson, Oakland Firesafe Council

Response to Comment BF-1

The comment expresses support for the Proposed Project. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BF-2

This comment expresses a preference for more aggressive removal of non-native trees. This comment has been superseded by revisions incorporated in the Recirculated DEIR. See Master Response 1. Enhanced removal of non-native and flammable tree species has been added to the Recirculated DEIR in Section 2.4.3, "Vegetation Management Standards," as well as the Revised VMP in Section 9.1, "Vegetation Management and Maintenance Standards."

BG

Wood Park

From Joseph Boyle <boyle.joseph@gmail.com>
To <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-05 02:58

William Wood Park and the landslide area to the south are more vegetated than Dimond Park and should be included. Although not geographically as connected they are still vulnerable to spreading in a major fire.

BG-1

Letter BG: Joseph Boyle

Response to Comment BG-1

This comment requests that Willard Park and the landslide area to the south be included in the Project area. Willard Park is outside of the jurisdiction of the City of Oakland, and therefore is not included in the Project Area.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

BH

October 31, 2023

Oakland Vegetation Management Plan
City of Oakland, Oakland Fire Department
150 Frank H. Ogawa Plaza, Suite 3354
Oakland, CA 94612
DEIR-comments@oaklandvegmanagement.org

Subject: Revised Oakland Vegetation Management Plan, Revised Draft Environmental Impact Report Recirculated DEIR Comments, SCH No. 2019110002, City of Oakland, Alameda County

Dear City of Oakland,

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability (NOA) of a Revised Draft Environmental Impact Report (EIR) from the City of Oakland (City) for the Oakland Vegetation Management Plan (VMP, Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

CDFW is providing the City, as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a permit pursuant to the California Endangered Species Act (CESA), Native Plant Protection Act (NPPA), the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

PROJECT DESCRIPTION AND LOCATION

Proponent: The Oakland Fire Department (OFD) will implement the VMP on behalf of the City of Oakland.

Objective: The objective of the Project is to reduce fuels and manage vegetation in areas within Oakland that are at high risk of wildfire. The Project is designed to manage fuel loads and vegetation on City-owned properties and along roadways in the City's Very High Wildfire Hazard Severity Zone (VHFHSZ) to reduce the likelihood of a catastrophic wildfire, such as the 1991 Oakland Hills Fire. Primary Project activities include thinning, pruning, removal, and other modification of trees and vegetation to reduce the likelihood of a wildfire occurring and to minimize/slow the spread of a wildfire, should one occur.

Location: The Project includes City-owned parcels and the areas within 30 feet of the edge of roadsides located within the City's VHFHSZ as designated by the California Department of Forestry and Fire Protection (CALFIRE) and defined in Section 4904.3 of the Oakland Fire Code (Oakland Municipal Code Chapter 15.12). The Project also encompasses the area within 30 to 100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees are present on City-owned property and could strike the road if they fell. Specifically, the Project area includes: 419 City-owned parcels, ranging in size from less than 0.1 acres to 235 acres and totaling 1,924 acres. Parcels have been divided into the following categories: urban and residential (51.2 acres), canyon areas (188.7 acres), ridgetop areas (130.2 acres), City park lands and open space (1,522.9 acres), other areas (24.5 acres), and medians (6.1 aces). "Other areas" are developed City-owned properties that include fire stations (nos. 6, 7, 21, 25, and 28), City facilities (parking lots, police stations), paved areas, and parks and playgrounds (e.g., Montclair Park). The Project includes roadside areas along 308 miles of roadways within the City's VHFHSZ, which includes surface and arterial streets, State Routes 13 and 24, and Interstate 580. The parks, recreational and open space areas are as follows: Beaconsfield Canyon, Garber Park, Dimond Canyon Park, Shepherd Canyon Park, Leona Heights Park, North Oakland Regional Sports Complex, Grizzly Peak Open Space, City Stables, Sheffield Village Open Space, Knowland Park and Arboretum, King Estates Open Space Park, Joaquin Miller Park, Tunnel Road Open Space, Marjorie Saunders Park, and Oak Knoll.

Timeframe: There are no known Project start and end dates.

REGULATORY REQUIREMENTS

California Endangered Species Act And Native Plant Protection Act

BH-1

CESA prohibits the take[2] of any species designated as an endangered, threatened, or candidate species. Similarly, Fish and Game Code section 1908, a section of the NPPA, prohibits the take of any state rare or NPPA-listed as endangered plants. Further, Fish and Game Code sections 2080 and 1908 prohibit the import, export, take, possession, purchase, or sale of any CESA protected species, "or any part or product thereof." However, CDFW may authorize the take of any such species if that take is incidental to otherwise lawful activities and the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met (See Cal. Code Regs., tit. 14, §§ 783.4 & 786.9). In addition, the NPPA provides specific exceptions to the take prohibition of NPPA-listed plants by activity type, including, but not limited to, emergency work, fire control measures, timber operations, and activities required to provide service to the public (Fish & G. Code §§ 1912 & 1913 subd. (a) & (b)). If CDFW has notified the landowner that NPPA listed plants occur on their property, the aforementioned exceptions only apply when the landowner has notified CDFW at least 10 days before the activity to allow for salvage of the NPPA listed plant (Fish & G. Code § 1913 (c)). In the case of emergency work, CDFW must be notified within 14 days after beginning the activity (Fish & G. Code § 1912). Take of a CESA listed species without a CESA permit violates section 2080; take of a CESA and NPPA listed species that does not conform to the scenarios identified in Fish and Game Code violates sections 2080 and 1908.

BH-1 cont'd

Please be advised that not all NPPA plants are biologically suited to salvage and translocation. CDFW advises early consultation and coordination to provide the best conservation outcomes for NPPA plants.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, does not eliminate the Project proponent's obligation to comply with Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated

[2] Pursuant to Fish and Game Code section 86, "'take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

riparian or wetland habitat; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW may not execute the final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a Responsible Agency under CEQA. BH-1 cont'd

SPECIFIC COMMENTS AND RECOMMENDATIONS

Comment 1: Potential Adverse Effects on Special-Status Plant Species BH-2

Issue: The Project discusses the potential impacts to special-status plants and states three listed plant species are known to occur or potentially occur in the VMP area: federally threatened and state endangered pallid manzanita (*Arctostaphylos pallida*), federally and state endangered Presidio clarkia (*Clarkia franciscana*), and state endangered San Francisco popcornflower (*Plagiobothrys diffuses*). *Mitigation Measure BIO-2b* states the City will prepare a Compensatory Mitigation Plan and provide compensatory mitigation for impacts to special-status plant populations where such impacts are unavoidable. Take of a CESA listed species without a CESA permit violates section 2080; take of a CESA and NPPA listed species that does not conform to the scenarios identified in Fish and Game Code violates sections 2080 and 1908. Additional mitigation may be required pursuant to such a permit.

Evidence impact would be significant: Potential adverse effects to these species from mechanical and hand labor treatments include physical removal of listed plants due to trampling or vehicle access to treatment areas, as well as accidental direct removal during VMP activities. Allowing animals to graze in areas around listed plants could result in animals trampling or consuming listed plants, which would be a significant impact. Herbicides, if used in the vicinity of listed plant populations, could also result in a significant impact by causing the death of individual listed plants.

Recommendation 1: CDFW recommends *Mitigation Measure BIO-2b* be revised to include language defining the Project's obligation to obtain CESA-listed plant take coverage through an Incidental Take Permit (ITP) issued by CDFW when take of listed plant species cannot be fully avoided. CDFW also recommends early consultation when obtaining an ITP as significant modification to the Project and mitigation measures may be required to obtain a CESA ITP. More information on the CESA permitting process can be found on the CDFW website at https://www.wildlife.ca.gov/Conservation/CESA. CDFW recommends consulting with the U.S. Fish and Wildlife Service (USFWS) on potential impacts to federally listed species. Consultation with the USFWS in order to comply with the federal Endangered Species Act (ESA) is advised well in advance of Project implementation.

Issue: The Project provides specific mitigation measures for the state listed Presido Clarkia, as defined under *Mitigation Measure BIO-4: Avoid Presidio Clarkia Sensitive* BH-3

Time Periods, yet does not provide any specific mitigation measures for the other listed plants, specifically the pallid manzanita. BH-3 cont'd

Evidence the impact would be significant: Pallid manzanita is present within Joaquin Miller Park, including the Chabot Space and Science Center and the associated pallid manzanita restoration site located partially within its park boundaries. Additionally, the species has potentially suitable habitat throughout other areas of the VMP. Pallid manzanita commonly occurs near human structures which can represent an extreme wildfire hazard and has been targeted for removal to reduce the threat of wildfire. Additionally, this species is threatened by the use of goat grazing to reduce wildfire fuel loads.

Many of the threats to this listed species are contradicted by the goals and vegetation management activities proposed under the VMP, which is to reduce the likelihood of catastrophic wildfires on City owned lands. Therefore, the Project should provide additional species-specific mitigation measures for the pallid manzanita that will provide compatible fuel reduction methods and treatments while reducing impacts to and provide room for growth and establishment of this listed species.

Recommendation 2:

The City should take a high-level approach to adequately prevent take of CESA and NPPA listed plants and conserve sensitive flora in the City during projects. An all-encompassing Vegetation Protection and Management Plan would provide a streamlined path to complete the Project while protecting sensitive botanical resources and remaining in compliance with Fish and Game Code As such, CDFW recommends creating a City-wide Vegetation Protection and Management Plan that includes the following:

1. A procedure for identifying potential locations of special-status plants prior to Project or activity initiation. Consider incorporating a subscription to the California Natural Diversity Database (CNDDB), CDFW's positive detection database for all rare plants and animals in California (further information available here: https://wildlife.ca.gov/Data/CNDDB/Subscribe). In addition, the City should incorporate the recently approved East Bay Regional Conservation Investment Strategy (RCIS) which provides publicly available maps of certain special-status species' locations and/or modeled habitat. The RCIS includes maps for pallid manzanita, Presidio clarkia, and most beautiful jewelflower (Caulanthus californicus), among other sensitive species that occur in Oakland and elsewhere in the East Bay (ICF 2021);

2. Implement a methodology for surveying for special-status plants prior to project implementation, such as CDFW's Protocols for Surveying and Evaluating

Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018);

3. Conduct best management practices for avoiding impacts to plants, including temporary flagging or fencing during projects, botanical monitors, appropriate project timing, etc.;

4. A list of City departments and programs engaged in work that could impact botanical resources and a mechanism for collaborating across these independent programs; and

5. An annual training program for all appropriate staff and contractors that conduct activities in special-status plant habitat.

BH-3 cont'd

A commitment that if take of CESA listed plants cannot be avoided, the City will consult with CDFW prior to conducting work. Please note, if activities could provide a net benefit to CESA-listed plants, the City could pursue a Safe Harbor Agreement.

Comment 2: Potential Adverse Effects on Special-Status Amphibians and Reptiles

BH-4

Issue: The Project discusses potential impacts to special-status wildlife species and states that special-status reptiles with the potential to occur in the VMP area include the western pond turtle (*Emys marmorata*), a CDFW Species of Special Concern, and the federally and state threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*). The Project also states that the only special-status amphibian with potential to occur in the VMP area is the federally threatened California red-legged frog (*Rana draytonii*).

The Alameda whipsnake is most likely to occur within coastal scrub and chaparral habitats of the VMP area but may also use adjacent grasslands and oak woodland habitat. Portions of the VMP area are within critical habitat for this species, particularly the Grizzly Peak Open Space. Western pond turtles have the potential to occur within the aquatic habitats in the VMP area, particularly in perennial streams, marshes, and ponds, and have been observed within the Sausal Creek Watershed. California red-legged frog has potential to occur within the aquatic habitat and riparian habitat immediately adjacent to aquatic breeding habitat in the VMP area.

Evidence impact would be significant: Project activities that occur in chaparral and coastal scrub habitats and areas adjacent to these habitats may impact Alameda whipsnake, if present, through injury or mortality. While the Project proposes to minimize activity within 100 feet of streams, some vegetation management could still be needed near creeks to reduce fire hazard which may result in impacts to western pond turtle and California red-legged frog through injury or mortality.

In *Mitigation Measure BIO-7 (#2)*, the Project states that any coastal scrub and chaparral habitat present within a vegetation treatment area will be inspected by a qualified biologist prior to treatment to determine the presence or potential presence of Alameda whipsnake. The mitigation measure does not provide any information on survey protocols to be used to determine presence/absence of Alameda whipsnake. Due to the elusive, fast-moving nature of Alameda whipsnake and their use of animal burrows as refugia, presence/absence may not accurately locate and allow for full avoidance of Alameda whipsnake. The use of heavy machinery in Alameda whipsnake habitat can cause burrow collapse, resulting in take of Alameda whipsnake that may go unnoticed. BH-4 cont'd

Recommendation 1: To reduce impacts to less-than-significant, CDFW recommends the Project be revised to include restrictions on the use of heavy equipment in Alameda whipsnake suitable habitat areas outside of existing roadways. CDFW recommends restricting mechanical operations within core scrub habitat unless a CESA ITP is obtained. CDFW recommends implementing temperature restrictions conducive to Alameda whipsnake movement for all ground-disturbing operations within suitable habitat areas to allow for snake dispersal. For vegetation removal work in Alameda whipsnake habitat, CDFW recommends operations occur during winter months, where feasible, when snakes are less active (Alvarez, 2021). Additionally, CDFW recommends *Mitigation Measure BIO-7 (#2)* be revised to state ongoing surveys will occur ahead of all manual and mechanical work in suitable habitat areas. CDFW recommends crews be advised on where to broadcast wood chips, avoiding potential Alameda whipsnake refugia such as rocky outcrops and mammal burrows, in addition to limiting chip depth in suitable habitat to prevent disruption of Alameda whipsnake thermoregulation. If take avoidance is not feasible, CDFW recommends the Project state that take coverage will be obtained for the species.

Issue: In *Mitigation Measure BIO-8 (#1)*, the Project states that if vegetation treatment areas occur within 100 feet of aquatic habitat, a qualified biologist will conduct one daytime survey for California red-legged frog within 48 hours before commencement of vegetation management activities. This mitigation measure does not provide the protocols to be used to determine presence/absence of California red-legged frogs within the VMP areas. BH-5

Evidence impact would be significant: The proposed one daytime survey contradicts the recommended USFWS survey methodology of incorporating both daytime surveys for the purpose of locating larvae, metamorphs, and egg masses, and nighttime surveys for the purpose of identifying adult and metamorphosed frogs within the Project area. Therefore, the proposed one daytime survey may not be sufficient to avoid impacts to California red-legged frog during Project activities.

Recommendation 2: To reduce impacts to less-than-significant, CDFW recommends that *Mitigation Measure BIO-8 (#1)* be revised to state that presence/absence surveys

for the California red-legged frog follow the methodology and survey protocol in the *U.S. Fish and Wildlife Service (USFWS) Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (August 2005).* CDFW also recommends that nighttime surveys be incorporated into the presence/absence survey methodology, as recommended by the USFWS. BH-5 cont'd

Comment 3: Potential Adverse Effects on Special-Status Mammals and CEQA-relevant Bat Species BH-6

Issue: At the April 15-16, 2020 teleconference meeting, the California Fish and Game Commission (Commission) accepted for consideration the petition submitted to list an evolutionarily significant unit (ESU) of mountain lions (*Puma concolor*) in southern and central coastal California as threatened or endangered under CESA. Based on that finding and the acceptance of the petition, the Commission provided notice that the Southern California/Central Coast ESU of mountain lion is a candidate species as defined by Section 2068 of the Fish and Game Code. The *Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act (CESA)* can be accessed online at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=171208&inline, and the CDFW *Evaluation of a Petition From the Center for Biological Diversity and the Mountain Lion Foundation to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened Under the California Endangered Species Act* can be accessed online at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=182184&inline.

The Southern California/Central Coast ESU encompasses the Central Coast North population which includes Alameda County where the VMP is located. Mountain lions require large areas of relatively undisturbed habitat with adequate prey abundance, and habitat connectivity to allow for successful dispersal and gene flow. Their large home ranges include heterogenous habitats including riparian, chaparral, oak woodlands, coniferous forests, grasslands, all of which can be found within the Project areas (CDFW 2020).

Evidence impact would be significant: During the CESA candidacy period, a species is afforded the same protections as a listed species (Fish and Game Code section 2085). Therefore, the Project must contain operational provisions that avoid take as defined by and consistent with the candidate status of this species under CESA. The Project does not identify mountain lion as a species potentially impacted by VMP activities.

Recommendation 1: CDFW recommends the City evaluate the potential for mountain lion to be present within or adjacent to the VMP area. If found to potentially occur within the VMP area, CDFW recommends the Project be revised to specify potential impacts and incorporate specific and enforceable avoidance and minimization measures for

impacts to the mountain lion or its habitat. If take of mountain lion cannot be avoided during VMP activities or over the life of the Project, a CESA ITP Permit must be obtained pursuant to Fish and Game Code section 2080 et seq. BH-6 cont'd

Comment 4: Potential Adverse Effects on Special-Status Invertebrates BH-7

Issue: The Project discusses the potential impacts to special-status wildlife species and states that special-status invertebrates with the potential to occur in the VMP area include the Crotch's bumble bee (*Bombus crotchii*), a candidate endangered species under CESA. The VMP area is within the current known range of the Crotch's bumble bee and suitable nesting habitat for the species is present in the Project area.

Potential adverse effects to this species from mechanical and hand labor treatments include direct mortality through crushing or filling of active bee colonies and hibernating bee cavities, reduced reproductive success, loss of suitable breeding and foraging habitats, and loss of native vegetation that may support essential foraging habitat.

Evidence impact would be significant: Bumblebees are critically important because they pollinate a wide range of plants over the lifecycles of their colonies, which typically live longer than most native solitary bee species. Crotch's bumble bee are a candidate species under CESA (CEQA Guidelines, §15380, subds. (c)(1)). Unauthorized take of this species pursuant to CESA is a violation of California Fish and Game Code section 2080 et. seq. In *Mitigation Measure BIO-14*, the Project states that prior to ground-disturbing activities in grassland or coastal scrub habitat, a qualified biologist will conduct a pre-construction survey for nesting Crotch's bumble bees. The mitigation measure does not provide any information on survey protocols to be used to determine presence/absence of Crotch's bumble bee. In *Impact BIO BIO-2D*, the Project states that temporary removal of floral resources would not result in significant impacts to habitat for Crotch's bumble bee because Project activities would be spread across the landscape during the 10-year timeframe of the VMP. The Project does not specify any protocol or limitations on removing floral resources in suitable habitat areas within the Project footprint.

Recommendation 1: To reduce impacts to less-than-significant, CDFW recommends *Mitigation Measure BIO-14* state that surveys will be conducted during the colony active period (i.e., April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, surveys should be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (https://wildlife.ca.gov/Conservation/CESA).

Recommendation 2: To reduce impacts to less-than-significant, CDFW recommends the Project be revised to indicate that within suitable habitat for Crotch's bumble bee, the treatment area will be divided into a sufficient number of treatment units such that BH-8

the entirety of the habitat is not treated within the same year in order to provide refuge for special-status bumble bees during treatment activities and temporary retention of suitable floral resources proximate to the treatment area. Additionally, CDFW recommends that treatments be conducted in a patchwork pattern to the extent feasible in occupied or suitable habitat, such that the entirety of the habitat is not removed and untreated portions of occupied or suitable habitat are retained. Finally, CDFW recommends that herbicides be restricted from use on flowering native plants within occupied or suitable habitat to the extent feasible during the flight season (March through September).

BH-8 cont'd

ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

BH-9

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary (Fish and Game Code section 711.4; Pub. Resources Code, section 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist the City in identifying and mitigating Project impacts on biological resources.

If you have any questions regarding this letter, please contact Katanja Waldner, Environmental Scientist, at (707) 576-2793 or Katanja.Waldner@wildlife.ca.gov; or Julie Coombes, Senior Environmental Scientist (Supervisory), at (707) 576-2825 or Julie.Coombes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH no. 2019110002)
Ken Schwarz, Montrose Environmental - DEIR-comments@oaklandvegmanagement.org
Craig Weightman, CDFW Bay Delta Region - Craig.Weightman@wildlife.ca.gov

REFERENCES

Alvarez, J., D. Jansen, C. Shaffer, and J. Didonato. 2021. Observations on the phenology of the threatened Alameda whipsnake. California Fish and Wildlife Journal. Special CESA Issue. 258–263.

California Department of Fish and Wildlife (CDFW). 2020. Report to the Fish and Game Commission. Evaluation of a Petition From the Center for Biological Diversity and the Mountain Lion Foundation to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened Under the California Endangered Species Act. California Department of Fish and Wildlife. January 31, 2020. Available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=182184&inline.

Letter BH: Jessica Limon, California Department of Fish and Wildlife – Bay Delta Region

Response to Comment BH-1

The comment summarizes CESA permit requirements, the Native Plant Protection Act, and Lake or Streambed Alteration Agreement (LSAA) requirements. The City appreciates the summary of applicable CDFW regulatory requirements and understands that an incidental Take Permit (ITP) application and notification for a LSAA may need to be submitted.

Response to Comment BH-2

The comment requests that Mitigation Measure BIO-2b be revised to include language defining the Project's obligation to obtain a CESA-listed plant take coverage through an ITP issued by CDFW when take of listed plant species cannot be fully avoided.

Section 3.4.2, "Regulatory Setting," describes laws, regulations, and policies under jurisdiction of the State of California. On pages 3.4-45 and 3.4-46, the text states:

> Based on a review of recent ecological studies of other projects in the vicinity; aerial photographs and topographic maps; and other relevant scientific literature, technical databases, and resource agency reports, one state-listed wildlife species occurs, or has potential to occur, in the Revised Draft VMP area: Alameda whipsnake. Three state-listed plant species occur, or have potential to occur, in the Revised Draft VMP area: pallid manzanita, Presidio clarkia, and San Francisco popcornflower (*Plagiobothrys diffusus*). If Revised Draft VMP activities would result in take of a state-listed species, an incidental take permit would be required through Section 2081 consultation with CDFW.

See also Response to Comment BH-1. Additionally, Table 2-8, "Anticipated Regulatory Permits, Approvals, and Consultations," (page 2-91) of the Recirculated DEIR contains the following information:

State Agencies	
California Department of Fish and Wildlife	Trustee agency for the Revised VMP. Approval may be required if there is incidental take of any state-listed species.

The Recirculated DEIR identifies Mitigation Measures BIO-1, BIO-2a, BIO-2b, BIO-3, BIO-4, BIO-5, GEO-1, HAZ-4, and HAZ-5 that would reduce impacts on special-status plants to a less-than-significant level. The Recirculated DEIR is in conformance with the applicable existing laws and standards established by federal, state, and local laws and ordinances.

Response to Comment BH-3

The comment requests that the City provide a high-level approach to avoiding take of listed plants by developing a citywide Vegetation Protection and Management Plan.

The recommendations provided in items 1-5 of the comment are all included in the Revised VMP. Database reviews, surveys, BMPs, and annual training are components of the project as described in the Revised VMP and Recirculated DEIR. For example, BMP BIO-3: Avoid Special-Status Plant Species (page I-7) states:

> If ground-disturbing equipment, such as a masticator, is to be used for vegetation management, the fuel management areas will be pre-surveyed for pallid manzanita (*Arctostaphylos pallida*), Oakland star-tulip (*Calochortus umbellatus*), Presidio clarkia (*Clarkia franciscana*), western leatherwood (Dirca occidentalis), Tiburon buckwheat (*Eriogonum luteolum* var*. caninum*) and bristly leptosiphon (*Leptosiphon acicularis*). To avoid and/or minimize potential impacts on special-status plants, the following actions will be taken.
>
> 1. Pre-maintenance surveys of the work area for special-status plant species will be conducted by a qualified biologist during the appropriate blooming period, within 2 years before commencement of work.
>
> 2. If special-status plant species are present at the work site, the qualified biologist will minimize impacts on them by implementing one or more of the following measures:
>
>   A. Flag or otherwise delineate in the field the special status plant populations and/or sensitive natural community to be protected;
>
>   B. Allow adequate buffers around plants or habitat; the location of the buffer zone will be shown on the maintenance design drawings and marked in the field with stakes and/or flagging in such a way that exclusion zones are visible to maintenance personnel without excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing).; and
>
>   C. Time construction or other activities during dormant and/or non-critical life cycle period."

See also Response to Comment BE-10. As stated in Section 1.4, page 9, of the Revised VMP, the primary goal of the VMP is reducing wildfire risk through vegetation management activities on City-owned property. However, the BMPs identified in the Revised Draft BMP are implemented consistently on City vegetation management projects.

Response to Comment BH-4

The comment requests that Mitigation Measure BIO-7 be revised to reduce impacts to Alameda whipsnake to a less-than-significant level. These revisions include restrictions on use of heavy equipment in suitable habitat areas outside of existing roadways; restricting mechanical operations within core scrub habitat unless a CESA ITP is obtained; implementing temperature restrictions conducive to Alameda whipsnake movement for all ground-disturbing operations

within suitable habitat; and requiring ongoing surveys ahead of all manual and mechanical work in suitable habitat areas. The comment recommends that crews be advised on where to broadcast wood chips to avoid potential Alameda whipsnake refugia such as rocky outcrops and mammal burrows, in addition to limiting chip depth in suitable habitat to prevent disruption of Alameda whipsnake thermoregulation. If avoidance of take is not feasible, the comment states that take coverage must be obtained for special-status species.

In response to this comment, Mitigation Measure BIO-7, "Protection of Alameda Whipsnake," beginning on page 3.4-73 of the Recirculated DEIR, has been revised as follows:

[…]

5. The biological monitor shall inspect the treatment area for Alameda whipsnake each day before ~~work~~ all manual and mechanical work in suitable habitat areas begins and by checking debris piles, and also beneath vehicles/equipment before it is moved.

6. If erosion control is needed, plastic monofilament netting or similar material containing netting shall not be used, as Alameda whipsnake may become entangled in this material. Coconut coir matting or tackified hydroseeding compounds are acceptable alternatives.

7. If broadcasting of wood chips within suitable habitat areas, to the extent feasible avoid potential Alameda whipsnake refugia such as rocky outcrops and mammal burrows, in addition to limiting chip depth in suitable habitat to prevent disruption of Alameda whipsnake thermoregulation.

See also Response to Comment BH-2.

Response to Comment BH-5

The comment requests that Mitigation Measure BIO-8 be revised to reduce the potential for adverse effects on special-status amphibian and reptile species, specifically California red-legged frogs.

Impact BIO-2 on pages 3.4-67 and 3.4-68 of the Recirculated DEIR states that "Revised Draft VMP activities would generally occur in upland areas, which would reduce the potential for impacts to western pond turtle and California red-legged frog. Revised Draft VMP activities are generally anticipated to occur further than 100 feet from streams." If activities would occur within 100 feet of streams, hand labor treatments would be required, reducing the potential for impacts on species such as California red-legged frog. No treatments are proposed within California red-legged frog breeding habitat or aquatic habitat for western pond turtle.

In addition to these protective features of the Revised VMP, Mitigation Measure BIO-8 of the Recirculated DEIR minimizes the potential for impacts to these species through avoidance of treatment activities immediately following a rain event (when species are likely to venture into upland habitats farther from aquatic habitat), pre-construction surveys within 100 feet of aquatic habitat, establishment of no-work buffers if these species are detected, and relocation of these species by a qualified biologist. Use of upland areas is expected to occur only during wet periods, which would preclude VMP activities.

Since VMP treatments would not be occurring within breeding habitat or aquatic habitat, implementation of Mitigation Measure BIO-8, along with Mitigation Measures BIO-1, BIO-5, BIO-6, BIO-9, GEO-1, GEO-2, HAZ-4, and HAZ-5, would reduce the potential impact on California red-legged frog to a less-than-significant level. The Recirculated DEIR is in conformance with the applicable existing laws and standards established by federal, state, and local laws and ordinances.

Additionally, as stated in Response to Comment BH-2, "If the Revised VMP would result in take of a federally listed wildlife species, incidental take approval would be required through either Section 7 or Section 10 consultation with USFWS."

Response to Comment BH-6

The comment requests that the Recirculated DEIR evaluate the potential for Southern California/Central Coast Evolutionarily Significant Unit (ESU) of mountain lion (*Puma concolor*) to be present within or adjacent to the VMP Project Area in Alameda County.

The City acknowledges that the Southern California/Central Coast ESU mountain lion was accepted for consideration to list as threatened or endangered under CESA since the time prior to the 2020 DEIR was prepared.

As stated in the comment, the Southern California/Central Coast ESU encompasses the Central Coast North population, which includes Alameda County. The Southern California/Central Coast ESU of mountain lions does have the potential to occur within the VMP Project Area. Management and maintenance standards described in the Revised VMP are targeted toward fire hazard reduction. Areas containing tree-dominated vegetation types within the VMP Project Area include eucalyptus, closed-cone pine-cypress, urban (acacia) and urban (mixed tree stands), oak woodland, redwood, and riparian vegetation communities, as described in Section 9.1 of the Revised VMP. These communities include areas that are preferred mountain lion habitats, such as riparian, chaparral, oak woodlands, coniferous forests, and grasslands.

As shown in Figure 2-1 of the Recirculated DEIR, the VMP Project Area encompasses much of the East Bay Hills, including rural, suburban, and urban settings with fragmented habitat surrounded by roads and development. Most of the VMP Plan Area is within an urban-rural interface consisting of urban and residential areas near Highway 13 and I-580. Project activity areas such as Canyon areas, Other areas, and Ridgetop areas are primarily surrounded by residential development or urban/developed habitat. City Parks Lands and Open Space within the East Bay Hills have increased human presence that could impede mountain lion movements within these open spaces, as they are surrounded by moderately disturbed areas and human-used spaces.

The comment notes that territorial adult mountain lions can be constrained in their movements when faced with barriers such as a large freeway or a narrow corridor between habitat patches (CDFW 2020). Mountain lions within the VMP Plan Area would be constrained within areas of urban-rural interface with marginally suitable habitat and adequate connectivity to suitable mountain lion habitats. Urban environments are high-risk areas for large carnivores like mountain lions. Anthropogenic disturbances can reduce their fitness and increase mortality risk.

Mountain lions are primarily solitary and territorial, and they occur in low densities. They require large areas of relatively undisturbed habitat with adequate prey abundance and habitat

connectivity to allow for successful dispersal and gene flow. They have large home ranges that include heterogeneous habitats, including riparian, chaparral, oak woodlands, coniferous forests, grasslands, and occasionally rocky desert uplands (Grinnell 1914, Grinnell et al. 1937, Williams 1986, Dickson et al. 2005, McClanahan et al. 2017). Mountain lions roam through expansive home ranges in search of prey. Although they are generally most active at dusk and dawn, their peak activities have been observed to shift to more nocturnal patterns when they are closer to human disturbance (Van Dyke et al. 1986). The nocturnal patterns of movement and stasis suggest that mountain lions generally avoid areas with human disturbance (e.g., residential developments and two-lane paved roads) (Dickson and Beier 2002, Dickson et al. 2005).

The greatest potential for mountain lions to occur in the VMP Plan area would be near the eastern boundary of the project area, such as bordering open areas that are removed from human disturbance (i.e., residential developments and two-lane paved roads) and within expansive, intact, heterogeneous habitats. Anthony Chabot Regional Park, Lake Chabot Regional Park, Leona Canyon Reginal Park, Redwood Regional Park, Huckleberry Botanic Regional Preserve, Sibley Volcanic Regional Preserve are potentially areas that are sufficiently large with relatively undisturbed habitat and functional connectivity to other suitable habitat areas, which are needed to allow for successful foraging, resting, breeding, denning, and dispersal (CDFW 2020).

Mountain lions would already move away from known human activities within the project area, reducing the likelihood of occurring in areas undergoing VMP treatment activities. Additionally, VMP treatment activities would occur during the daytime and would be unlikely to interfere with the movement of mountain lions in the marginally suitable habitat of the East Bay Hills. Additionally, VMP treatment activities would include localized noise disturbance or vibration, such as from equipment or hand-held machinery, while mechanical and hand labor treatments are taking place, causing localized disturbance and deterrence of mountain lions from being near project activities. Project activities would temporarily disturb mammal species that are localized within the project footprint. While the project would temporarily create noise disturbance to mammal species, this would not be a permanent impact.

Catastrophic events like large wildfires pose a threat to mountain lions. These fires can destroy habitat, disrupt prey availability, and increase the risk of direct mortality. The project could benefit mountain lions by potentially reducing known threats that can affect their ability to survive and reproduce. A positive effect of the project would be increasing mountain lions' ability to survive within the VMP Plan area by reducing human-cause wildfires within their habitat. As stated in Section 1.4 of the Revised VMP, "objectives were developed to achieve desired levels of wildfire hazard reduction, public and firefighter safety, and resource protection."

Based on this information, the project would not result in significant impacts to mountain lions or their habitat. Within the Recirculated DEIR, implementation of Mitigation Measures BIO-1, BIO-5, HAZ-4, HAZ-5, and HYD/WQ-1 would prevent potential impacts to these species and their habitats during VMP treatment activities, reducing the potential impact on mountain lion to a less-than-significant level.

Response to Comment BH-7

The comment requests that Mitigation Measure BIO-14 be amended to require that surveys for Crotch's bumble bees conducted during the colony active period, project treatment areas be divided into smaller units, and herbicides be restricted from use on flowering plants within suitable habitat.

As stated in Impact BIO-2D on pages 3.4-85 and 3.4-86 of the Recirculated DEIR:

> All treatments would result in the temporary removal of floral resources used by monarch butterfly (nectar) and Crotch bumble bee (nectar and pollen). Due to the abundance of floral resources within the Revised VMP area, as well as the fact that Revised VMP projects would be spread across the landscape during the Revised VMP's 10-year timeframe, impacts related to floral resources would be dispersed both temporally and spatially. Temporary removal of floral resources would not result in significant impacts to habitat for monarch butterfly or Crotch bumble bee.

With regard to the use of herbicides affecting monarch butterflies and Crotch Bumble bee, the impact analysis on page 3.4-87 states:

> No insecticides would be applied under the Revised Draft VMP. No herbicides known to potentially be directly toxic to bumble bees (such as paraquat, 2,4-D, or dicamba) (Xerces Society et al. 2018) would be used under the Revised Draft VMP. The direct effects of most herbicides to monarch butterflies are unknown and likely to be highly variable (USFWS 2020). Herbicide use can reduce floral resources. Herbicide use would be limited to 35 acres per year. Given the relative abundance of floral resources in untreated portions of the Revised Draft VMP area and surrounding vicinity, impacts on floral resources used by special-status invertebrates from herbicide use would be less than significant.

Mitigation Measure BIO-14 on page 3.4-89 includes provisions to indicate timing of Crotch bumble bee surveys and the establishment of non-disturbance buffers around nest sites that are found:

- Prior to ground-disturbing activities in grassland or coastal scrub habitat, a qualified biologist shall conduct a pre-construction survey for nesting Crotch bumble bees. Surveys shall focus on burrows and, when feasible, shall be conducted during the period of highest detection probability (April through August) for this species.
- If no state-listed bumble bee nests are detected during the survey, Revised Draft VMP activities may proceed.
- If state-listed bumble bee nests are detected, the qualified biologist shall establish a non-disturbance buffer around the nest (at least 10 feet) and no ground-disturbing activities shall occur within the buffer until the qualified biologist determines that the nest is no longer active.

Implementation of Mitigation Measures BIO-1, BIO-14, HAZ-4, and HAZ-5 would reduce the potential for significant impacts on Crotch bumble bees by requiring staff training, requiring pre-construction surveys for Crotch bumble bee nests, establishing no-disturbance buffers where

listed bumble bee nests are found, and minimizing potential for herbicide to be inadvertently applied to milkweeds. Implementation of these mitigation measures would reduce the potential impact to a less-than-significant level.

Response to Comment BH-8

The comment requests that the VMP Plan area be divided into patchwork-like treatment areas where vegetation treatment would occur to minimize the risk of impacts on special-status bumble bees. In addition, the comment recommends that herbicides be restricted from use on flowering native plants in occupied or suitable habitat during the flight season.

See Response to Comment BH-7. The distribution of treatment activities over the 1,924-acre VMP Plan area with a maximum annual treatment area of 1,698 acres – only 35 acres of which would be treated with herbicide – and the scheduling of treatment activities over a 10-year period, combined with the mitigation measures and BMPs incorporated into the Revised VMP, ensure that impacts on Crotch bumble bee would be reduced to a less-than-significant level.

Response to Comment BH-9

The comment requests that information about special-status species and natural communities be reported to the California Natural Diversity Database. The comment also notes that payment of an environmental review fee would be required when a Notice of Determination is filed for the Proposed Project. These comments do not address substantive issues related to the adequacy of the CEQA analysis.

Vegetation Management - Oakland Freeways

BI

From Sandra Cormier <tscormier@comcast.net>
To DEIR-comments@oaklandvegmanagement.org <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-02 22:51
Priority Normal

If I am not mistaken, it is the responsibility of CalTrans to manage the vegetation and litter along Oakland's freeways. I recall that Governor Newsom made a big deal about how they were going to be cleaned up and it doesn't appear it actually ever happened. I think that because Oakland , unfortunately, has the convergence of so many freeways and so much traffic, ours require much more attention than most. We should insist that CalTrans keep the weeds cut (some are more than 6 feet tall), the graffiti removed and litter cleaned from the sides of the road and more than just the trucks going through giving a cursory cleaning. They need a thorough cleaning of all of the trapped litter, graffiti and debris.

BI-1

I realize these comments are intended for Oakland but Oakland needs to also insist that the state do its' part to keep our city clean.
Thank you.
Sandra Cormier
Montclair/Oakland

Sent from Mail for Windows

Letter BI: Sandra Cormier

Response to Comment BI-1

This comment expresses the opinion that Caltrans should be responsible for vegetation management and litter clean up along freeways in Oakland. See Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. Caltrans does not have jurisdiction over any lands affected by the Revised VMP, and therefore does not have responsibility for managing vegetation within the Project area. This comment does not address substantive issues related to the adequacy of the CEQA analysis.

COMMENT : Planning Commission Public Hearing Nov 1, Agenda item #2 - Oakland's Draft Vegetation Management Plan

BJ

From <llderde@comcast.net>
To 'Michael Hunt' <MHunt@oaklandca.gov>, <District4@oaklandca.gov>, <DEIR-comments@oaklandvegmanagement.org>, <Oaklandplanningcommission@oaklandca.gov>
Cc 'DeVries, Joe' <JDeVries@oaklandca.gov>, 'Office of the Mayor' <OfficeoftheMayor@oaklandca.gov>, <stage@berkeley.edu>

Date 2023-10-31 16:13

As resident of Upper Oakmore, a Very High Fire Hazard Severity Zone, and a supporter of the Oakland Firesafe Council**. I support the acceptance** of the Draft Vegetation Management Plan. BJ-1

However I am disappointed that more aggressive measures to remove hazardous trees were not included. Also, it should be noted that to date, the dry trees and vegetation along Park and Monterrey Blvds and in the Sausal Creek Canyon have yet to be addressed and we are now in the middle of fire season. This is a disaster waiting to happen. BJ-2

Thank you for your consideration.

Best regards,
Lynn Derderian
Chair – Oakmore Homes Public Safety committee

---------- Forwarded message ---------
From: **Elizabeth K Stage** <stage@berkeley.edu>
Date: Mon, Oct 30, 2023 at 11:58 AM
Subject: Public Hearing on Oakland's Draft Vegetation Management Plan

Dear Oakland Firesafe Council Friends,

Hopefully you know that the revised vegetation management plan was posted last month and have heard about the improvements that have been recommended based on considerable community input, including OFSC. Some of you participated in the discussion at our regular meeting October 18th and/or the special board meeting October 23rd, others have had meetings in your community. There's a growing consensus that it's a good enough plan to form the basis for work that will make Oakland and our neighbors in Alameda and Contra Costa Counties safer. Some of us are disappointed to see thinning rather than removal of highly flammable trees, others wish for more restoration; everyone I've heard from loves the clearing of dead and dying trees within 100 feet of the roadside, those who've noticed are pleased with greater collaboration with the volunteers who steward the city parks. For these reasons, the OFSC board voted to support the plan.

If you'd like to express your opinion on this issue, there are several steps you can take:
*Attend the only public hearing at 3pm on November 1st at Oakland City Hall (can only speak in person) - to indicate your interest contact: Oaklandplanningcommission@oaklandca.gov (corrected address)
*Send an email to DEIR-comments@oaklandvegmanagement.org by 5pm on November 4th. (corrected address)
*Send an email to your City Council member and his or her staff.
*Let me know if you'd like updates for the City Council meeting once this is scheduled for their review and approval.

Please let me know if you have questions or concerns, I'll do my best to respond as long as my intermittent internet allows. Hope to see you at the Planning meeting @ City Hall on Wednesday,
Oaklandplanningcommission@oaklandca.gov
DEIR-comments@oaklandvegmanagement.org

Glad we made it safely through the Red Flag Day!

Elizabeth K. Stage
510-332-0577

Letter BJ: Derderian Lynn, Oakmore Homes Public Safety Committee

Response to Comment BJ-1

The comment expresses support for the Proposed Project. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BJ-2

This comment expresses a preference for more aggressive removal of non-native trees. Enhanced removal of non-native and flammable tree species was added to the Recirculated DEIR in Section 2.4.3, "Vegetation Management Standards," on page 2-85, as well as the Revised VMP in Section 9.1.4, "Vegetation Management and Maintenance Standards – Tree/Woodland/Forest."

BK

Comments on the City of Oakland Revised Draft Vegetation Management Plan Recirculated Draft Environmental Impact Report

Isis Feral
November 6, 2023

I am resubmitting my comments on the original Draft Environmental Impact Report for the Draft Vegetation Management Plan, as little has changed in the Recirculated version, and my concerns remain the same. It continues to promote activities that endanger people and wildlife, including using toxic chemicals, removing needed trees, and increasing fire danger. BK-1

The revised draft still calls for the use of herbicides where they are currently prohibited, representing a reversal of the 1997 city ban on pesticide use that already has too many exemptions, which should be revoked, not added to. BK-2

Rather than protecting our forest ecology at a time of devastating climate change when we need more not fewer trees, this draft also increases the number of trees to be removed, expanding removal of trees deemed 'dead or dying' from 30 to 100 feet from the edge of roadsides, and increasing the trunk size of eucalyptus to be removed from 8 to 10 inches. BK-3

To preface and summarize some of my specific concerns outlined in greater detail in my original attached comments, I am highlighting a few of my comments here.

About the illegality and danger of herbicide use:

> The EIR should not facilitate the rollback of a progressive city law that aims to protect people and the environment from toxic exposure, and it certainly must not facilitate future exemptions of yet other, undisclosed herbicides in the hills.
> ....
> Chemical exposures have harmed countless people, causing fatal or disabling illnesses, including, but not limited to, lung diseases, cancers, neurological disorders, reproductive harm, immune deficiencies, and increased sensitization to chemicals. They can cause multi-organ effects and can impact every system of the body. For millions of people already disabled by exposure to toxic chemicals, herbicide applications present especially severe health risks and direct barriers to access. They deny access to natural areas to those of us who have been injured, who struggle to breathe in the inner cities, and who are most in need of refuge from urban pollution. BK-4

> As would be the case if herbicides were introduced into parks and open spaces in the Oakland hills where they are not currently used, obstacles to access to public spaces for people with disabilities are a violation of the Americans with Disabilities Act (ADA).

BK-4

I especially refer you to the toxicological information I have provided many times during this CEQA process. It is appalling that the use of herbicides would still be included after so many years of discourse, which I personally have been involved in since 2005.

About fire hazards:

> I'm concerned that extensive vegetation management in the hills will further increase fire risks in the flatlands, as fires spread faster if trees are removed and grasslands take over, or pesticides or other chemicals are used that are flammable.
> ....
> The Plan promotes activities that devastate ecosystems and increase fire danger over alternatives that would actually address the problem at the root, at human development and its practices. Instead of vegetation management what we need for fire safety in the hills is for any further development to stop, for current residents to be responsible about clearing *reasonable* defensible space around their own houses, but nowhere near the 100 to 300 feet proposed by the Plan that encroach upon public wildlands.

BK-5

> A better use of the funds being spent on this Plan and EIR, and eventually the destructive implementation of the Plan, would be to relocate residents who don't feel comfortable living in the woods to a place where they feel safer, fund earthen building practices in the hills for those who want to stay, and for the City to ensure that streets and water hydrants are accessible when fire suppression is necessary for saving lives and homes, and that the fire department is properly funded.
> ....
> Vegetation management is not a primary issue in fire safety in the Oakland hills. Goat grazing has been effective at maintaining grasslands, and should be continued, with proper oversight, and without electric fences which are cruel and add another potential ignition source. The real wildfire danger to human life needs to be addressed elsewhere than in our last forested areas of the city, but in human homes that encroach upon them. I vote for the No Project option, and for diverting vegetation management funding earmarked for tree removal and pesticides to where it's most needed, for structurally securing homes, and for firefighting.

BK-6

For these reasons, and those outlined in more detail in my complete comments below, I continue to oppose the activities described in this Recirculated Draft Environmental Impact Report and Draft Vegetation Management Plan.

Comments on the City of Oakland Draft Vegetation Management Plan Draft Environmental Impact Report (DEIR)

Isis Feral
January 22, 2021

Many of my comments below are identical or similar to comments I submitted on the previous draft and during scoping, because they've still not been adequately addressed.

While I appreciate that some of my community's concerns were incorporated into this draft, much of what keeps changing is merely a matter of semantics, with the implications and outcomes much the same. BK-7

The repeated assurance that the goal of the Plan "is not the wholesale removal of all vegetation or conversion of vegetation type" might sound comforting, if it wasn't for the 10-year projection into the future with sterile photographic simulations of what systematic "thinning" would look like. BK-8

Not to mention that the same type of plants are still targeted for destruction, if somewhat fewer of them. The list of targeted plants has been identical since 2005, when proponents of habitat conversion first proposed the herbicide exemption in the hills.

The Plan and DEIR do not address the health and environmental hazards of removing large numbers of trees from the hills, and of spreading toxic pesticides.

The actions proposed in the DEIR do not accomplish their stated purpose. They do not protect life, but instead increase fire danger, threaten public safety, and contribute to ecological devastation. BK-9

Any vegetation management that requires an Environmental Impact Report under the California Environmental Quality Act is too drastic!

TOXIC CHEMICALS

In 1997 Oakland passed a self-described "pesticide ban", the Integrated Pest Management (IPM) Resolution (No. 73968 C.M.S.) that limits herbicide use on public lands under the city's jurisdiction. It is acknowledged only in passing that a resolution challenging the ban BK-10

with herbicide use in the hills, is one reason this EIR is being conducted in the first place. The DEIR mentions that the proposal to add yet another exemption to the ban is part of what's being evaluated, but does not properly represent the ongoing dispute over the larger implications of further weakening the ban.

The DEIR indicates three herbicides are being proposed, but rather than limiting the exemption to these three, it appears to leave the door open for others, in this footnote in section 2-67, "Types of herbicides that may be used at select VMP treatment areas **include** glyphosate (Accord or Rodeo formulation), triclopyr, and imazapyr" [emphasis mine]. BK-10

The open-ended word "include" implies there may be others. Are there other herbicides being considered? If so, what are they? The EIR should not facilitate the rollback of a progressive city law that aims to protect people and the environment from toxic exposure, and it certainly must not facilitate future exemptions of yet other, undisclosed herbicides in the hills.

The DEIR makes dangerous and outrageous safety claims, insisting that all three herbicides proposed for exemption are "safe" if used in accordance with their labels. Essentially the authors are blaming the victims of pesticide poisoning, and suggesting that any workers or others who have been injured by exposures to these chemicals are themselves responsible for their injuries.

The sections on glyphosate lay it on particularly thick, with statements such as that it's "unlikely to be a human carcinogen" and that there are no "meaningful risks to human health".

However, in another footnote the DEIR admits that "recent studies have indicated that the Roundup formulation of glyphosate may be toxic to humans" and proposes to use other glyphosate products "out of an abundance of caution", specifically Accord or Rodeo.

BK-11

An old industry trick, authors point the finger vaguely at other ingredients, conveniently undisclosed, as the true culprits that are causing injuries. The supposed difference between these products also remains undisclosed. The only appreciable difference that is visible is that Rodeo must first be mixed with a surfactant, but both Accord and Roundup contain unspecified surfactants. The DEIR does not specify what surfactants might be used for the product that requires this addition, leaving the public in the dark about an important aspect of what is being planned.

In all of my previous written comments, I provided extensive toxicology for all the herbicides proposed, which was not limited to findings of cancer, but many other health effects as well. BK-12

About a third of my 16 page comments that I submitted on June 11, 2018 contained toxicological information, however, they were not included in the database of comments received, even though I got confirmation of receipt. Upon discovering that my comments were missing, I resubmitted them in person at the public meeting on November 20, 2018. I submitted the same toxicology during the scoping period on December 12, 2019. BK-12

I was not the first or only person to submit toxicological information into this process:

When this EIR was first conceived in 2005, when then Oakland City Council Member Jean Quan rallied landowners in the hills to support yet another exemption to the City's already too limited prohibition on pesticide use (http://www.eastbaypesticidealert.org/wpad.html), a member of East Bay Pesticide Alert personally provided packages of documents that included toxicological profiles of glyphosate, triclopyr, and imazapyr, to every panelist at a townhall meeting in January, including Quan herself, various of her staff, and Robert Sieben of the Wildfire Prevention Assessment District (WPAD), and a member of Stop Toxic Trespass added a freshly published glyphosate profile (links to those same documents below). Later those same documents were delivered to all City Council Members, the City Administrator's Office, then Mayor Jerry Brown, City Attorney John Russo and Deputy City Attorney Farimah Faiz, as well as to media present at the Public Works and Public Safety meetings that followed. BK-13

I submitted the following toxicological information with my comments on the previous draft in June and November 2018, as well as in December 2019:

Pesticides are hazardous to both human and ecological health. As is usually the case with pesticides, more hazards have been identified since the toxicological profiles at the following links were assembled from the research available at that time, with a long list of studies cited. Summarized from those links are some of the specific dangers of the herbicides proposes for use in the Oakland hills:

GLYPHOSATE (provided to officials in 2005:
https://web.archive.org/web/20090423133524/http://www.alternatives2toxics.org/catsoldsite/round.htm and
https://d3n8a8pro7vhmx.cloudfront.net/ncap/pages/26/attachments/original/1428423381/glyphosate.pdf)

Glyphosate, in Roundup and other product, is one of the herbicides that was proposed for exemption for wildfire prevention projects from the City's pesticide policy in 2005, and has a long history of use on city medians. BK-14

Roundup also contains the surfactant polyethoxylated tallowamine (POEA), which is even more toxic than glyphosate, and the combination of the two is more toxic than either

chemical on its own. Acute exposure symptoms include, but are not limited to, eye and skin irritation, blurred vision, skin rashes and blisters, headache, nausea, dizziness, numbness, elevated blood pressure, heart palpitations, coughing, congestion, and chest pains. Extended exposures have been associated with non-Hodgkin's lymphoma, miscarriages, premature birth, and other reproductive harm. In lab animals there was an increase in testicular, kidney, pancreas and liver tumors, as well as thyroid cancer. Studies have shown glyphosate to be mutagenic, and to cause chromosome and DNA damage. BK-14

Since the above linked toxicological profiles were published, many other hazards of glyphosate have been identified, and a couple of years ago the World Health Organizations International Agency for Research on Cancer finally classified glyphosate as a probable human carcinogen (http://monographs.iarc.fr/ENG/Monographs/vol112/mono112-09.pdf). Numerous lawsuits in favor of victims of cancer due to glyphosate poisoning have been won since, and many more are in the courts now.

Glyphosate also causes complex ecological impacts, including, but not limited to, inhibiting the growth of nitrogen-fixing bacteria and mycorrhizal fungi, reducing seed quality, and making plants more susceptible to disease. Glyphosate drifts extensively, and is mobile and persistent in soil. Its persistence in soil varies widely, from days to months, but has been found to persist on some forest sites for as long as 3 years. It has been found in both ground and surface water, has found its way into streams and rivers, and contaminated wells. Both glyphosate and POEA are toxic to fish. Roundup has been shown to kill various beneficial insects, such as species of parasitic wasps, lacewings, ladybugs, predatory mites and beetles. Glyphosate also reduces the growth of earthworms, and affects other beneficial insects, spiders, birds, and wildlife by killing plants they depend on for food and shelter. BK-15

TRICLOPYR (provided to officials in 2005: https://d3n8a8pro7vhmx.cloudfront.net/ncap/pages/26/attachments/original/1428423464/triclopyr.pdf)

Garlon is one of the herbicides that was proposed for exemption for wildfire prevention projects from the City's pesticide policy in 2005.

The active chemical ingredient in Garlon is triclopyr. Acute exposure symptoms include, but are not limited to, difficulty breathing, lethargy, incoordination, weakness, and tremors, as well as skin sensitization, increasing subsequent exposure symptoms. In tortured lab animals an increased incidence of breast cancer, kidney damage, various reproductive problems, and genetic damage, was observed. Triclopyr's breakdown product 3,5,6-trichloro-2-pyridinol (TCP) disrupts nervous system development, and in lab tests, it accumulated in fetal brains when exposed during pregnancy. BK-16

Triclopyr also causes complex ecological impacts, including, but not limited to, interfering with nitrogen cycling, and inhibiting the growth of beneficial mycorrhizal fungi that aid nutrient uptake in plants. It has been observed to reduce the diversity of mosses and lichens. The breakdown product TCP is toxic to soil bacteria. Triclopyr is mobile and persistent in soil, has contaminated wells, streams, and rivers, and has the potential to contaminate ground water. Increased growth of algae has been observed after triclopyr applications. It is highly toxic to fish, affects oyster larvae, and disturbs frog behaviors that help them avoid predators. It also decreases the survival of bird nestlings, is toxic to spider mites, and affects other beneficial insects and spiders by killing plants they depend on for food and shelter. BK-17

IMAZAPYR (provided to officials in 2005: https://d3n8a8pro7vhmx.cloudfront.net/ncap/pages/26/attachments/original/1428423389/imazapyr.pdf)

Imazapyr is another herbicide that the City of Oakland has used, and in violation of its pesticide policy (discussed later in these comments).

Acute exposure symptoms include, but are not limited to, eye and skin irritation. It is corrosive and can cause irreversible eye damage. Acute effects on poor lab animals included bleeding and congested lungs, congestion of kidneys, liver, and the intestine. Chronic exposure in lab animals caused fluid accumulation in the lungs, kidney cysts, abnormal blood formation in the spleen, increase in brain, adrenal gland, and thyroid cancers. Quinolinic acid, a breakdown product of imazapyr, causes eye, skin, and respiratory irritation, and is a neurotoxin which causes nerve lesions and symptoms similar to Huntington's disease. BK-18

Imazapyr is very mobile and persistent in soil. It has been shown to persist in soil for well over a year. It can disrupt nutrient cycling by slowing down the decomposition of plant material. Imazapyr has contaminated both surface and ground water. Ozone degradation, to remove pesticides from drinking water, removes only half of the contamination. Imazapyr is highly toxic to fish. BK-19

Undisclosed ingredients and chemical mixtures

In addition to active ingredients and their breakdown products, herbicides contain a large percentage of so-called "inert" ingredients, which are kept undisclosed, protected as "proprietary" by trade secret laws, though chemical companies have the laboratory equipment to easily determine the ingredients in a competitor's product, while it's the public that is being kept in the dark. Anything but benign, as one might expect "inert" to imply, these secret ingredients are frequently even more toxic than the so-called "active" ingredients listed on the label. In fact, the combination of chemicals is specifically designed BK-20

to interact synergistically to achieve greater toxicity than each chemical on its own (http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1764160/pdf/ehp0114-001803.pdf).

Some inert ingredients, such as the surfactant POEA in Roundup, have been identified. Though the DEIR insists the city will not use Roundup, since the surfactants that will be used are undisclosed, it remains relevant to mention that POEA, if used in any of the formulations chosen, causes eye burns, skin redness and swelling, blistering, nausea, and diarrhea. Another ingredient in some glyphosate products is isopropylamine, which causes injury to the tissue of mucous membranes and upper respiratory tract, wheezing, laryngitis, headache, and nausea. The details about most other inert ingredients in pesticide products and their effect is being withheld from the public, including from medical workers. Some herbicides to be used in the Plan are likely to also to be mixed with undisclosed chemical dyes. BK-21

Contamination during manufacture further adds to the danger of chemical use. POEA, for example, is contaminated during manufacturing by 1,4 dioxane, which is recognized as a carcinogen under Proposition 65.

Synergistic effects also come into play when herbicide products are being combined, as is done by some partnering agencies, such as the University of California at Berkeley. Mixing can also occur when different herbicides are used near each other, and chemicals combine as they drift by air, water, soil, and physical contact. Because chemical residues can persist in the environment for a long time, and herbicide products break down into various chemical components, subsequent applications of different herbicides can also combine into yet new, unintended mixtures. Synergism can exponentially increase chemical toxicity (https://web.archive.org/web/20171225122004/http://www.ourstolenfuture.org/newscience/synergy/mixtures.htm). BK-22

Dose response

Manufacturers and other proponents of pesticides often downplay environmental health hazards, by claiming that they are using negligible quantities of the chemicals. While this is debatable on many levels, it is also irrelevant. Some effects, specifically endocrine disruption, a common malady in the age of plastic, are subject to a nonmonotonic dose response, where decreasing exposure levels can actually cause greater impacts (https://web.archive.org/web/20171006092345/http://www.ourstolenfuture.org/newscience/lowdose/nonmonotonic.htm). Disruptions of the endocrine systems are far reaching, and can cause a vast number of reproductive problems, various cancers, and can impair immune and neurological functions. BK-23

In addition to all the other negative environmental health effects, glyphosate has also been shown to be an endocrine disruptor (see http://www.ncbi.nlm.nih.gov/pubmed/19539684

and http://www.greenmedinfo.com/blog/breaking-glyphosate-roundup-carcinogenic-parts-trillion-range). Endocrine effects of the other pesticides in this program have not been adequately studied, and with a large percentage of the ingredients undisclosed, so are their effects.

Body burden studies show that chemicals accumulate and persist in our bodies over time (https://web.archive.org/web/20161221071716/http://www.ewg.org/sites/bodyburden1//), including chemicals to which we were exposed by drift or extensive cross-contamination. Most alarming are findings that chemical injuries are being passed on over generations (https://web.archive.org/web/20090109144254/http://www.organicconsumers.org/Politics/toxins060605.cfm).

Chemical exposures have harmed countless people, causing fatal or disabling illnesses, including, but not limited to, lung diseases, cancers, neurological disorders, reproductive harm, immune deficiencies, and increased sensitization to chemicals. They can cause multi-organ effects and can impact every system of the body. For millions of people already disabled by exposure to toxic chemicals, herbicide applications present especially severe health risks and direct barriers to access. They deny access to natural areas to those of us who have been injured, who struggle to breathe in the inner cities, and who are most in need of refuge from urban pollution. As would be the case if herbicides were introduced into parks and open spaces in the Oakland hills where they are not currenlty used, obstacles to access to public spaces for people with disabilities are a violation of the Americans with Disabilities Act (ADA). BK-24

Among the cooperating entities and experts consulted in the production of the Plan and EIR, where are the environmental health physicians, who have worked with victims of pesticide poisoning and other toxic injuries? Will the EIR include calculations of the potential medical expenses of members of the community who are injured by the increase of pesticide use in the area?

Risk Assessment vs Precaution

The approach of estimating "safe" exposure levels is typical of toxic industries and government agencies to defend their toxic actions. It's based on Risk Assessment methodology, which determines what is an "acceptable" or "negligible" risk, as public and environmental health is weighed against "economic" benefits for some, and life and health of others is sacrificed. This is the methodology used in environmental reviews, and automatically turns an EIR into an adversarial process BK-25

The "acceptable risk" this methodology refers to are real people like myself, who have been injured and disabled by pesticide exposures previously, and others who are particularly vulnerable to the effects of poisoning. It's not realistic to expect that injured

people not take personal offense at this approach. Loss or reduction of profits of the agencies and companies involved is never deemed a "negligible" or "acceptable risk".

The polar opposite approach to Risk Assessment is the Precautionary Principle, which essentially makes decisions on the basis of "better safe than sorry", and puts the burden of proof that an action is truly safe on those who propose it, instead of on the potential or actual victims of the action. This is the approach that should be employed in this EIR.

Being a community means that we don't exclude and abandon the most vulnerable among us. Wrapping "science" in Risk Assessment terminology is used to divide and conquer, to turn us against each other, and to teach us that it's okay to risk the well-being of others for our own perceived comforts. It has nothing to do with science, and everything to do with the selfish aims of some. BK-26

Some of us have brought up the Precautionary Priniciple and repeatedly challenged Risk Assessment methodology in our comments during this process, but a discussion of this important environmental principle is nowhere to be found in the DEIR, which stubbornly continues to refer to Risk Assessment without any acknowledgement of this methodology being in dispute by victims of pesticide poisoning.

There's also no mention of the Americans with Disabilities Act, by which all government agencies are bound, or the access barrier herbicides would present to a segment of the population that is disabled and especially vulnerable to pesticide exposures. BK-27

Other than engaging in cancer denialism, the DEIR does not acknowledge any of the many other possible health problems from these pesticides, even though some of us have talked extensively about our own experiences of suffering from pesticide poisoning.

After the early draft of the Plan offended every pesticide-injured person who read it, with the statement that "disadvantages" of pesticides include "social stigma", our opposition was acknowledged slightly more in the next revision, which however still minimized it as "public concern regarding potential health impacts". BK-28

Even though the offensive wording has been muted, the neglect to even acknowledge the existence of people with disabilities, particularly those who are at greatest risk from the proposed Plan, requires that I clarify yet again, that the disadvantages of pesticide use are *not the public's concern* about potential health impacts, but the potential, and all too common, *actual health impacts* of pesticides!

The reason for the "stigma" is that pesticides are poison, and affected non-target organisms are not just vegetation, but wildlife, pets, and humans, including many of us already suffering long-term injuries and disabilities due to pesticide poisoning.

Even the exposures to toxic fumes from generators is downplayed in this DEIR, and discussed merely as odors, perceived subjectively by different people who may have negative emotions about it, instead of recognizing that generator exhaust, like pesticide chemicals, are poisonous, whether their "odor" is perceived by people or not. Toxicity is not subjective, but a reality that environmental reviews are supposed to address, and this DEIR fails miserably at this requirement. BK-28

I particularly resent the bullying tactic, that is inherent in juxtaposing the negative impacts of the Plan versus the potential of fire, which is a false dichotomy I discuss later in these comments, to pressure the public into accepting toxic exposures, and trading off one danger for another, instead of making sure to avoid them both.

VIOLATIONS OF PUBLIC TRUST

Many people believe that the City of Oakland bans the use of pesticides. But I live in Downstream Oakland, where I witness, and am exposed to, routine pesticide applications by the City's Public Works Department on the median strips throughout my neighborhood. It is one of too many exemptions to the City's far too limited and lax pesticide prohibition (http://www.eastbaypesticidealert.org/oaklandban.html). BK-29

I became disabled as a result of pesticide poisoning, and am extremely sensitized to chemicals, and these applications endanger my life every spray season. I know others who have been injured by Oakland's vegetation management practices, including on the adopted medians they were voluntarily maintaining and beautifying.

For many years the very wide median under the BART tracks on Martin Luther King Jr Way has been included in these pesticide applications, right in front of Children's Hospital and Sojourner Truth Manor senior housing, where some of our most vulnerable neighbors live and come to heal. That median is dead soil all the way to the Berkeley border, where there's literally a line drawn in the sand, with lush green on the other side, because Berkeley doesn't manage vegetation with pesticides. BK-30

Instead of starting an additional vegetation management plan, the vegetation policies that are already in use in Oakland need to be addressed, because they are dangerously irrational about harmless and actually beneficial plants, like dandelions. I don't trust the City taking any actions in our forested areas, where the domino effect can be even more disastrous, not just to human health, but to the entire ecology in the hills, because officials have been downright dishonest, not only violating the spirit of the City's pesticide prohibition with many official exemptions, but violating it also in practice where no such exemption exists.

I first learned about the City's plans for the hills in 2005, when Jean Quan tried to exempt wildfire prevention from the pesticide policy, and I was among the community members who protested the scheme. Since this EIR is the result of those protests and the City Council's decision that such an exemption requires environmental review, the EIR should make it explicit that the proposed pesticide use in this Plan is not exempted from the City's policy, and constitutes a new use that is currently illegal.

However, immediately after the City agreed to conduct this EIR, that is now in progress with this scoping period almost fifteen years later, officials displayed a disturbing lack of ethics, and quietly entered into a partnership with UC Berkeley to engage in the exact same actions on the City's behalf, in violation of the City's own pesticide policy (page 13, https://web.archive.org/web/20131014141102/http://oep.berkeley.edu/pdf/FireProjects/OtherDocs/ARfire_2005.pdf). BK-31

An additional violation was revealed in a FEMA Environmental Impact Statement (EIS) of "ongoing activities related to chemical treatment for an herbicide demonstration project" on five city parcels between 2008 and 2010 (page 167, https://www.fema.gov/media-library-data/1416861153335-5f909f406d0fa9b986a86e1fb31ab9d5/Final_EIS_Sections_1_-_11_508_reduced.pdf). The rest of us would get arrested if we violated municipal regulations, but Oakland officials have not been held accountable for violating this law.

Accountability

When 90% of 13,000 comments to FEMA and nearly 65,000 petition signers opposed projects that were proposed in the Plan area and surroundings, to be funded by FEMA, the City ignored the will of the people, and it took a lawsuit by hills residents of the Hills Conservation Network (HCN), supported by grassroots activists throughout the Bay Area to stop their implementation. Almost 1,700 people have signed a petition by Save the East Bay Hills, in opposition to this Vegetation Management Plan (https://www.change.org/p/city-of-oakland-save-our-forests).

These voices of opposition should also be counted in this EIR, as well as those from 2005, especially since not all who protested the pesticide exemption are with us anymore. Among the protesters was Barb Wilkie, president of the Environmental Health Network, who grew up near the Monsanto plant in St. Louis, Missouri, and who has since succumbed to chemical injuries. She died in 2011 of kidney failure. BK-32

In addition to the Environmental Health Network, and East Bay Pesticide Alert and Stop Toxic Trespass mentioned previously, Beyond Pesticides, Californians for Alternatives to Toxics, Canaries Foundation, Cancer Prevention Coalition, Pesticide Free Zone, and Northwest Coalition for Alternatives to Pesticides all came out opposed to the pesticide exemption (http://www.eastbaypesticidealert.org/pro-safety groups.html).

The Plan's summary of the March-May 2017 Community Survey Results shows that 38%, well over a third, of respondents voiced opposition to pesticide use, while only 17% expressed a preference for it (Appendix E, page 5). These surveys represent interested community members, and clearly all sides of the argument mobilized their supporters, and opponents of pesticides were more urgently moved to respond.

BK-33

Those of us most concerned about the environmental impacts of the pesticide use proposed in this Plan, are people injured and sensitized by pesticides, who are especially vulnerable to environmental exposures. Many in our community are disabled, housebound, and unable to participate in the public process, because pesticides, fragrances and other common chemicals used in public places present access barriers.

From day one of this process there have been disability access problems. The first meeting, March 29, 2017 at Dunsmuir Hellmann Historic Estates missed something as basic as signage for wheelchair access. My then 91 year old father had to climb the stairs.

The first three meetings, all of the 2017 meetings, were held in the hills, where there is little public transit, and it's difficult to get to from the flatlands or without a car. It was immediately evident that there was a disconnect about just how far the community of stakeholders of the hills spreads beyond the hills. Finally, after our complaints, most of the rest of the meeting were held at a more central, downtown location, at City Hall.

BK-34

But the worst access barrier was in November 2018, when two non-urgent meetings were held while the active Camp Fire and catastrophic air quality caused a public health crisis, that threatened the health of everyone in the area.

While City representatives talked about volunteers for future plans, neighbors volunteered to distribute thousands of masks to people without shelter from the pollution, and schools closed to protect their students and teachers from harm.

BK-35

Moving forward with these meetings during this crisis, instead of postponing them until after the smoke cleared and the community could recover, was not only irresponsible, but also exclusionary. The sensitive population urged by public officials to remain home, is also the population most vulnerable to the actions proposed in this Plan. Friends who wanted to participate were sick, or hunkering down next to air purifiers to try to not get sick, as we all should have been doing those nights.

I showed up, even though I was also sick, and especially vulnerable to further injury from the toxic smoke, because your plans put me and my community in even greater, long-term danger, and because the comments I had submitted six months prior were missing, so I felt compelled to resubmit them in person.

I wonder how many other comments were not included that were received like mine, and how many were never received at all?

The City has gotten extensive feedback from the community over 16 years, with many such obstacles making access to the process difficult for those most affected by the decisions being made. When I've complained about accessibility, I was told that I can submit comments in writing, as if that was a substitute for participating in an exchange between City representatives and community members, and as I learned in 2018, when my comments went missing in spite of receipt, is not a reliable way to insure inclusion. BK-36

In fact notification of the public appears to have been very limited, with notices, including the Notice of Preparation (NOP), sent to official bureaucracies and established "stakeholders" and predetermined "interested individuals in the area". The process was apparently not posted to local newspapers, where more people would surely have discovered that they too were interested, if only they had been notified.

The NOP was indeed posted on the city's web page for the project, but even after I alerted officials that the extension of the comment deadline was not properly noticed on various web pages where the original date had been posted, the very web page the city refers to as a primary source of notification to this day continues to list the original deadline that ended two weeks ago, not the extension, as can be seen in this dated archive of the web page: https://web.archive.org/web/20210122042910/https://www.oaklandca.gov/projects/oakland-vegetation-management-plan BK-37

I know at least one person who almost did not submit comments as a result of this error, and only realized there was still time after contacting activists in my community. Such errors are not minor, but constitute a method by which public input is limited. Again, one must reasonably wonder how many voices were silenced by such bureaucratic snafoos and general neglect.

Individuals in the community that opposes this Plan were fundamentally treated differently than those who support it. Not only were our comments considered secondary during that horrible November 2018 meeting, and meetings catered to the wealthy in the hills, and often inaccessible to poor and disabled people in the flatlands, but even when we were listed as participants, and clearly stated our group affiliations, we were referred to as 'individuals', while the participation of supporters was provided greater perceived legitimacy by acknowledging their affiliations. While I usually represent myself, when I've spoken at public events I've consistently identified myself as a member of the Coalition to Defend East Bay Forests. The group affiliation of Maxina Ventura, longtime Chronic Effects Researcher for East Bay Pesticide Alert, was also unacknowledged in the DEIR. BK-38

Last time I was discouraged from showing up to in person was November 20, 2019, when I discovered that the only public scoping meeting for the EIR was an item on the agenda of the regularly scheduled Planning Commission meeting, and it was not disclosed that our time would be wasted waiting around for other business to be conducted, while we suffer environmental exposures that make some of us ill for days after.

This was another outrageous imposition not just on people with disabilities who often have complex scheduling with paratransit and attendants, but on working people in general, especially considering that some city meetings go on into the early morning hours, as we learned when a room full of people with disabilities found themselves leaving City Hall at 3am, trying to find our way home safely, after sitting though many hours of a City Council meeting June 2, 2015, so we could speak against the acceptance of the FEMA grant for this same project, before it was rescinded by the Hills Conservation Network lawsuit that many of us supported. BK-39

I'm one of many members of this community who was injured and disabled by pesticide exposure. It damaged my respiratory, endocrine, immune, and central nervous systems. It has put drastic limitations on my day to day living, and robbed me of years of my life due to illness. But I'm one of the luckier ones, because I'm still here to yell at city representatives to stop poisoning us, and to stop decimating the trees that help clean our air. I'm angry that anyone would keep promoting pesticides, because I've watched too many suffer and die from the long-term effects of pesticide poisoning.

The authors of the DEIR have no business making recommendations for the health and safety of the people living here, if you don't recognize that your meetings should be postponed when our community is in the middle of an environmental health crisis, like the smoke from the Camp Fire in 2018, or now, in the middle of a pandemic that impedes access to the public process especially for poor people with limited or no internet or long distance access to call into Zoom hearings, for which I've demanded a toll free number from the city since July 2020. BK-40

You especially have no business producing any Environmental Impact Reports concerning pesticide use, if you don't recognize that there is a large community of pesticide-injured people who are disabled and have rights that are protected under the Americans with Disabilities Act.

INDUSTRY INFLUENCE & ENVIRONMENTAL DESTRUCTION

Changing the words to categorize the trees targeted in this Plan, from "invasive species" to "highly flammable" or "high fire risk/rapidly spreading" plants, has not changed the ideological basis of why these trees are being targeted in the first place. BK-41

Even though authors have mostly steered clear of nativist lingo in the revision of the draft, one of the Plan's primary sources of information for how to define vegetation and how to manage it is Cal-IPC, the California Invasive Plant Council, which was started as the California Exotic Pest Plant Council in 1992 by representatives of various government agencies, environmental nonprofits, and the pesticide industry. BK-41

Among its founding board members was Nelroy Jackson, Technical Development Manager for Monsanto, who helped develop glyphosate herbicides for "habitat restoration markets", and used Cal-IPC as a marketing tool for it. Cal-IPC became the model for many more groups like it, that have been extensively funded by herbicide manufacturers, and gained influence on policy makers.

Conservation biologist David Theodoropoulos, leading researcher on the origins and fallacies of "Invasion Biology", who should be consulted by the City to serve as counter balance to Cal-IPC's nativist/invasionist propaganda, describes such industry-funded groups as "a well-documented part of the 'corporate assault on environmentalism'" (*Invasion Biology: Critique of a Pseudoscience,* page 141, http://dtheo.org/InvasionBiology.htm). BK-42

And indeed, these "councils" have helped to create division and derailed large segments of the environmental movement, convincing many of the value of toxic pesticides as a lesser evil than relearning to live with, rather than control, nature. They are astroturf, corporate front groups of the chemical industry, and Oakland's environmental policies must not be guided by them.

But Cal-IPC's influence on this Plan has been evident from the start. The pesticide exemption was on the agenda in 2005, because Friends of Sausal Creek drafted the resolution to exempt pesticides in the hills with the support of Cal-IPC (Cal-IPC News, Vol. 13, No. 1 Spring 2005, Johnson page 2, Paulsel page 11, http://www.cal-ipc.org/docs/resources/news/pdf/cal-ipc_news6903.pdf).

Though it was sold under the guise of wildfire prevention, it resulted out of "internal discussion about the role of herbicides in restoration work", and their proposal focused almost exclusively on getting rid of a list of "non-native" plants that is identical to the list of additional plants in the current revision of the Plan (compare to *Agenda Report to City of Oakland Public Works and Public Safety Committees*, Jean Quan, February 22, 2005, page 85, http://clerkwebsvr1.oaklandnet.com/attachments/10017.pdf). BK-43

It appeared that wildfire fears were being exploited to promote native plant restoration projects. Indeed, just a few months prior, at the Cal-IPC 2004 Symposium, it was reported in the archived notes of the Trees & Shrubs Working Group, that one discussion topic was "Dealing with community opposition to weed removal projects", and someone, citing the

Golden Gate National Recreation Area (GGNRA) as an example, made the recommendation to "use threats of fire danger to help build support for invasive plant removal projects".

Former California Native Plant Society president Jake Sigg, who was on the panel at the town hall that announced Oakland's proposed pesticide exemption in 2005, was also listed among the attendees of this working group (Trees and Shrubs Working Group, Proceedings California Invasive Plant Council Symposium, Volume 8, 2004, Sigg page 97, GGNRA page 98, http://www.cal-ipc.org/docs/symposia/archive/pdf/18854.pdf). He is also extensively cited in Cal-IPC's *Weed Workers' Handbook: A Guide to Removing Bay Area Invasive Plants*, which this Plan refers to as a primary source for Best Management Practices (Appendix F).

The *Weed Workers' Handbook* is explicitly nativist in its definition of why a plant should be categorized as an unwanted "weed": "Take *weeds*, for example, and the other words we use to describe them: invasive plants, alien plants, exotic plants, exotic pest plants, non-indigenous plants, non-native plants. The meanings overlap, but none are exact synonyms" (page 15). And it does not hide its agenda: "Weed removal is ultimately about returning the native plant community to the area" (page 11). It's recommended approach to teaching its ideology and reaching out for support for it is to "Keep it Basic", rather than to "launch into a ten-minute lament about how invasive species are turning the planet into a single homogeneous biosphere" (pages 14/15). BK-44

This handbook is not an appropriate model for Best Management Practices for vegetation management that is supposedly aimed at protecting residents of the hills from fires. The reason is that the Plan has always been based on nativist ideology, not on fire science or ecology.

The City of Oakland, the East Bay Regional Park District (EBRPD), and the University of California at Berkeley (UCB), three agencies that were involved in the 2005 town hall event that launched Oakland's attempt to exempt pesticides in the hills, joined together shortly after, in a collaboration to appropriate public funds for native plant restoration projects under the guise of fire hazard mitigation from FEMA.

In fact, the 2006 Oakland press release, announcing the FEMA EIS process, claimed that "efforts for conversion to native vegetation are objectives included in the grant" (https://web.archive.org/web/20121209003059/http://www.oaklandnet.com/wildfireprevention/docs/PressReleaseOaklandFEMAPDMGrant2006.pdf), even though they never were, because FEMA does not fund native plant restoration projects. BK-45

These three agencies had to submit to a combined EIS, because their projects were adjacent to each other, and together expanded the scope of the impact they would have cumulatively. The same remains true now, with the projects discussed in this EIR. They cannot be considered in isolation of other, similar projects in the East Bay hills. UC Berkeley

is currently producing an EIR for such a project in its Hill Campus area. The park district continues destroying trees and applying pesticides, as is PG&E.

The Plan mentions documents related to these events, but never acknowledges that there has been public opposition, including ongoing legal battles, with most projects stopped or reduced in scope by the courts.

It is worth noting that the native bay laurel is also considered a highly flammable plant, with higher combustible oil content in its leaves than the much vilified eucalyptus, but is not targeted in the Plan. While I by no means advocate that the Plan should target bay trees, or any trees at all, it further demonstrates contradictions in the reasoning that drives this Plan. BK-46

In 2015 David Theodoropoulos gave a thorough and eye-opening presentation, debunking nativist ideology, the involvement of the pesticide industry in promoting it, as well as the tree removal projects in the East Bay hills specifically, to a large community hall packed to capacity. He was joined by retired firefighter David Maloney and others. I urge all honest policy-makers to take the time to view this important event, which is posted online in its entirety here, and should be required viewing of all who are involved in vegetation management projects: https://www.youtube.com/watch?v=n1i3RP7eDFc

Endangered Species

Ironically, the tree destruction that is fueled by nativism is actually a threat to already endangered native species in the East Bay hills. Herbicides threaten the California Red-Legged Frog, and the Presidio Clarkia, whose habitats are not adequately protected against the drift these chemicals the district uses are known for, regardless of application method. Both the Alameda Whipsnake and Alameda Pallid Manzanita are fire-dependent and threatened by the exclusion of fire from their habitat. The Pallid Manzanita specifically cannot reproduce without fire to sterilize the soil and scar its seeds. BK-47

It's important to understand that wildfires are a necessary part of the ecology in wildfire zones, where species evolved to be fire-dependent. The fact is that these native species are threatened with extinction because of human development, chemical vegetation management practices, and aggressive wildfire prevention, the very actions the Plan promotes.

Eucalyptus, the most vilified of the targeted trees, are a particularly important supply of nectar for bees and other imperiled pollinators, because they bloom year-round (https://sutroforest.com/eucalyptus-myths/). They are a preferred overwintering site for monarch butterflies (https://milliontrees.me/2013/11/01/monarch-butterflies-in-california-need-eucalyptus-trees-for-their-winter-roost/), which are becoming endangered primarily due to few nectar sources in the fall, and habitat fragmentation, including by logging along BK-48

their migration route (http://news.cornell.edu/stories/2016/04/beyond-milkweed-monarchs-face-habitat-nectar-threats).

The Biological Resources Report in the previous draft of the Plan stated that there are no significant monarch overwintering sites in the Plan area, but that they have been observed in the area (Draft OVMP May 2018, Appendix B, page 12). In the revised Plan, that reference has been eliminated from the report altogether, as if any presence of endangered species is not significant! BK-49

I have asked repeatedly how many trees are on the chopping block in this Plan, but the revised Plan only mentions how many trees will be left per acre. The Plan also does not disclose what happens with the cut trees that are to be transported off site. Removing large numbers of trees results in soil erosion and landslides, sedimentation and herbicide contamination of watersheds, shorter growing seasons where trees are cut due to decreased fog-drip, increased ground-level wind speeds, potential health effects of herbicide exposure on workers, residents, and visitors, creating a long term access barrier for many. Dead and dying trees too play important ecological roles, and leaving them in place provides habitat and food for forest life. BK-50

"Thinning" is a euphemism for clearcutting, with only few trees left standing. Killing trees, whose roots and canopies connect a complex ecology of living things, damages millions of organisms who call the forest their habitat, including making the trees that remain more vulnerable. They are not simply individual entities, but function as a community, where the felling of individuals causes devastation and injury to all the other trees around them, who are then further threatened by herbicides that inhibit the mycorrhizal fungi that have a symbiotic relationship with trees and aid in nutrient update. Forests are connected and do not exist in isolation, and the City's Plan contributes to an ideology that fuels deforestation and ecocide.

INCREASED FIRE DANGER

As the nativist bias remains evident in the revised draft, and the recommendations in the Plan are based on faulty premises, I'm concerned that its implementation would further increase, not reduce the fire danger in the hills.

In the discussion of leaves with combustible oils, eucalyptus and Monterey pine are juxtaposed with oaks and redwoods (pages 66-79) , but native bay laurel, which has much higher levels of combustible oils is not discussed at all. BK-51

All trees are described as providing fog drip, solar shading, and windbreaks, but only oaks and redwoods are described as maintaining moisture throughout the year, but in

eucalyptus and Monterey pines and cypress it is maintained only "in the summer when fog is present" (pages 66-69).

Yet the Plan describes fog not only in the summer months of June, July, and August, but even as early as May and late into September, in the fall, and acknowledges that fog generates measurable precipitation (page 17), as well as that most precipitation occurs in the winter (page 16). In other words, the forest retains moisture for most of the year. BK-51

Meanwhile, at a 2013 forum Tom Klatt, who was the primary UC Berkeley spokesperson who promoted killing "non-native" trees in the hills, and who the City and other local agencies had been deferring to before he retired, said that "our firestorm window really only occurs 6 to 12 days a year" (http://www.youtube.com/watch?v=w4Wmlze2xms 27:00). So it would take merely a week or two a year of firefighters roaming the hills with vigilance, but with the persistence of the proposed chemicals, the toxic and destructive impacts of such clearcutting and "thinning" projects will be constant, and lasting indefinitely. BK-52

The Plan describes windbreaks only from tree canopies, but does not acknowledge windbreaks from the trunks of trees that live close together in a dense forest, and thereby leaves unacknowledged one of the primary objections members of the community have voiced against so-called "thinning" of trees.

Dense forests keep winds from spreading fires, and the moisture from many inches of annual fog drip keep fires from starting in the first place. Trees do not catch fire easily, unlike grasslands, where most wildfires start, as did the one in 1991. But in its nativist frenzy, during the FEMA EIS process, the East Bay Regional Park District even went on the record that it wants native, and extremely flammable grasslands and islands of shrubs to take the place of our moisture rich forests. BK-53

The entire focus on vegetation management for fire safety is prejudicial. The Plan acknowledges that "topography, vegetation, and climatic conditions associated with the Plan Area combine to create a unique situation capable of supporting large-scale, high-intensity, and sometimes damaging wildfires" (page 75), but does not mention houses, which were primarily responsible for spreading the 1991 fire.

Shortly after the Plan mentions that one "disadvantage" of the Wildland Urban Interface is "high housing density", then highlights that the "wildland fire risk associated with Intermix areas includes vegetation-to-house fire spread or ember intrusion" (page 78), but fails to mention house-to-vegetation, and house-to-house spread, and any source of fire spreading by gas lines associated with houses. BK-54

As recalled by retired Oakland firefighter David Maloney, who had been appointed to the 1991 Oakland-Berkeley Mayors' Task Force on Emergency Preparedness & Community

Restoration, which was tasked with investigating the 1991 fire, it was human-built structures, not trees that were primarily to blame for the spread of that fire (https://www.eastbaytimes.com/2009/07/30/my-word-task-force-report-confirms-trees-are-not-primary-fire-hazard/):

> "The Task Force Report concluded that the spread of the fire was mostly due to the radiant heat generated by burning houses. A burning house has a sustained radiant heat transmission of 2,500-3,000 degrees. The spread of the fire was not due primarily to burning trees — eucalyptus or any other species."

BK-54

The proposed Plan does not even mention this task force or the document it produced (https://defendeastbayforests.files.wordpress.com/2018/03/mayorstaskforce1992.pdf).

The fire risk are humans, not plants. Most fires are started by humans, and often it is houses that set trees ablaze, not the other way around. While our homeless neighbors are specially mentioned in the Plan as a potential source of ignition, implicitly vilified along with the trees, while the people who built their wooden houses and explosive infrastructure in areas that are prone to burning are not mentioned as a problem at all.

BK-55

Most fires in Oakland do not involve vegetation at all, and do not happen in the hills, but in the flatlands (https://www.eastbayexpress.com/oakland/mapping-oaklands-fires/Content?oid=8479075). Here, the increase in fire risk to homes is primarily from electrical wiring (including "Smart meters" that have been forced on everyone), and chemical use around gas appliances, as well as crowded conditions in camps. Massive, rushed gentrification developments and slumlords who refuse to properly maintain their buildings are a particular concern.

I'm concerned that extensive vegetation management in the hills will further increase fire risks in the flatlands, as fires spread faster if trees are removed and grasslands take over, or pesticides or other chemicals are used that are flammable.

When the City proposed its vegetation management plans as part of the coordinated deforestation campaign along with UC Berkeley and the park district, Maloney analyzed the proposed projects, and responded with a devastating prediction based on his professional expertise:

BK-56

With the proposed activities together spanning thousands of acres of public lands in Alameda and Contra Costa Counties, Maloney reported that the "next fire in the East Bay Hills has the potential of killing more than 1,000 people and destroying over 100,000 home if the above three publicly funded agencies are allowed to enact their fallacious "Fire Hazard Mitigation Plans'", and "to become the worst catastrophe in American history" (http://www.saveeastbayhills.org/uploads/4/7/8/8/47884333/maloneyreport2.pdf).

David Maloney's report is the most urgently important document for policy-makers to read in consideration of this proposed Plan and the many other similar projects on adjacent lands, that must not be considered in isolation. BK-56

The Plan's stated intent is fire hazard mitigation, but the proposed actions are more likely to increase fire danger. In addition to clearcutting and "thinning" moisture-rich forests and turning them into dry, flammable grasslands and wind tunnels, giving Diablo winds free rein to drive fires into our communities, herbicides increase the flammability of vegetation, and may themselves have flammable components BK-57

The Plan does not specify what herbicides would be used, but in 2005, when the Environmental Impact Report (EIR) underway with this Vegetation Management Plan was first conceived, the two herbicides suggested for these projects were Garlon and Roundup. The manufacturer's Material Safety Data Sheets (MSDS) for these products indicate that these chemicals are fire hazards, and produce toxic fumes when they do burn. They are mixed with carrier oils that may contribute further to their flammability and toxicity.

The warning that toxic vapors will be released if involved in a fire is common for pesticide products, and shows that chemical use in fire prone areas is particularly irresponsible (pesticide labels and MSDS can be found here: http://www.cdms.net/LabelsSDS/home/). In the Plan, which is being produced for the Oakland Fire Department, there is no mention of the danger to rank and file and prison labor firefighters, let alone the community at large, from pesticide fumes released during a fire. BK-58

Experiments by community activists also show that herbicides in general make vegetation more flammable than vegetation that was not exposed to herbicides (http://www.eastbaypesticidealert.org/Cheriel Response.html).

It doesn't appear fire modeling considered flammability from chemicals or their effect on vegetation, or that authors of this Plan are familiar with any of the dangers of pesticides.

DEVELOPMENT

The authors of the Plan and DEIR insist that this is about vegetation management only, that all other fire hazard mitigation is someone else's department. But defensible space can't be separated from the human-built structures that are to be protected, which the City permitted next to those trees in the first place. If the goal is to protect us from fire, and the primary spreader of fire is development, then the EIR is meaningless if it does not consider the fact that there are exquisitely flammable wooden houses, strung together by explosive gas pipes and live electrical wires, like so many fuses ready to ignite the entire East Bay hills. BK-59

Even though it's well established that is was not vegetation that primarily fueled the 1991 fire, but houses, the Plan claims, "Of the variables that comprise the wildland fire environment (weather, terrain, and fuels [vegetation]), vegetation is the only variable that can be managed". (page 1)

Defining fuels as vegetation alone is fundamentally prejudicial, when it's in fact human development in wildfire zones that makes fires hazardous to humans, and the Plan admits "wildfires are mostly human-triggered" (page 15).

The Plan at its core is about development, not necessarily about future development, but obviously about development of the past, that is ongoing. While I understand and sympathize with the desire to live in a natural environment, and I certainly don't want anyone to get hurt in a fire, I strongly oppose any further destruction of precious forests so that people can feel more comfortable building (and perpetually rebuilding) their flammable wooden houses in a natural wildfire zone, and connecting them to explosive gas pipes and power lines. If people are afraid of trees they shouldn't choose to live in a forest, and if they do, it's not their prerogative as property owners to deforest Oakland, and deny natural areas to the rest of us. BK-59

A more reasonable focus to mitigate fire danger of the already existing structures in the hills, would be to replace roofs with fire resistant materials. But in addition to safer roofs, it is absurd that timber construction of exquisitely flammable tinderboxes continues to be permitted in natural wildfire zones. Any fire mitigation project should first focus on what provided the primary fuel for the 1991 fire: the human-built structures.

A few years ago, when Oakland firefighters saved the building I live in, they told us that the entire six unit residential structure would have been gone within another 2-3 minutes. Compare that with the couple of hours it can take to burn through a strawbale wall, or the clay-firing effect of fire on an earthen wall. Even thick layers of earthen plaster would increase the fire resistance of existing timber structures, and should be undertaken by all residents in the hills. In traditional societies plastering homes at regular intervals is an activity that brings communities together. BK-60

For some of the fire tests performed on strawbale structures, please see:

https://web.archive.org/web/20141231212625/http://www.one-world-design.com/straw_bale_fire_safety.asp

https://web.archive.org/web/20120616182644/http://earthgarden.com.au/strawbale/fire_test.html

http://www.potkettleblack.com/natbild/fire.html

Cob or rammed earth, natural building methods similar to adobe, but seamless and monolithic, instead of bricks mortared together, essentially turn to ceramic in fires. In fact, Nader Khalili, founder of the California Institute of Earth Art and Architecture (Cal-Earth) in Hesperia, experimented with the Geltaftan building method, where he turned earthen structures into their own kiln, burning them from the inside to create ceramic houses (https://web.archive.org/web/20120328115956/http://archnet.org/library/sites/one-site.jsp?site_id=260).

A relevant example of what happens to earthen structures in a fire is this image of Harbin Hot Springs, a retreat center in Lake County that was consumed by the 2015 Valley Fire, in which you can see that the portions of the temple walls that were built with earth remain standing, while every bit of wood in the structure was destroyed and turned to ash: https://www.facebook.com/PosterityProductions/photos/a.891054524322216.1073741881.137782922982717/891055130988822/ (an image of the intact temple before the fire can be seen here: https://inhabitat.com/sunray-kelleys-harbin-hot-springs-temple-in-napa-valley-is-made-from-natural-materials/) BK-61

Both strawbale and cob structures have also done very well in seismic tests, and thus are suitable for building in the Bay Area:

Strawbale shake tests:
https://web.archive.org/web/20110416205659/http://naturalhomes.org/earthquakestraw.htm

Cob shake tests: http://stanleyparkecology.ca/visit-us/cob-house/

The Plan promotes activities that devastate ecosystems and increase fire danger over alternatives that would actually address the problem at the root, at human development and its practices. Instead of vegetation management what we need for fire safety in the hills is for any further development to stop, for current residents to be responsible about clearing *reasonable* defensible space around their own houses, but nowhere near the 100 to 300 feet proposed by the Plan that encroach upon public wildlands. BK-62

A better use of the funds being spent on this Plan and EIR, and eventually the destructive implementation of the Plan, would be to relocate residents who don't feel comfortable living in the woods to a place where they feel safer, fund earthen building practices in the hills for those who want to stay, and for the City to ensure that streets and water hydrants are accessible when fire suppression is necessary for saving lives and homes, and that the fire department is properly funded.

Some dire mistakes were made by the fire department in 1991, specifically walking away before the danger of reignition was over, which is what caused that fire to get out of control. The fire department has since learned to remain alert longer, though it's a lesson that should be reinforced every fire season.

BK-63

We have not had a major fire in the hills since 1991, primarily because of improvements in the fire department, as well as in building practices. Many of the human-built structures in the hills have since been built with less flammable materials, particularly roofs are no longer built with wooden shingles.

CONCLUSION

The DEIR and revised draft Plan promote a one-sided, unchallenged ideology that is not scientifically sound, and lacks alternative perspectives from experts in relevant fields, like conservation biologist David Theodoropoulos on "invasiveness", permaculturist Tao Orion on alternatives to toxic vegetation management, and retired firefighter David Maloney on fire safety.

BK-64

Some still unanswered questions I asked at the very first meeting 2-1/2 years ago, that I expect to finally find answered in the EIR: How many trees are you proposing to cut down? Do you know the health and environmental effects of the chemicals you plan to use? If the people of this region oppose the Plan, will you stop its implementation?

Vegetation management is not a primary issue in fire safety in the Oakland hills. Goat grazing has been effective at maintaining grasslands, and should be continued, with proper oversight, and without electric fences which are cruel and add another potential ignition source. The real wildfire danger to human life needs to be addressed elsewhere than in our last forested areas of the city, but in human homes that encroach upon them. I vote for the No Project option, and for diverting vegetation management funding earmarked for tree removal and pesticides to where it's most needed, for structurally securing homes, and for firefighting.

BK-65

The Plan claims that the goal is to protect life. Chopping down forests and poisoning the environment accomplish the opposite. Instead of endorsing and enabling these actions, the Oakland Vegetation Management Plan and EIR should reflect the real dangers this project poses to public and environmental health, and put on the environmental record the actions that the City has already undertaken, so that the officials responsible can be held accountable for the environmental devastation they are perpetrating on our ecosystem.

Letter BK: Isis Feral

Response to Comment BK-1

This comment is introductory in nature. It states that the commenter's previous comments , submitted on the Prior 2020 DEIR, have not been addressed in the Recirculated DEIR and that the Recirculated DEIR promotes activities that endanger wildlife and people such as herbicide use, tree removal, and increasing fire danger.

The City considered recommendations provided during VMP development and has incorporated feedback deemed appropriate (e.g., recommendations for open space areas maintained by volunteer groups) in the VMP and EIR. See Master Response 3 regarding herbicide use and Master Response 5 regarding tree removal.

Response to Comment BK-2

The comment states that herbicide use was prohibited under the 1997 City ordinance and that this ordinance already has too many associated exemptions. See Master Response 3 under "Legality of Herbicide Use in Oakland for the Purpose of Vegetation Management."

Response to Comment BK-3

This comment expresses opposition to expanding the distance for trees to be removed from the road from 30 to 100 feet, and for the increase of the circumference of eucalyptus trees to be removed. The revised treatments included in the Revised VMP were chosen for their ability to reduce fire danger. See Master Response 5 regarding impacts of tree removal. See Section 10 and Appendix I of the Revised VMP for a list of BMPs to help minimize impacts of tree removal.

Response to Comment BK-4

This comment expresses opposition to the use of herbicide. Management and treatment standards identified in the Revised VMP would require notification before herbicide treatments begin and exclusion periods after the treatments are completed. The Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides."

In addition, the comment states that the use of herbicides in city parks is a violation of the Americans with Disabilities Act (ADA) for people with chemical exposure issues. The Revised VMP and Recirculated DEIR do not differentiate between people who are and who are not protected by the ADA. Management and treatment standards identified in the Revised VMP would require notification before herbicide treatments begin and exclusion periods after the treatments are completed. Exclusions to the areas would apply to all members of the public equally.

Response to Comment BK-5

The comment expresses concern that the VMP increases fire risk. The goals and objectives of the Proposed Project are minimizing fire danger by reducing the likelihood of extreme fire behavior within the VMP Plan area. The revised treatments included in the Revised VMP were chosen for their ability to reduce fire danger. See Master Response 5 regarding impacts of tree removal.

In addition, the comment also suggests the relocation of residents from the Oakland hills as an alternative. Such an action is beyond the scope of the Revised VMP and the Recirculated DEIR and does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BK-6

The comment states that vegetation management is not a primary issue in fire safety in the Oakland hills and expresses support for the No Project Alternative. See Master Response 3 regarding the use of herbicides and Master Response 5 regarding tree removal. The Recirculated DEIR maintains the conclusion, based on substantial evidence, that the overall approach to OFD fire hazard reduction, including both initial treatment and ongoing maintenance, would be effective in achieving the objectives of the Revised VMP, with conformance to applicable laws, regulations, and mitigation measures specified in the Recirculated DEIR.

This comment also suggests diverting money from the VMP to firefighting and structurally securing homes. This comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BK-7

This comment states that the commenter's previous comments submitted on the Prior 2020 DEIR have not been addressed. See Master Response 1. The City considered comments provided during VMP development and has incorporated feedback (e.g., recommendations for open space areas maintained by volunteer groups) in the Revised VMP and Recirculated DEIR.

Response to Comment BK-8

The comment opposes tree thinning and expresses concern that the list of tree species that would be potentially removed has not been revised since 2005. As stated in Section 8.3.6, "Tree Removal," of the Revised VMP, proposed tree removal would be selective rather than broad. See Master Response 5 regarding impacts of tree removal. The goals of the Project are oriented toward fire hazard reduction, rather than ecological restoration. Vegetation management actions have been identified and defined based on site-specific vegetation type, fuel hazard, treatment effectiveness, and ongoing maintenance requirements. Fuel treatment areas have been identified and prioritized based on fuel loads and arrangements, terrain, topographic exposure, and proximity to roads and structures as well as by other factors (e.g., eucalyptus) that have been identified as posing a higher fire hazard.

As discussed in Section 8 of the Revised VMP, thinning is one of several treatments proposed that aim to minimize the risk of wildfires by reducing wildfire fuels. See Section 8.2.5, "Mosaic

Thinning and Dripline Thinning," for further information about how thinning can help achieve spacing standards, thereby reducing fuel continuity and loading. Additionally, new language was incorporated into the Recirculated DEIR that addresses horizontal tree crown spacing, which must follow CAL FIRE's current defensible space standards. See Table 2-4 in the Recirculated DEIR, beginning on page 2-14, for more information on new crown thinning requirements in the Revised VMP.

Response to Comment BK-9

This comment states that the Revised VMP and Recirculated DEIR do not address hazards of removing large numbers of trees or spreading pesticides. See Master Responses 1, 3, and 5. See also Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources*, of the Revised VMP.

This comment also states that the actions proposed in the Recirculated DEIR would not accomplish their stated purpose. See Master Responses 1 and 5. See also Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources*, of the Revised VMP.

This comment states that vegetation management requiring an EIR is too drastic. An EIR is required for projects, plans, and programs that could have a significant effect on the environment. This comment will be conveyed to the decision-makers.

Response to Comment BK-10

This comment states opposition to the use of herbicides and cites the 1997 City resolution that restricted their use. See Master Response 3, including the list of Recirculated DEIR mitigation measures that address impacts of herbicide use, under "Increased Human and Biological Resources/ Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides" and "Legality of Herbicide Use in Oakland for the Purpose of Vegetation Management." See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP, and Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," in the Recirculated DEIR.

Response to Comment BK-11

This comment expresses concern about the use of herbicides and states that the reason for avoidance of Roundup formulation of glyphosate is the need to mix the herbicide with a surfactant, which is not explained in the Recirculated DEIR. Mitigation Measure HAZ-5, Standard Herbicide Use Requirements (VMP BMP VEG-2) requires that only herbicides and surfactants that have been approved for use by USEPA and are registered for use by the California Department of Pesticide Regulation (CDPR) may be used for vegetation treatment. Further, the Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." The comment will be conveyed to the decision-makers.

Response to Comment BK-12

The comment states that many of the commenter's previously submitted comments were not identified as being received. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP has met the legal requirements for soliciting public opinions and comments about the Plan. All comments have been considered and incorporated, where applicable, into the Recirculated DEIR. Appendix B of the prior 2020 DEIR is a summary of scoping comments.

Response to Comment BK-13

This comment states that others have also submitted toxicology information in past public meetings. See Response to Comment BK-11. See also Master Response 3. This comment will be conveyed to the decision-makers.

Response to Comment BK-14

The comment expresses concern about effects of glyphosate on human health. See Response to Comment BK-11 and Master Response 3.

Response to Comment BK-15

The comment expresses concern about effects of glyphosate on ecological health. See Response to Comment BK-11 and Master Response 3.

Response to Comment BK-16

The comment expresses concern about effects of triclopyr on human health. See Response to Comment BK-11 and Master Response 3.

Response to Comment BK-17

The comment expresses concern about effects of triclopyr on ecological health. See Response to Comment BK-11 and Master Response 3.

Response to Comment BK-18

The comment expresses concern about effects of imazapyr on human health. See Response to Comment BK-11 and Master Response 3.

Response to Comment BK-19

The comment expresses concern about effects of imazapyr on ecological health. See Response to Comment BK-11 and Master Response 3.

Response to Comment BK-20

The comment expresses concern that inert herbicide ingredients are toxic. See Response to Comment BK-11 and Master Response 3.

Response to Comment BK-21

The comment states that some inert ingredients of herbicides have harmful effects on human health. In addition, the comment states, "[s]ome herbicides to be used in the Plan are likely to also to be mixed with undisclosed chemical dyes." The Recirculated DEIR has determined, based on substantial evidence and with the inclusion of mitigation measures, that the use of herbicides in accordance with label instructions is safe. See Master Response 3 under "Increased Human and Biological Resources/Ecological Health and Human/ Environmental Health Impacts; General Opposition to Use of Herbicides; Support for Reduced Use of Herbicides." The comment will be conveyed to the decision-makers.

Response to Comment BK-22

The comment expresses concern about synergistic effects of multiple herbicides being used together. See Response to Comment BK-11 and Master Response 3.

Response to Comment BK-23

The comment expresses concern about the impact of even small doses on endocrine health. See Response to Comment BK-11 and Master Response 3.

Response to Comment BK-24

This comment states that the use of herbicides in city parks is a violation of the ADA for people with chemical exposure issues. See Response to Comment BK-4. The comment will be conveyed to the decision-makers.

Response to Comment BK-25

This comment opposes the use of risk assessment methodology to determine what constitutes and "acceptable" or "negligible" risk. See Section 3.4, *Biological Resources*, and Section 3.8, *Hazards and Hazardous Materials*, of the Recirculated DEIR. See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP, and Section 5.4.3, "Alternative 3 – No Herbicide Use Alternative," in the Recirculated DEIR. This comment will be conveyed to the decision-makers.

Response to Comment BK-26

This comment supports the precautionary principle approach instead of risk assessment to determine impacts of herbicides. See Response to Comment BK-25.

Response to Comment BK-27

This comment states that the Recirculated DEIR does not address ADA implications of herbicide use causing barriers to access. See Response to Comment BK-4.

Response to Comment BK-28

This comment states that the DEIR does not acknowledge possible health problems from pesticides. See Response to Comment BK-11 and Master Response 3 under "Human and Environmental Health."

Response to Comment BK-29

This comment states that the City of Oakland has caused personal disability through the City's application of pesticides. See Master Response 3. This comment will be conveyed to the decision-makers.

Response to Comment BK-30

The comment states that the commenter does not trust the City to take actions in forested areas. The comment does not pertain to the adequacy of the CEQA analysis.

In addition, this comment states that the vegetation policies that are already in use in Oakland should be addressed before a new vegetation management plan is adopted. The comment states that the City's use of herbicides is dangerous. See Master Response 3. This comment will be conveyed to the decision-makers.

Response to Comment BK-31

The comment states that the Recirculated DEIR should explain that pesticide use for fire prevention is a new use that is currently illegal. See Master Response 3 under "Legality of Herbicide Use in Oakland for the Purpose of Vegetation Management."

This comment also states that the City partnered with UC Berkeley in violation of the City's pesticide policy. The link provided in the comment was broken, so that it was not possible to view the source. Lastly, this comment claims that a FEMA EIS disclosed additional violations of pesticide policy. The link provided in the letter was broken, and the name of the project or the name of the EIS was not included, so that it was not possible to view the original source. Because the original source documents could not be verified, these two assertions do not pertain to the adequacy of the CEQA analysis. The comments will be conveyed to the decision-makers.

Response to Comment BK-32

This comment states that the petition by Save the East Bay Hills was signed by almost 1,700 people in opposition to the VMP and more, generally, that other organizations are also opposed to the VMP and proposed pesticide exemptions. The comment states that the voices of opposition should be counted in the Recirculated DEIR. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. All comments have been considered and revisions to the DEIR have been incorporated in the Recirculated DEIR where applicable. See Appendix B of the Revised VMP. In addition, see Master Response 1, Master Response 3, and Master Response 5.

Response to Comment BK-33

This comment discusses community groups that are opposed to herbicides. See Response to Comment BK-32.

Response to Comment BK-34

The comment describes problems that prevented people from participating in the scoping process "because pesticides, fragrances and other common chemicals used in public places present access barriers." As indicated in the comment, the City was made aware of the public's concern and adjusted meeting locations accordingly. This comment does not pertain to the adequacy of the CEQA analysis. In addition, the City provided an equal opportunity location for the meeting at City Hall, where nearly all of the City's public meetings are held in compliance with the Brown Act (Open Meeting Law). The comment has not provided evidence that the location of the meeting(s) is/was a dangerous location for members of the public.

Response to Comment BK-35

The comment discusses problems that prevented people from participating in the scoping process, such as the 2018 Camp Fire. This comment does not pertain to the adequacy of the CEQA analysis. In addition, the City provided an equal opportunity location for the meeting at City Hall, where nearly all of the City's public meetings are held in compliance with the Brown Act (Open Meeting Law). The comment has not provided evidence that the location of the meeting(s) is/was a dangerous location for members of the public.

Response to Comment BK-36

This comment states that submitting written comments is not a substitute for attendance in person. See Section 1.7, "CEQA Process," of the Recirculated DEIR. All comments submitted during a public process are treated and considered equally in addressing revisions to the project. The VMP has met the legal requirements for soliciting public opinions and comments about the Plan. All comments have been considered and revisions to the DEIR have been incorporated in the Recirculated DEIR where applicable.

Response to Comment BK-37

This comment states that public notice was limited and that the City's website failed to show extended deadlines for submitting comments. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. All comments have been considered and revisions to the DEIR have been incorporated in the Recirculated DEIR where applicable. See Appendix B of the Revised VMP.

Response to Comment BK-38

This comment states that, during the 2018 meetings, those opposed to the Plan were treated differently than those supporting the Plan, particularly in acknowledgement of group affiliations. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. All comments have

been considered and revisions to the DEIR have been incorporated in the Recirculated DEIR where applicable.

Response to Comment BK-39

This comment states that the November 2019 scoping meeting was a waste of time. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. All comments have been considered and revisions to the DEIR have been incorporated in the Recirculated DEIR where applicable.

Response to Comment BK-40

This comment states that meetings held during public health crises (e.g., the Camp Fire in 2018 or the pandemic in 2020) endanger public health and safety. This comment does not address the adequacy of the CEQA analysis. The comment will be conveyed to the decision-makers.

Response to Comment BK-41

The comment states that changing the words in the Revised VMP describing trees that could be removed during vegetation treatment from "invasive species" to "highly flammable" or "high fire risk/rapidly spreading plants" has not changed the ideological basis of why these trees are the subject of potential removal. See Responses to Comments P-37 and P-38.

Response to Comment BK-42

The comment states concern that native species restoration is influenced by nativist/invasionist ideology and industry influence. See Response to Comment P-38.

Response to Comment BK-43

The comment states that Cal-IPC has had direct influence on the development of the VMP through Friends of Sausal Creek. In addition, the comment states that wildfire fear is being exploited to promote native plant restoration projects. See Response to Comment P-39.

Response to Comment BK-44

This comment objects to the *Weed Workers' Handbook* being used as a model for vegetation management BMPs. See Response to Comment P-40.

Response to Comment BK-45

This comment provides background on Oakland, EBRPD, and UCB projects related to conversion to native vegetation. See Response to Comment P-41.

Response to Comment BK-46

This comment states that the Revised VMP fails to acknowledge the level of public opposition to projects such as those cited in Comment P-41. This comment also claims that the VMP perspective on native and non-native plants is inconsistent. Lastly, this comment discusses a

presentation allegedly debunking "nativist ideology." See Responses to Comments P-42, P-43, and P-44.

Response to Comment BK-47

This comment states that herbicides pose a threat to endangered species. See Responses to Comments P-45 and P-46.

Response to Comment BK-48

The comment states that the VMP does not address monarch butterflies, a listed species, that use eucalyptus for overwintering sites. See Response to Comment P-47.

Response to Comment BK-49

The comment expresses concern about the removal of monarch butterfly habitat from the Plan Area. See Responses to Response to Comment P-47.

Response to Comment BK-50

This comment states that the Revised VMP does not indicate how many trees would be removed and that thinning means clearcutting, which damages forests. See Responses to Comments P-48 and P-49.

Response to Comment BK-51

This comment states that VMP implementation would increase fire danger rather than decrease it. See Response to Comment P-50.

Response to Comment BK-52

The comment cites Tom Klatt as saying that the firestorm window occurs only 6-12 days a year. See Response to Comment P-51.

Response to Comment BK-53

This comment states that dense forests provide windbreaks and maintain moisture. See Response to Comment P-52.

Response to Comment BK-54

This comment states that the focus on vegetation management for fire safety is prejudicial; houses are more dangerous than vegetation. See Response to Comment P-53.

Response to Comment BK-55

This comment states that humans, rather than vegetation, are the greatest fire risk. See Response to Comment BK-54.

Response to Comment BK-56

This comment states that expert testimony indicates that the VMP would increase fire danger rather than reduce it. See Response to Comment P-55.

Response to Comment BK-57

The comment states that thinning and herbicide use increase fire risk. See Response to Comment P-55.

Response to Comment BK-58

This comment states that herbicides are toxic. In addition, this comment states that herbicides make vegetation more flammable because they are mixed with carrier oils that may contribute further to their flammability and toxicity. See Response to Comment P-56.

Response to Comment BK-59

The comment states that the prior 2020 DEIR does not take into account the fact that electrical and gas connections between houses built in wildfire-prone areas exacerbate risk of wildfire. See Responses to Comments P-57 and P-58.

Response to Comment BK-60

The comment states that other building materials would be more resistant to fire than those currently used. See Response to Comment P-58.

Response to Comment BK-61

This comment discusses alternative building materials that better withstand fire than wood. See Response to Comment P-58.

Response to Comment BK-62

This comment states that the Revised VMP activities are harmful to the ecosystem compared to other alternatives. The comment also states that a better use of funds, rather than funding the VMP and the DEIR, would be to relocate residents from forests and fund earthen building practices. See Responses to Comments P-59 and P-60.

Response to Comment BK-63

The comment discusses improvements in firefighting and buildings since the 1991 fire. See Responses to Comments P-59 and P-60.

Response to Comment BK-64

This comment claims that the VMP and DEIR promote a one-sided ideology and ignore experts in relevant fields. See Response to Comment P-61.

Response to Comment BK-65

This comment requests information about how many trees the VMP would remove. This comment also asks whether the health and environmental effects of the chemicals the VMP proposes to use are known. This comment also states that vegetation management is not a primary issue in fire safety in Oakland and that No Project is the best alternative. The comment further states that the VMP and DEIR should reflect the real dangers of the project to public and environmental health. See Responses to Comments P-62, P-63, and P-64.

Oakland Vegetation Management

BL

From Gretchen Garlinghouse <ggarlinghouse@aol.com>
To <DEIR-comments@oaklandvegmanagement.org>, <info@jananiforoakland.com>
Cc chriskid789@gmail.com <chriskid789@gmail.com>
Date 2023-11-06 22:08

The new Vegetation Management Plan sent in District 4's Newsletter would not open, so here are my off the cuff recommendations for the fire hazard management system of Oakland. . .

- There needs to be a better system for called in reports of wildfire dangers on City of Oakland properties. The present 311 system only allows for one address to be entered when often times City property with fire danger weeds and debris extends along streets for many blocks. While the operators at 311 are always gracious, the work crew that comes out only takes care of the singular address of the work request. BL-1

- The department that takes care of wildfire hazard management should be patrolling the WHOLE region that is designated as a high fire danger area rather than counting on residents calling 311. That means the high and low hills east of Park Boulevard, not just the original 1981 fire zone. And any work they find to do should be completed well before fire danger season. BL-2

- City responses to requests for fire hazard removal should be taken care of within a month, or less. I requested weed removal in June. The work was done (only at one address) in late October and the completed report came to me in late October. We are lucky this was not a heavy fire danger year. The larger mass of weeds/debris along Monterey Blvd still exist. BL-3

- What is the Oakland Firesafe Council and how can people who live to the east of Park Boulevard become part of it? BL-4

Sincerely,
Gretchen Garlinghouse
Jordan Road at Rettig in District 4

Letter BL: Gretchen Garlinghouse

Response to Comment BL-1

The comment expresses the desire to have the call system for wildfire reporting improved. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BL-2

This comment suggests that wildfire monitoring should cover a larger area and begin before fire season. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BL-3

This comment suggests that City responses to request to mitigate fire hazards should happen faster. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BL-4

This comment requests information about how one can join the Oakland Firesafe Council. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Revised Draft VMP Recirculated DEIR Comments

BM

From Anastasia Glikshtern <apglikshtern@gmail.com>
To <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-04 22:51

a.

On October 31st, 2023, a California jury awarded $332 million to a man who sued Monsanto/Bayer Co. contending that his cancer was related to decades of using its Roundup weedkiller. On October 27th, 2023, the jury award in another Monsanto case was $175 million. On October 20st the small penalty against Bayer/Monsanto was only $1.25 million. In the first three roundup trials the jury awards were: $289.2 million, $80 million, and $2.055 billion.

An overwhelming number of scientific studies (those not done by/connected to chemical companies) find mirriad of problems with this chemical.

In January 2022 the U.S. Environmental Protection Agency published the biological evaluation of effects of glyphosate, atrazine, and simazine on endangered species: **EPA reports that glyphosate is "likely to adversely affect" 93% of legally protected endangered and threatened plants and animals.**

It's easy to deduce that not just glyphosate/Roundup but all high toxicity herbicides are dangerous and should be banned.

It's incomprehensible that anybody in his/her right mind is still using these poisons.

It's abhorrent that a public entity proposes to use them on public land, poisoning the public using taxpayers' money.

BM-1

Oakland's Vegetation Management Plan continues to call for the use of herbicides where they are currently prohibited!

- Herbicidal chemicals are more toxic, more persistent, more mobile and **more dangerous than their manufacturers disclose;**
- Scientific **studies associate exposure to herbicides with cancer**, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system;
- There is no safe dose of exposure to those chemicals because they **persist in soil, water, and animal tissue**, so even low levels of exposure could still accumulate and harm humans, animals, and the environment;
- **Especially vulnerable individuals** include infants, children, pregnant women, the elderly, people with compromised immune systems and chemical sensitivities;
- **Toxic runoff from herbicides pollute streams and groundwater**, and therefore the drinking water sources;
- Herbicides are **harmful to pets and wildlife** – including threatened and endangered species, plants, and natural ecosystems;
- Herbicides are harmful to soil microbiology and **contaminate soil into the future, reducing biodiversity** in sensitive areas.

People have a right not to be involuntarily exposed to herbicides in the air, water or soil that inevitably result from chemical drift and contaminated runoff.

b.

It is clear that the main reason in proposed cutting down eucalyptus is a "native" plant restoration, not a fire hazard reduction. "Native"/"non-native" should not figure in the plan in any form. The flammability of eucalyptus has been greatly exaggerated by "native" plant fanatics who want all "non-native" trees destroyed. "Native" trees - not eucalyptus - are burning in most of the California wildfires. The planned removal of isolated "non-native" trees within stands of "native" trees is unnecessary because it will not reduce fire hazards. The plan increases the trunk size of eucalyptus to be removed from 8 to10 inches - even 8 inches is too big a number: those are big trees providing important ecological services. The trunk size of the trees condemned to cutting should be decreased - not increased.

BM-2

Sincerely,

Anastasia Glikshtern

Letter BM: Anastasia Glikshtern

Response to Comment BM-1

This comment expresses opposition to the use of herbicides. See Master Response 3, including the list of mitigation measures identified to reduce impacts of herbicide to less-than-significant levels. See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP.

Response to Comment BM-2

This comment expresses opposition to distinguishing native from non-native plants for treatment. See Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire mitigation, as opposed to ecological restoration.

BN

CALIFORNIA NATIVE PLANT SOCIETY
East Bay Chapter, www.ebcnps.org
PO Box 5597, Elmwood Station, Berkeley, CA 94705

November 4, 2023

Montrose Environmental
Attn: Ken Schwarz, Principal, Revised Draft VMP Recirculated DEIR Comments
1 Kaiser Plaza, Suite 340
Oakland, CA 94612 via email: DEIR-comments@oaklandvegmanagement.org

RE: Oakland Revised Draft Vegetation Management Plan

Dear Mr. Schwartz,

Thank you for the opportunity to comment on the Oakland Revised Draft Vegetation Management Plan. We believe that these recommendations support both the wildfire risk reduction and environmental protection goals of the project.

Our comments are as follows:

1. Please further integrate the project's environmental protection goals into the "Vegetation Management Standards (Table 2-44)" to reduce environmental impacts to less than significant.

BN-1

Table 2-44. Vegetation Management Standards and Goals by Dominant Vegetation Type (pg. 2-14;87-88) describes vegetation management standards for Grassland/Herbaceous (annual and *naWive perennial grasslands*), Brush/Shrub (mixed chaparral and coastal scrub, which includes rare *MariWime chaparral*), and Tree/Woodland/Forest (coast oak woodland, closed-cone pine cypress, eucalyptus, redwood, valley/foothill riparian, urban (acacia), urban mixed tree stand).

The overarching vegetation treatment standards in this critical summary table do not currently provide *any* guidance that would inform City staff, the public, and contractors of the environmental protection measures that are to accompany the vegetation treatment practices listed in the "Vegetation Management Standards" column of the table. For instance:

- "Heights of grasses, weeds and thistles shall not exceed 3 inches within ~~30~~75 feet of habitable structures (within or outside of City-owned property)."
  Please revise "not exceed 3 inches" to read "between 4-6 inches" as follows: "Heights of grasses, weeds and thistles shall be **between 4-6 inches** within ~~30~~ 75 feet of habitable structures (within or outside of City-owned property)."

This revision is critical because the "below 3 inches" could be interpreted to mean *any height* less than 3 inches --- even potentially down to the mineral soil. From a wildfire risk perspective, bare mineral soil can act as a "bowling alley for embers" in dry, high-wind situations. Severe grazing or mowing of existing grassland cover can open the area to flammable invasive weeds. For adjoining East Bay Regional Park District lands, the district specifies grazing to *4 inches or higher* as part of its Wildfire Hazard Reduction and Resource Management Plan (WHRRMP). BN-1 cont'd

From an environmental quality and resource protection perspective, this wording also risks a) special status native grass communities being grazed so low that they cannot recover naturally, b) reducing habitat-supporting food sources for grassland birds and wildlife and c) an erosion risk that may violate the Clean Water Act. BN-2

- "Heights of grasses, weeds and thistles shall not exceed 18 inches beyond ~~30~~75 feet from a habitable structure (recommended height is below 6 inches)."
  Please revise "below 6 inches" to read "between 4-6 inches" as follows: "Heights of grasses, weeds and thistles shall not exceed 18 inches beyond ~~30~~ 75 feet from a habitable structure (recommended height is ~~below 6 inches~~ **between 4-6 inches**)." BN-3

This revision is critical because the "below 6 inches" could be interpreted to mean *any height* less than 6 inches --- even potentially down to the mineral soil. From a wildfire risk perspective, bare mineral soil can act as a "bowling alley for embers" in dry, high-wind situations. Severe grazing or mowing of existing grassland cover can open the area to flammable invasive weeds. For adjoining East Bay Regional Park District lands, the district specifies grazing to *4 inches or higher* as part of its Wildfire Hazard Reduction and Resource Management Plan (WHRRMP).

From an environmental quality and resource protection perspective, this wording risks a) special status native grass communities being grazed so low that they cannot recover naturally, b) significantly reducing essential vegetative cover for insects, pollinators, reptiles (including the federally threatened Alameda whipsnake) c) reducing habitat-supporting food sources for grassland birds and wildlife and d) an erosion risk that may violate the Clean Water Act. BN-4

- "Leave cut grass on the ground to protect soil but must not exceed 6 inches in height."
  Please revise the bullet: "Leave cut grass on the ground to protect soil, but grass clippings should not exceed ~~6~~ **2** inches in **depth**." BN-5

This revision is needed because the statement is unclear. While the Plan should target grass heights after grazing or mowing to between 4-6 inches, any cut grass/mulch left on top of the remaining grass should not exceed 2 inches in depth to avoid the loss of special status plant species and sensitive natural plant communities. Also, leaving a half-foot of cut dry grass could be an undesirable fuel risk.

- "Spread all mulch or chipped material to a depth not to exceed 6 inches." BN-6

Please revise to: "Spread all mulch or chipped material to a depth not to exceed 6 inches **in areas where special status plant species and plant communities are not present as determined by botanical surveys. In areas where rare plants and plant communities are present, mulch and chipped materials should not be used.**"

BN-6 cont'd

This revision is needed because, as an overarching standard without any further explanation, it creates a significant environmental impact to special status plant species, sensitive natural plant communities, and locally rare plants by covering them with 6 inches of mulch/chips. This comment also applies to mulch/chip depth in shrub and woodland vegetation types.

"Cut shrubs at or near the ground surface and leave root systems intact to minimize soil erosion."

BN-7

Please revise to: **Shrubs, primarily Coyote brush (*Baccharis pilularis*), shall be cut at or near the ground to leave root systems intact to minimize soil erosion. Habitat-supporting shrubs, such as California elderberry (Sambucus sp.) coffeeberry (*Frangula californica*), toyon (*Heteromeles arbutifolia*), and gooseberry (*Ribes* spp.), shall be cut to no lower than 4' high, or no lower than 2.5' high if located within the dripline."**

While large stands of Coyote bush need to reduce wildfire fuel, solitary habitat-supporting shrubs, such as these and others, are of questionable risk and are also serve as important habitat for many birds, insects, and other species.

BN-8

- *New bullet point under Brush/Shrub* - "Separate individual shrub crowns/shrub groupings horizontally from adjacent shrubs, shrub groupings, or trees by at least two times the height of the shrub crown."
  Add: **Treatments will be modified to avoid impacts to special status species, native perennial grass populations, and maritime chaparral stands, including shrub stands Pallid Manzanita**.

ADDITIONAL AS NEEDED: Plan text and Appendix A: "Revised Draft Vegetation Management Plan, Section 9.1.2 Grassland/Herbaceous (p. 123):
For consistency, please revise the portions of the Plan text and Appendix A to reflect the same wording changes discussed above for Table 2-44.

BN-9

2. Please revise "2.4.12 Annual Work Plan Development Process" (p. 2-88), Paragraph 2, as follows:

"~~Following the development of the annual work plan~~, **T**he City will ~~review~~ **develop** the work plan with a qualified **wildlife** biologist **and botanist, including through site visits** to identify sensitive resources within the treatment areas."

BN-10

This revision is needed because the appearance of rare plant populations can vary annually based on rainfall patterns, other climate factors, and random disturbances. Site-specific vegetation and wildlife patterns, including site responses from vegetation treatments, are dynamic and cannot be adequately reviewed from a desk. Also, wildlife and botanical knowledge and experience are distinct. Each of these environmental professinals needs to be enlisted in the development of the annual work plan. We strongly recommend that the City engage a botanist to do an annual "reconnaissance" survey of special status native plants and sensitive plant communities and a wildlife biologist to advise on wildlife habitat considerations for the annual work plan.

BN-10 cont'd

3. 2.4.13 Annual Monitoring and Reporting (pg. 2-88;161)

Please add the following to Paragraph 1: **A wildlife biologist and botanist will visit the sites and review treatment work at the beginning, during, and nearing the conclusion of treatments and provide comments to OFD following each site visit and for the Annual VMP Report**.

BN-11

4. 2.6 COORDINATION WITH STAKEHOLDERS AND VOLUNTEER GROUPS (pg. 290;163)

Please add the following to the end of the last sentence: **The City will forward the Annual VMP Report to the individuals named in "Appendix K - Stakeholder/Volunteer Groups in the Plan Area" and publish the annual VMP reports on the city "Vegetation Management" webpage**.

BN-12

5. Special-Status Plant and Wildlife Species (pg. 3.4-13;279)

BN-13

We acknowledge that the DEIR appropriately classifies "special-status plants" for the purposes of identifying, analyzing, and mitigating Plan impacts as:

- the federal ESA as threatened, endangered, proposed threatened, proposed endangered, or a candidate species;
- the California Endangered Species Act (CESA) as threatened, endangered, rare, or a candidate species;
- the CNPS's California Rare Plant Rank (CRPR) designations as rare or endangered with ranks of 1A, 1B, 2A, or 2B (defined in footnote of Table 3.4-2);
- the CRPR with ranks 3 or 4 (defined in footnote of Table 3.4-2); or
- the CNPSEB Rare, Unusual, and Significant Plants of Alameda and Contra Costa Counties Database with an A rank that are known from the Bay Hills region.

This definition of special-status plants is consistent with CEQA Section 15380 and 15125 (c) criteria and Oakland General Plan goals, policies, and objectives, including:

Objective OS-1: Resource Conservation Areas -– To conserve and appropriately manage undeveloped areas in Oakland which have high natural resource value, scenic value, or natural hazards which preclude safe development.

Policy OS-1.1: Wildland Parks -– Conserve existing City and Regional Parks characterized by steep slopes, large groundwater recharge areas, native plant and animal communities, extreme fire hazards, or similar conditions. These areas are included in Figure 4 as Potential Resource Conservation Areas. Manage such areas to protect public health and safety and conserve natural resources.

Objective CO-1: Soil Conservation – To protect and preserve soil as a resource for healthy plant, animal, and human life.

Objective CO-6: Surface Waters – To protect the ecology and promote the beneficial uses of Oakland's creeks, lakes, and nearshore waters.

Policy CO-6.1: Creek Management – Protect Oakland's remaining natural creek segments by retaining creek vegetation, maintaining creek setbacks, and controlling bank erosion.

Objective CO-7: Plant Resources – To minimize the loss of native plant communities and restore these communities where they have been damaged or lost, and to preserve Oakland's trees unless there are compelling safety, ecological, public safety, or aesthetic reasons for their removal.

Policy CO-7.1: Protection of Native Plant Communities – Protect native plant communities, especially oak woodlands, redwood forests, native perennial grasslands, and riparian woodlands, from the potential adverse impacts of development. Manage development in a way which prevents or mitigates adverse impacts to these communities.

Policy CO-7.2: Native Plant Restoration – Encourage efforts to restore native plant communities in areas where they have been compromised by development or invasive species, provided that such efforts do not increase an area's susceptibility to wildfire.

BN-13 cont'd

6. <u>Mitigation Measure BIO-1: Provide Biologist Review and Worker Training (pg. 3.4-57;324)</u>

BN-14

Mitigation Measure BIO-1, as written, needs *to* adequately mitigate to a less than significant impact for special-status plants in the Revised VMP Plan project area. This measure proposes using possibly one meeting annualy to train City staff, contractors, and volunteers with enough plant taxonomy to be able to identify nearly two hundred rare plants and plant communities/

These skills that are known to require years of academic study, supervised training, and experience to practice competently in field situations. However, fire department staff, contractors (including vehicle and heavy equipment operators, weed-wacker operators, and goat fencing crews), and volunteers, most with no training in plant taxonomy, would be expected to learn in potentially one annual training meeting how to identify and avoid special-status plant species and sensitive plant communities with varied seasonal life forms, in often challenging field conditions, and while conducting vegetation management work. The Draft VMP reports that there are:

- 3 Federally and State-listed rare, threatened, and endangered plants,
- 13 special-status plant species are listed in the CNPS Rare Plant Inventory as CRPR 1B or 2
- 9 special-status plant species are listed in the CNPS Rare Plant Inventory as CRPR 3 or 4, and
- 155 special-status plant species with an A rank in the CNPSEB Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties Database (A-ranked species).

BN-14 cont'd

Pre-job environmental orientations can help fire staff, contractors, and volunteers know to alert the botanist to a potential special status plant or plant community, or the wildlife biologist to special-status wildlife species within the job site. However, given the difficulty of teaching highly technical plant taxonomy and field recognition skills in such a limited time, this measure, as proposed needs to be revised to ensure avoidance of the 180 different rare and mostly small plant species in the Oakland VMP project area.

Therefore, we strongly recommend adding the following:

A. Specify that a botanist and wildlife biologist will be involved in *develop*ing the Annual Plan directly and through onsite reviews with OFD as described in Comment #2 above - the "2.4.12 Annual Work Plan Development Process" (p. 2-88).
B. Pre-job environmental awareness training is provided to fire staff, contractors, and volunteers at a pre-job meeting at the start of every treatment project given the different environmental conditions and treatment plans for each project site; not just a minimum of once per year for all locations for all staff, all contractors, and all volunteers.
C. The botanist and wildlife biologist should be present at the start of work, at least once while the vegetation treatment is underway, and near completion of a project to provide continued consultation, monitoring and reporting on compliance on biological resources mitigation measures, and for the Annual VMP Report. This recommendation also applies to Bio-2a, and it should also be repeated in BIO-3.

7. Mitigation Measure BIO-2a: Avoid Special-Status Plant Species (revised from VMP BMP BIO-3) (pg. 3.4-58/324)

BN-15

Change Mitigation Measure title to: "Mitigation Measure BIO-2a: Avoid **Impacts** Special-Status Plant Species" to incorporate identification, flagging, and treatment of invasive weeds during vegetation treatments. Invasive weeds not only negatively impact special-status plants, plant communities and wildlife habitats, but can often increase wildfire risk, spread, flammability, and fuel load.

BN-16

Below are comments related to the numbered practices outlined in Bio-2a:

BMP BIO-3)

#1. Protocol-level CDFW surveys are needed as described.

New 1. a) **Survey, map, and provide training on the locations of invasive weeds in the treatment area.**

BN-16 cont'd

#2. It's appropriate that protocol-level surveys within the previous three years may be used if they were completed in a *normal weather year*.

#3. Please add as follows: "If special-status plants **(i.e., all plants and sensitive plant communities described in "Special-Status Plants," pg. 3.4-13) or invasive weeds** are not found the botanist will document the findings in a report to the City and no further mitigation will be required. Botanical survey reports will be made available to the public upon request."

BN-17

#4. Please modify as follows: "Allow adequate (large enough to avoid direct or indirect impacts to the plants or habitat) buffers around plants or habitat; the location of the buffer zone shall be shown on the contract documents and marked in the field with stakes and/or flagging **or high-visibility fencing** in such a way that exclusion zones are visible to personnel without excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing);"

BN-18

New 4.A.1. **Flag or otherwise delineate invasive-weed locations for control or to avoid spreading them during treatment activities**.

BN-19

New 4.C.1. **Schedule vegetation treatments to remove ecologically harmful invasive weeds to achieve the highest effective level of control.**

BN-20

In addition to preventing the spread of existing invasive weed populations, include invasive weed mapping, training, and removal in BIO-B.

BN-21

8. Mitigation Measure 2b. Provide Compensatory Mitigation for Special-Status Plant Species (pg. 3.4-60/326)

BN-22

This proposed measure does not adequately compensate for significant impacts from the loss of plants and plant communities described as Special-Status Plant Species in the Plan. Therefore, the following minimum modifications are recommended.

Please modify paragraph two to at least minimally mitigate for the loss of any special-status species, as follows: "For impacts on populations (including partial populations) of a specific special-status plant species, compensatory mitigation shall include preservation, enhancement, and management of lands that **are currently not permanently protected as public lands or conservation easements** and that (a) already support equal or greater numbers (and health) of individuals of that species and (b) contain sufficient unoccupied habitat to allow for an increase in populations (at least equivalent to the number affected) through habitat enhancement and management, **and that possess the capability to provide long-term management to these special-status plant species. Thus,** compensatory mitigation may ~~also~~ include creating off-site populations on mitigation sites through seed collection or transplantation and/or restoring ~~or creating~~ in suitable habitat."

To minimally compensate for the loss of Special Status Species, plants and plant communities would need to be preserved permanently *on other than public lands or in conservation easement*. Otherwise, as written, this measure would result in a net loss of the special-status plants and plant communities. By example, if someone were wreck your car, the loss is not mitigated by saying that you have another one in your driveway. BN-22 cont'd

To provide an adequate representation to the public about the challenges involved in this proposed mitigation measure, please include the following addition: "Success criteria for preserved and compensatory **long-term, self-sustaining** populations shall include:" BN-23

In paragraph four we recommend the following: "~~If o~~Off-site conservation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, **therefore the City shall describe and maintain an adequate reserve fund to carry out this mitigation measure upon adoption of the Final VMP**. **If this measure is used, a** Compensatory Mitigation Plan shall include details of these measures, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long -term viable populations." BN-24

Mitigation Measure 2b can only reduce vegetation treatment impacts to a significant level with a financial commitment reserved to implement this oftern costly measure. Thus, the recommended modifications noted in our letter focus on recommended changes to further *avoid* significant impacts to special-status plants and plant communities. BN-25

9. Mitigation Measure BIO-3: Seeding with Native Species (VMP BMP BIO-10) (pg. 3.4-61;327) BN-26

Please modify as follows: "2. The erosion control seed mix shall consist of California native grasses (such as, but not limited to Hordeum brachyantherum, Elymus glaucus, Stipa pulchra, Danthonia californica, and Festuca microstachys) ~~or annual, sterile seed~~. ~~If feasible,~~ **Unless unavailable in any one year,** the collection sources of native seeds will be from local or from **Central Western California** ~~regional~~ sources ***(as described by the Jepson Manual – Vascular Plants of California).*** **A supply of local or Central Coast region seed will be facilitated by annually ordering a native seed supply at least one in advance of treatment.**

Sterile seed is not an equal comparison to native grass seed. It's inexpensive and commonly applied to subsoils on road cuts or for strip mines. This project is composed entirely of public open space and parklands. If vegetation treatment activities result in a level of soil disturbance that requires re-seeding, native seed collected from local from

the Central Western California region (an area stretching from Sonoma to Santa Barbara county) is appropriate, especially in light of the natural resource goals, policies, and objectives in the City's General Plan as referenced in the Draft VMP and also in this letter.

BN-26 cont'd

10. Impact BIO-3A: Impacts on Riparian Habitat or Other Sensitive Natural Communities (Less than Significant with Mitigation) (pg. 3.4-93/359)

BN-27

Impacts to sensitive natural communities, by their very definition, are not composed of a single plant species (such as simply the redwood trees within what's termed a redwood sensitive natural *community*). Sensitive natural plant communities are connected associations of native tree, shrub, and/or "understory" grasses and forb species, and therefore, impacts and mitigations of impacts to these ecological communities need to consider the entire native plant community association. This mitigation measure, as written, needs to provide adequate information to inform the City decision-makers, staff, contractors, and the public to reduce vegetation management impacts to less than significant.

BN-28

For redwood forests: BIO-3A states that "the treatment standards focus on creating vertical separation between the top of surface fuels and the lowest tree branch by thinning young redwood crown sprouts and sapling growth, maintaining a closed redwood canopy to shade *understory fuels*, and removing *highly flammable plant species.*

Redwood forests are often characterized by a low green native understory of ferns and native oxalis and are known to be relatively more resistant to wildfire than some naturalized tree stands that occupy the East Bay hills. This measure needs to describe what specifically are the "understory fuels" and "highly flammable plant species" that would be targeted for vegetation treatment, whether these species require complete removal or simply pruning to maintain the recommended vertical spacing between the crown of the plant and the lowest redwood branch. Without this information there is inadequate information for the City, contractors, and the public to determine if these treatment techniques would result in significant impacts to redwood communities within the Revised Draft VMP area.

BN-29

For the California Bay forest, the Draft VMP states that "the treatment standards for oak woodland would apply. These standards focus on creating vertical separation between the top of surface fuels and the lowest tree branch, maintaining a closed canopy, removing understory fuels, and removing highly flammable plant species. California Bay is included on the list of highly flammable plant species in Appendix D of the Revised Draft VMP (provided in Appendix A, Draft Vegetation Management Plan, of this Recirculated DEIR). However, in areas where this tree is dominant (such as California Bay Forest), it would remain the dominant tree species following the Revised Draft VMP treatment. *Understory*

composition may change following treatment; however, these forested sensitive natural dominant or characteristic species would remain."

BN-29 cont'd

Again, what understory vegetation would be removed to result in a changed understory composition following treatment? What are the targeted understory species and can they be removed or treated by pruning to maintain recommended vertical spacing between the crown of the plant and the lowest Bay branch? Lastly, since Bays are highly flammable, are there prescriptions where some Bay trees on the of a stand may need to be removed to create a buffer with other plant and built environments? This is a particular concern in situations when oaks are close by since the Bay is a host for Sudden Oak Death/

BN-30

For Purple Needle grass (Stipa pulchra) and the melic grasses, California Oat grass (Danthonia californica), and other native grass and forb associations in the project area, please add the following to what the VMP proposes: "mechanical and/or hand labor treatments. Treatment of these areas by mechanical or hand labor techniques such as mowing or weed whacking is not anticipated to result in significant impacts to community if **mowing and grazing standards are followed** ~~due to the small area of treatment~~. Additionally, the dominant native grass in this community is purple needlegrass. This perennial grass **community** is anticipated to persist following mechanical and/or hand labor treatments and/or goat grazing treatments **by not mowing or grazing grasslands to less than 4**".

BN-31

First, annual and native perennial grasslands are also proposed for grazing by goats. Second, unnecessarily severe manual and equipment mowing and grazing can result in significant impacts to this plant community by destroying the regenerative crown and/or removing the photosynthetic means to sustain the plant's roots (Crider, Franklin J., "*Root Growth Stoppage Resulting from Defoliation of Grass,*" Soil Conservation Service, USDA, 1955). Therefore, we request that this standard be repeated here and wherever mowing and grazing practices are described in the VMP. Also, vegetation treatment practices that harm intact native grassland communities in the East Bay hills not only remove a source of soil carbon sequestration but also the ecological competition that helps to prevent a site from converting to taller, flammable, unsightly, and often invasive, weedy fuels.

11. Impact BIO-3B: Impacts Caused by Non-native and Invasive Species and Pathogens (Less than Significant with Mitigation) Revised Draft VMP treatment activities (pg. 3.4-97;363)

BN-32

The draft VMP appropriately describes several effective measures to reduce impacts by non-native invasive species and pathogens. However as written, further mitigation meaures are is needed to reduce to less than significant the impacts caused by the lack of control of existing ecologically-harmful non-native invasive species.

Please incorporate the recommendations for training, mapping, and treatment to remove ecologically-invasive weeds from comment #7 above.

12. 1.2.1 Revisions to the Project Description – Blue Gum eucalyptus and closed-cone pine cypress stands

BN-33

One of the revisions to the project description is updated treatment standards that recommend the removal of Blue Gum eucalyptus and closed-cone pine-cypress trees that pose an unreasonable fire and/or life safety risk, based on the determination of a Certified Arborist, Licensed Forester, or Fire Safety Expert.

BN-34

The draft VMP also notes the increasing fire risk, longer fire seasons, and increased climate aridity that's come from our impacts on the earth's climate. Eucalyptus and pine require adequate rainfall and groundwater to remain healthy. The decline and death of some of these species may be directly related to the periods drought the Bay Area is experiencing and is project to increasingly experience, under "climate change."

BN-35

Where eucalyptus and closed-cone pine-cypress stands need to be removed due to unreasonable fire and/or life safety risk, CNPS recommends including a provision to convert those areas to oak woodland where appropriate, such as north-facing slopes and on the slopes of hillside drainages.

Thank you again for the opportunity to comment on the Draft VMP. The above comments and modifications are intended to help achieve both the environmental protection and wildfire risk reduction goals of the VMP. We ask that these recommendations be incorporated in the Final VMP Plan.

Sincerely,

Jim Hanson

Jim Hanson
Conservation Chair

Letter BN: Jim Hanson, California Native Plant Society

Response to Comment BN-1

The comment states that environmental goals of the Proposed Project should be incorporated into Table 2-4, "Vegetation Management Standards and Goals by Dominant Vegetation Type," beginning on page 2-14 of the Recirculated DEIR. The comment specifically requests that, for Grassland/Herbaceous (annual and grasslands), the text be revised from "Heights of grasses, weeds, and thistles shall not exceed 3 inches within 75 feet of habitable structures (within or outside City-owned property)" to "shall be between 4-6 inches."

Table 2-4 provides a summary of the vegetation management and maintenance standards described in the Revised VMP, which are derived from principles of vegetation management for fire hazard reduction. As explained in Section 2.4.3, "Vegetation Management Standards," of the Recirculated DEIR (page 2-12): "Specific standards for tree-dominated vegetation types including eucalyptus, closed-cone pine-cypress, urban (acacia) and urban (mixed tree stands), oak woodland, redwood, and riparian vegetation communities are described in Section 9.1 of the Revised Draft VMP." The information provided in Table 2-4 is not intended to be the sole guidance for City staff, the public, and contractors regarding the environmental protection measures that are to accompany vegetation treatment practices.

Additionally, regarding grassland vegetation treatment standards and removal of grass down to mineral soil, the treatment standards for grassland/herbaceous vegetation included in Section 9.1.2 of the Revised VMP state, "Within 7530 feet of a habitable structure (within or outside of City-owned property), grasses (annual and perennial), weeds, and thistles shall be treated such that heights do not exceed 3 inches. Avoid removal to the mineral soil to minimize erosion." The text "Avoid removal to the mineral soil to minimize erosion." was added to the Revised VMP based on public comments received on the Draft VMP in May 2018. See also Response to Comment F-25.

Regarding the specific request for revision, the Revised VMP and Recirculated DEIR, including management standards (notably the specific language to avoid grass removal to mineral soil), BMPs, and mitigation measures, are sufficiently protective of environmental quality and natural resource values.

Response to Comment BN-2

The comment expresses concerns that the current language of "shall not exceed 3 inches" poses a risk to special-status native grass communities and wildlife from an environmental quality and resource protection perspective. See Response to Comment BN-1.

Response to Comment BN-3

The comment specifically requests that, for Grassland/Herbaceous (annual and grasslands), the text be revised from "Heights of grasses, weeds and thistles shall not exceed 18 inches beyond

~~30~~75 feet from a habitable structure (recommended height is below 6 inches)" to "… (recommended height is between 4-6 inches)."

As stated in Responses to Comments BN-1 and F-25, the information in Table 2-4 is intended to be treated as a summary of treatment recommendations. City staff, the public, and contractors would rely on the full range of management standards, BMPs, and mitigation measures identified in the Revised VMP and Recirculated DEIR. Impacts to sensitive natural communities would be minimized through implementation of Mitigation Measure BIO-1, BIO-2a, BIO-2b, BIO-3, BIO-4, BIO-5, BIO-7, BIO-8, BIO-10 BIO-13, BIO-14, GEO-1, GEO-2, and HYD/WQ-1. With implementation of these measures, impacts on sensitive natural communities and special-status wildlife would be reduced to a less-than-significant level. Additionally, see Revised VMP Section 9.1, "Vegetation Management and Maintenance Standards"; Section 10, *Practices to Avoid/Minimize Impacts;* and Appendix J.

Regarding the specific request for revision, the second bullet point of the management standards included in Section 9.1.2 of the Revised VMP will be edited to include the same language as provided in the first bullet point. Specifically, the second bullet point will be revised as follows:

> "Beyond 75 feet from a habitable structure, grasses (annual and perennial), weeds, and thistles shall be treated such that heights do not exceed 18 inches, but it is recommended to cut grasses below 6 inches in height. Avoid removal to the mineral soil to minimize erosion."

Response to Comment BN-4

The comment expresses concerns that the current language of "(recommended height is below 6 inches" poses a risk to special-status native grass communities and wildlife from an environmental quality and resource protection perspective. See Response to Comment BN-3.

Response to Comment BN-5

The comment specifically requests that, for Grassland/Herbaceous (annual and grasslands), the text be revised from "Leave cut grass on the ground to protect soil but must not exceed 6 inches in height" to "… but must not exceed ~~6~~**2** inches in ~~height~~ **depth**." See Responses to Comments BN-1, BN-3, and F-25.

Regarding the specific request for revision, the third bullet point of the management standards included in Section 9.1.2 of the Revised VMP will be revised to be consistent with Chapter 49 (within Chapter 15.12) of the Oakland Fire Code, as follows:

> "Cut grass may be left on the ground surface to protect soil as long as it lays down within 3 inches of the ground ~~does not exceed 6 inches in height~~."

Response to Comment BN-6

The comment specifically requests that, for Grassland/Herbaceous (annual and grasslands), the text be revised from "Spread all mulch or chipped material to a depth not to exceed 6 inches" to "Spread all mulch or chipped material to a depth not to exceed 6 inches in areas where special-

status plant species and plant communities are not present as determined by botanical surveys. In areas where rare plants and plant communities are present, mulch and chipped material should not be used." See Responses to Comments BN-1, BN-3, and F-25.

Regarding the specific request for revision, the Revised VMP and Recirculated DEIR, including management standards, BMPs, and mitigation measures, are sufficiently protective of environmental quality and natural resource value. Specifically, as identified in Section 10.4 of the Revise Draft VMP, the City's Draft Protected and Endangered Species Policy and Procedures document (VMP Appendix J) establishes protection procedures for endangered or threated species of flora while conducting vegetation management activities. The Policy and Procedures document requires site view by a qualified biologist and flagging and avoidance of vegetation management work in areas where protected species are present.

Response to Comment BN-7

The comment specifically requests that, for Brush/Shrub (mixed chaparral and coastal scrub), the text be revised from "Cut shrubs at or near the ground surface and leave root systems intact to minimize soil erosion" to "Shrubs, primarily Coyote brush (*Baccharis pilularis*), shall be cut at or near the ground to leave root systems intact to minimize soil erosion. Habitat-supporting shrubs, such as California elderberry (*Sambucus* sp.), coffeeberry (*Frangula californica*), toyon (*Heteromeles arbutifola*), and gooseberry (*Ribes* spp.), shall be cut to no lower than 4' high, or no lower than 2.5' high if located within the dripline." See Responses to Comments BN-1, BN-3, and F-25.

Regarding the specific request for revision, the language in Section 9.1.3 of the Revised VMP regarding leaving root systems intact is intended to minimize soil erosion potential where shrub removal is necessary to meet identified spacing standards. Providing different shrub height thresholds by species may conflict with the horizontal thinning standards (Section 9.1.3 of the Revised VMP) in some cases as shrub separation distances could not be achieved. In such cases, this would conflict with overall plan management objectives to reduce the potential for extreme fire behavior. Should the specific shrub species identified by the commenter be considered endangered or threatened, management would be avoided as outlined in the City's Draft Protected and Endangered Species Policy and Procedures document.

Response to Comment BN-8

The comment specifically requests that, for Brush/Shrub (mixed chaparral and coastal scrub), the statement "Separate individual shrub crowns/shrub groupings horizontally from adjacent shrubs, shrub groupings, or trees by at least two times the height of the shrub crown" be followed by a new bullet point: "Treatments will be modified to avoid impacts to special-status species, native perennial grass populations, and maritime chaparral stands, including shrub stands Pallid Manzanita."

The vegetation management goals for Brush/Shrub (mixed chaparral and coastal scrub) are to reduce surface fuel loading and flame lengths and slow fire spread by increasing the horizontal spacing between retained shrubs, and to increase the vertical spacing between shrub and tree canopies to reduce crown fire transition potential. The Recirculated DEIR identifies the following vegetation recommendations, management treatments, and avoidance measures that were developed in consultation with local stewardship groups to reduce fire risk in the park (page 2-

62 to 2-63): “Avoid treatment within the pallid manzanita restoration area adjacent to the Chabot Space and Science Center and on both sides of Skyline Boulevard near the Redwood Glen Trailhead, approximately 500 feet west of the Roberts Park main entrance (this is known as the “Big Trees” pallid manzanita population). Also avoid treatment activities in pallid manzanita planting areas adjacent to the nursery.” See also Responses to Comments F-25, BN-1, BN-3, BN-6, and BN-7.

Regarding the specific request for revision, vegetation management in areas including endangered or threated species of flora would be avoided as outlined in the City’s Draft Protected and Endangered Species Policy and Procedures document.

Response to Comment BN-9

The comment states that Section 9.1.2, “Grassland/Herbaceous,” of the Revised VMP, beginning on page 213, and Appendix A of the Recirculated DEIR should be revised to reflect the same wording changes requested for Table 2-4. See Responses to Comments BN-1 through BN-8.

Response to Comment BN-10

The comment requests that Section 2.4.12, “Annual Work Plan Development Process,” on pages 2-87 and 2-88 of the Recirculated DEIR, be revised as follows: “~~Following the development of the annual work plan~~, ~~t~~The City will ~~review~~ develop the work plan with a qualified wildlife biologist and botanist, including thorough site visits to identify sensitive resources within the treatment areas.”

See Responses to Comments F-6, F-8, F-10, BN-6, and BN-7. In the Recirculated DEIR, Mitigation Measure BIO-2a was revised to reduce the time between special-status species surveys from 5 years to 3 years. See Section 3.4, pages 3.4-58 and 3.4-59 in the Recirculated DEIR. Additionally, the City’s Draft Protected and Endangered Species Policy and Procedures document (VMP Appendix J) establishes protection procedures for endangered or threated species of flora while conducting vegetation management activities. The Policy and Procedures document requires site view by a qualified biologist during the appropriate plant blooming period. Additionally, the Policies and Procedures document requires that biologists conducting surveys in advance of vegetation management activities have “demonstrated past experience conducting biological assessments for Protected Species and developing and implementing avoidance strategies for such species.”

Response to Comment BN-11

The comment requests that the following sentence be added at the end of paragraph 1 in Section 2.4.13, “Annual Monitoring and Reporting,” on page 2-88 of the Recirculated DEIR: “A wildlife biologist and botanist will visit the sites and review treatment work at beginning, during, and nearing the conclusion of treatments and provide comments to OFD following each site visit and for the Annual VMP Report.” A corresponding change is requested to the Revised VMP on page 161. See Responses to Comments F-8, BN-6, BN-7, BN-9, and BN-10.

Response to Comment BN-12

The comment requests that Section 2.6, "Coordination with Stakeholders and Volunteer Groups," on pages 2-90 and 2-91 of the Recirculated DEIR be revised to include the following text after the last sentence: "The City will forward the Annual VMP Report to the individuals names in "Appendix K – Stakeholder/Volunteer Groups in the Plan Area" and publish the annual VMP reports on the city "Vegetation Management" webpage." A corresponding change is requested to the Revised VMP on page 163.

In the Recirculated DEIR, Mitigation Measure BIO-2a (page 3.4-58) was revised to state: "Botanical survey reports will be made available to the public upon request."

Response to Comment BN-13

The comment states that the Recirculated DEIR appropriately classifies special-status plants for the purposes of identifying, analyzing, and mitigating Plan impacts. This comment will be conveyed to the decision-makers.

Response to Comment BN-14

The comment states that Mitigation Measure BIO-1 of the Recirculated DEIR should be revised to include the following:

A. Specify that a botanist and biologist will be involved in developing the Annual Plan directly and through onsite reviews with OFD, as requested in Comment BN-10.

B. Provide Environmental Training to fire staff, contractors, and volunteers at a pre-job meeting at start of every treatment project, not just a minimum once per year for all locations.

C. The botanist and wildlife biologist should be present at the start of work, at least once while the vegetation treatment is underway, and near completion of a project; this recommendation also applies to Mitigation Measures BIO-2a and BIO-3.

This comment is addressed in Response to Comment F-8. Implementation of Mitigation Measures BIO-1, BIO-2a, BIO-2b, BIO-3, BIO-4, BIO-6, GEO-1, GEO-2, HAZ-4, and HAZ-5 would prevent potential impacts to special-status species and their habitat during vegetation treatments activities, reducing the potential impact on special-status plant species to a less-than-significant level. The Recirculated DEIR is in conformance with the applicable existing laws and standards established by federal, state, and local regulations and ordinances.

Response to Comment BN-15

The comment requests that the title of Mitigation Measure BIO-2a be revised as follows: "Avoid Impacts to Special-Status Plant Species (revised from VMP BMP BIO-3)." Implementation of Mitigation Measures BIO-1, BIO-2a, BIO-2b, BIO-3, BIO-4, BIO-6, GEO-1, GEO-2, HAZ-4, and HAZ-5 would prevent potential impacts to special-status species and their habitat during vegetation treatments activities, reducing the potential impact on special-status plant species to a less-than-significant level. The Recirculated DEIR is in conformance with the applicable existing laws and standards established by federal, state, and local regulations and ordinances.

Response to Comment BN-16

The comment requests that Mitigation Measure BIO-2a be revised to include a new item 1. (a) as follows: "Survey, map, and provide training on the locations of invasive weeds." In addition, item 2 should specify that the use of protocol-level surveys within the previous three years are appropriate if the surveys were completed in a normal weather year.

Identification/eradication of invasive weeds is not within the goal of the Revised VMP. As stated in the objectives of the Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/restoration is not a goal of the VMP. The Revised VMP addresses areas with the highest fire hazard and prioritizes treatments there. Implementation of Mitigation Measure Mitigation Measures BIO-1, BIO-3, BIO-14, GEO-1, and HAZ-1 would minimize the spread of non-native and invasive species.

Response to Comment BN-17

The comment states that Mitigation Measure BIO-2a should be revised to include the following additional text: "If special-status plants (i.e., all plants and sensitive plants communities described in "Special-Status Plants," page 3.4-13) or invasive weeds are not found… ."

Special-status plants are sufficiently defined in the context of the mitigation measures. Identification of invasive weeds is not within the scope of the Revised VMP. See Responses to Comments BN-15 and BN-16.

Response to Comment BN-18

The comment requests that Mitigation Measure BIO-2a be revised to state: "Allow adequate (large enough to avoid direct or indirect impacts to the plants or habitat) buffers around plants or habitat; the location of the buffer zone shall be shown on the contract documents and marked in the field with stakes and/or flagging or high visibility fencing in such a way that exclusion zones are visible to personnel without excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing)." The installation of high-visibility fencing for exclusion zones could cause excessive disturbance around the sensitive habitat or the population itself as fencing would need to be staked into the ground using rebar/large wood stakes. No change to the mitigation measure is required.

Response to Comment BN-19

The comment requests that Mitigation Measure BIO-2a be revised to add a new item 4.A.1:"Flag or otherwise delineate invasive-weed locations for control or to avoid spreading them during treatment activities." Identification/eradication of invasive weeds is not within the goal of the Revised VMP. See Response to Comment BN-16.

Response to Comment BN-20

The comment requests that Mitigation Measure BIO-2a be revised to add a new item 4.A.2: "Schedule vegetation treatments to remove ecologically harmful invasive weeds to achieve the

highest level of control." Identification/eradication of invasive weeds is not within the goal of the Revised VMP. See Response to Comment BN-16.

Response to Comment BN-21

The comment requests that Mitigation Measure BIO-2a be revised to include invasive weed mapping, training, and removal. Identification/eradication of invasive weeds is not within the goal of the Revised VMP. See Response to Comment BN-16.

Response to Comment BN-22

The comment states that Mitigation Measure BIO-2b does not adequately compensate for impacts on special-status plant species and communities; the measure should be revised as follows: "For impacts on populations (including partial populations) of a specific special-status plant species, compensatory mitigation shall include preservation, enhancement, and management of lands that are currently not permanently protected as public lands or conservation easements and that (a) already support equal or greater numbers (and health) of individuals of that species and (b) contain sufficient unoccupied habitat to allow for an increase in populations (at least equivalent to the number affected) through habitat enhancement and management, and that possess the capacity to provide long-term management to these special-status plant species. Thus, compensatory mitigation may ~~also~~ include creating off-site populations on mitigation sites through seed collection or transplantation and/or restoring ~~or creating~~ suitable habitat."

Mitigation Measure BIO-2b states: "The Compensatory Mitigation Plan will detail the compensatory mitigation strategy for unavoidable impacts on special-status plants." Additionally, Mitigation Measure BIO-2b would require compensation for significant impacts on populations of special-status plants through a combination of preservation and enhancement of those species' populations outside Revised VMP treatment areas. The provision in Mitigation Measure BIO-2b requiring submittal of the Compensatory Mitigation Plan to CDFW and/or USFWS (as appropriate) for review and comment if the special-status plant taxa impacted are listed under ESA, CESA, or NPPA would ensure that compensatory mitigation would be adequate to offset impacts to listed plant species.

Response to Comment BN-23

The comment requests that Mitigation Measure BIO-2b be revised to state: "Success criteria for preserved and compensatory **long-term, self-sustaining** populations shall include:". See Response to Comment BN-22.

Response to Comment BN-24

The comment requests that Mitigation Measure BIO-2b be revised in paragraph four as follows: "~~if o~~ **O**ff-site conservation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, **t**herefore the City shall describe and maintain an adequate reserve fund to carry out this mitigation measure upon adoption of the Final VMP. If this measure is used, a Compensatory Mitigation Plan shall include …." The City would determine the funding and endowment structure prior to implementation of Mitigation Measure BIO-2b. See pages 3.4-60 through 3.4-61 in the Recirculated DEIR.

Response to Comment BN-25

The comment notes that the requested revisions to Mitigation Measure BIO-2b are intended to further avoid significant impacts to special-status plants and communities. See Responses to Comments BN-22 through BN-24.

Response to Comment BN-26

The comment requests that Mitigation Measure BIO-3, item 2 be revised as follows: "2. The erosion control seed mix shall consist of California native grasses (such as, but not limited to *Hordeum brachyantherum*, *Elymus glaucus*, *Stipa pulchra*, *Danthonia californica*, and *Festuca microstachys*) ~~or annual, sterile seed~~. ~~If feasible,~~ Unless unavailable in any one year**,** the collection sources of native seeds will be from local or Central Western California ~~regional~~ sources (as described by the *Jepson Manual – Vascular Plants of California*). A supply of local or Central Coast region seed will be facilitated by annually ordering a native seed supply at least one in advance of treatment."

In the Recirculated DEIR, Mitigation Measure BIO-3, item 2 was revised at the request of CNPS to include the following text: "If feasible, the collection sources of native seeds will be from local or regional sources."

Response to Comment BN-27

The comment requests that Impact BIO-3A be revised to provide adequate information to inform the City decision-makers, staff, contractors, and the public how vegetation management impacts on riparian habitat would be reduced to a less-than-significant level.

Section 9.2, "Current and Recommended Treatments for Specific Areas," of the Revised VMP includes recommendations and site-specific projects within City-owned parcels and roadsides, categorized based on size, location, and similar characteristics. This information includes a summarized section with existing vegetation management activities that are being implemented by the City along with vegetation management actions and projects recommended under the Revised VMP. Section 9.2 includes specific recommended treatment for select areas, the roles of volunteer and stewardship groups in managing vegetation in City parks, and specific projects identified under the VMP for specific areas and dominant vegetation types. Additionally, mitigation measures would be documented in the MMRP for the Proposed Project, which would document the responsible party for implementation.

Response to Comment BN-28

The comment requests that Impact BIO-3A be revised to describe what specifically are "understory fuels" and "highly flammable plant species" for redwood forests.

A discussion of fuel loading and the fire hazard presented in redwood vegetation communities is presented in Section 2.3.2, "Vegetative Fire Hazard," of the Revised VMP. Section 2.3.1.3, "Tree/Woodland/Forest," outlines the vegetation types (fuels) present in the Plan Area and their contribution to fire hazard. Section 9.1.4, "Tree/Woodland Forest," outlines the management standards for tree-dominated vegetation types. Section 9.1.4.2, "Specific Standards," outlines management standards applicable to specific tree-dominated vegetation types, including

redwood. Appendix D of the Revised VMP identifies highly flammable species and the vegetation type (e.g., redwood forest) in which they are found. Additionally, Appendix F of the Revised VMP provides management techniques and BMPs that would be followed when managing these species in the Plan Area.

Response to Comment BN-29

The comment requests that Impact BIO-3A describe what specific understory species would be removed/targeted for removal for California Bay Forest.

A discussion of fuel loading and the fire hazard presented in redwood vegetation communities is presented in Section 2.3.2, "Vegetative Fire Hazard," of the Revised VMP. Section 2.3.1.3, "Tree/Woodland/Forest," outlines the vegetation types (fuels) present in the Plan Area and their contribution to fire hazard. Section 9.1.4, "Tree/Woodland Forest," outlines the management standards for tree-dominated vegetation types. Section 9.1.4.2, "Specific Standards," outlines management standards applicable to specific tree-dominated vegetation types, including California Bay. Appendix D of the Revised VMP identifies highly flammable species and the vegetation type (e.g., California Bay Forest) in which they are found. Additionally, Appendix F of the Revised VMP provides management techniques and BMPs that would be followed when managing these species in the Plan Area.

Response to Comment BN-30

The comment requests that Impact BIO-3A be revised as follows with regard to purple needlegrass (*Stipa pulchra*) and the melic grasses, California oak grass (*Danthonia californica*), and other native grass and forb associations in the Plan Area: "mechanical and/or hand labor treatments. Treatment of these areas by mechanical or hand labor techniques such as mowing or weed whacking is not anticipated to result in significant impacts to community~~, due to the small area of treatment~~ if mowing and grazing standards are followed. Additionally, the dominant native grass in this community is purple needlegrass~~,~~. This ~~a~~ perennial grass community ~~that~~ is anticipated to persist following mechanical and/or hand labor treatments and/or goat grazing treatments by not mowing or grazing grasslands to less than 4 inches."

The impact analysis throughout the Recirculated DEIR assumes that standards identified as part of the Proposed Project are followed; it is unnecessary to restate this assumption in Impact BIO-3A. The impact analysis also states, "With implementation of site-specific grazing management plans and Mitigation Measure BIO-15, impacts on sensitive natural communities from grazing would be less than significant." See also Section 8.1.1.1, "Grazing Management," and Section 8.1.1.4, "Best Management Practices for Grazing," of Revised VMP.

Response to Comment BN-31

The comment expresses concern regarding impacts of severe mowing and goat grazing on native grassland communities. This comment is addressed in Response to Comment BN-30. Section 8.1.1.4, "Best Management Practices for Grazing," specifically "Sensitive Biological and Cultural Resources," of the Revised VMP describes how sensitive biological areas (special-status plants and animals, historic/pre-historic resources) may warrant exclusion from the grazing area or other protection measures, such as adjusted timing and reduced use levels.

Response to Comment BN-32

The comment requests that Impact BIO-3B be revised to include mitigation measures for non-native invasive species, such as training, mapping, and treatment to remove ecologically invasive weeds, as requested in Comments BN-15 through BN-21. See Responses to Comments BN-15 through BN-21.

Response to Comment BN-33

The comment notes revised language in Section 1.2.1 of the Recirculated DEIR related to the removal of Blue Gum eucalyptus and closed-cone pine-cypress trees. The comment does not pertain to the adequacy of the CEQA analysis.

Response to Comment BN-34

The comment notes revised language in Section 1.2.1 of the Recirculated DEIR related to climate change. The comment does not pertain to the adequacy of the CEQA analysis.

Response to Comment BN-35

The comment states that, where eucalyptus and closed-cone pine-cypress are removed, CNPS recommends converting those areas to oak woodland.

As stated in the objectives of the Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/restoration is not a goal of the VMP. The Revised VMP addresses areas with the highest fire hazard and prioritizing treatments there.

BO

RE: Draft Vegetation Management Plan

►**Comments from Oak Knoll Neighborhood Improvement Association (OKNIA.org)** about the Oakland Vegetation Management Plan and Environmental Impact Report regarding Glenn Q. Daniel King Estate Open Space in Oakland:

The Open Space is some 80 acres of meadow with several groves of trees, especially in ravines on the western side of the Open Space. These groves are mostly coast live oak *(Quercus agrifolia)* with a few Bay laurel *(Umbellularia californica)* and blue elderberry *(Sambucus mexicanus)*. The meadows are mostly annual grasses with some native wildflower populations. The Open Space is divided into northern and southern sections by Fontaine Street.

Annually the City of Oakland contracts for intensive goat grazing in the open space during early summer. The goats graze up to the borders of the open space, dramatically reducing wildfire danger to the surrounding residential neighborhoods. Most of the topography within the open space is too steep for machine mowing. BO-1

The need for selected understory brush thinning remains along the western border of the open space in both north and southern sections. In the northern section along Aster Avenue, steep upper areas of private residential property just outside of KEOS boundary have largely gone wild with little attention to wildfire danger. Perhaps a negotiated fee deal could be made with the property owners for expansion of grazing to include these areas. BO-2

There are several large clusters of blackwood acacia (*Acacia melanoxylon*) especially along the western border of the northern section. During winter 2020, wind felled trees blocked fire equipment access along the fire road out of 82nd Avenue Entrance, so the City of Oakland removed many acacias there, although some mature trees, seedlings and stump sprouting remain. This presents an opportunity to replace a fire prone invasive species with native tree species, especially coast live oak, plus buckeye (*Aesculus californica)* and big tooth maple (*Acer grandidentatum*) to enhance visual appeal and diversify wildlife habitat. BO-3

Downed acacias in the wooded area of the severe erosion ravine south of the Ney Avenue Entrance should be removed as accumulated dead fuel wood. There is also piled dead wood near the Glenly Road Entrance (southern section of the Open Space) BO-4

A proposal has been submitted to Oakland Public Works for planting (and watering until established) some 100 young oaks, buckeyes and big tooth maples as replacement trees along western border of the park lined with private residential properties Planting native trees along the western border to replace the acacias in the long run would reduce understory vegetation along the border, but it takes decades to develop sufficient canopy shade to achieve this. BO-5

The goats will devour young trees, so exclusion fencing is needed either as rerouting temporary electric fencing around the new oak cluster or more permanent exclusion fencing (unsightly as well as costly) or individual exclusion fencing around each tree (expensive and time consuming). Some already established grazing-stunted oaks in that zone can be fenced (no need to water them, just keep the goats away). In addition, some young oaks with branches above grazing height had exclusion fences removed, but the goats have been munching on the bark, risking fatal girdling. These young trees need trunk wrapping with expanded metal lathe. BO-6

Besides essential wildfire prevention, a positive consequence of the annual grazing within mature tree groves is that the branches are trimmed at grazing height, reducing danger of wildfires reaching the canopy. BO-7

However, intense grazing has been hard on some native plant species, notably coyote bush (*Baccharis pilularis)*, which is severely cropped but not killed, and toyon *(Heteromeles arbutifolia)*, which had a formerly healthy cluster of small trees now reduced to several surviving plants grazed down to ground each year. Individual exclusion fencing could help with the continued survival of toyon within the Open Space. (Pacific Poison-oak (*Toxicodendron diversilobum*) seems to survive grazing quite well.) BO-8

The goats tend to arrive as some of the native wildflower species are just beginning to set seed. OKNIA has been seed gathering just ahead of the grazing in an attempt to raise seedlings to be transplanted back into the Open Space. BO-9

Another negative effect of intensive goat grazing on steep slopes is topsoil loss, severe in places. Goats need to be excluded from steepest area, especially in the upper part of the ravine that empties into the Ney Avenue Entrance area of the Open Space. BO-10

Near the Ney Avenue Entrance, there is a deep erosion ravine that is close to expanding into the existing fire road. Short sections of tree trunks and branches have been piled into the gully in an attempt to slow runoff water. Additional erosion control measures would prevent the ravine from cutting road access for fire equipment. BO-11

Open space in general has been prone to slumping as evidenced by old slump scars. Heavy rains of 2022 resulted in slumping and debris flows along the north side of Fontaine Street. This may occur again with heavy rainfall. So far, nothing has been done to address this problem. While not directly a fire reduction issue, planting native shrubs and trees on the steep slope above Fontaine Street may help stabilize the soil. The 2020 erosion gullies and slump scars need biodegradable matting and hydroseeding soon. It will be easier to address the problem sooner rather than wait for additional damage. BO-12

There is a minor 2020 slump across one of the Open Space fire roads (indicated on the enclosed map). The debris is only about 1 foot high, so fire equipment may be able to drive over it in dry conditions, but the situation may worsen this rainy season.

Maps indicating the locations for wildfire reduction measures and erosion control measures are included as Appendix A attachments.

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Appendix A: Map of Northern Section of Glenn W. Daniel King Estate Open Space

Most used because of easier access (trail network) and spectacular view of Bay from Crest Trail on the ridge.

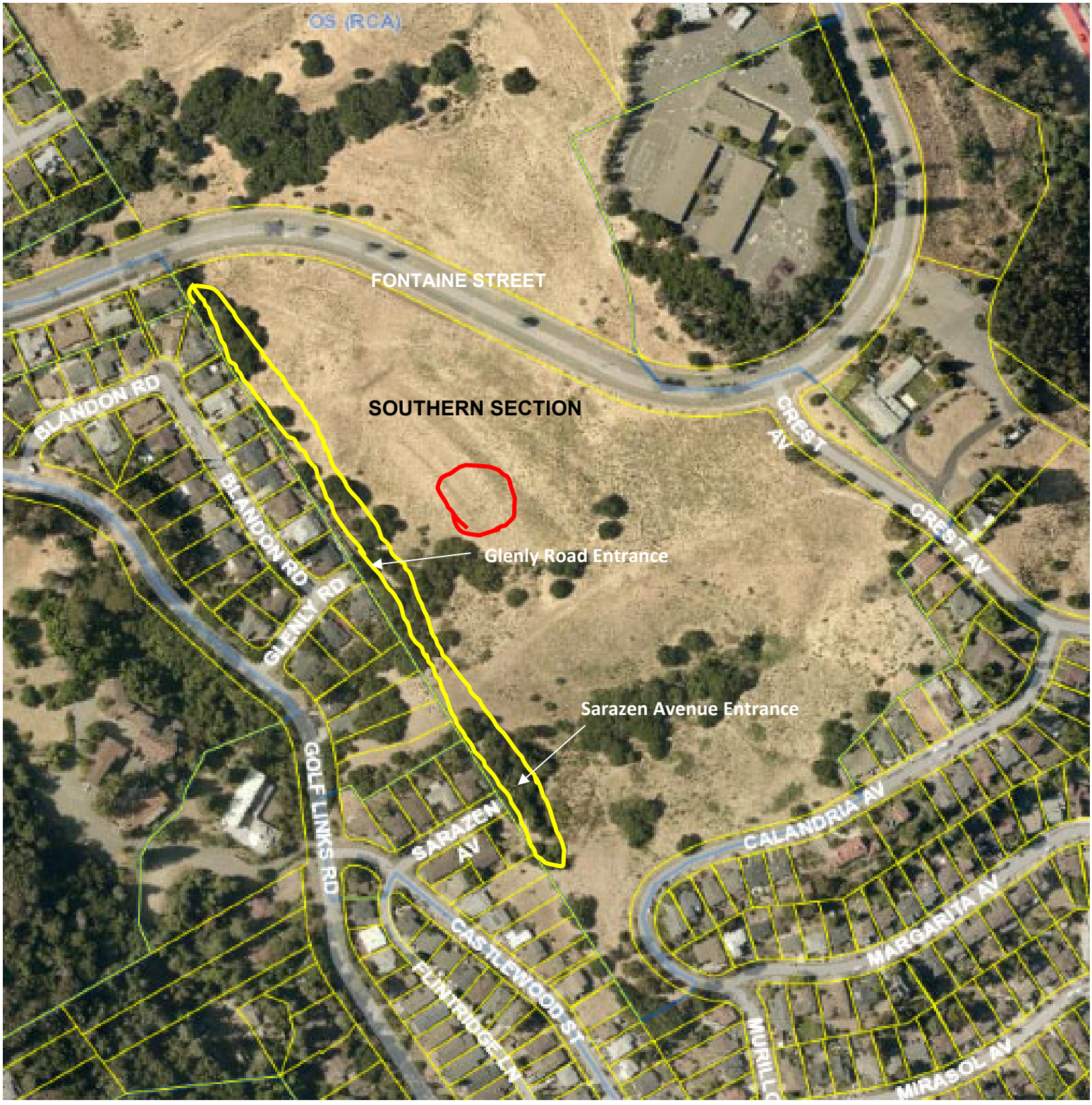
Yellow outline: Almost entirely blackwood acacia *(Acacia melanoxylon)*
Recommendation: Remove acacias and replace with native tree species (mostly coast live oak (*Quercus agrifiolia*)

Red outline: Topsoil loss on steep slopes (attributed to goat grazing)
Recommendation: limit or exclude goat grazing where terrain is too steep. Re-vegetate where necessary.

Orange outline: 2022 winter debris flow dirt about 12 inches deep covers part of access road.
Recommendation: Keep eye on it; fire equipment still may be able to drive over it.

Blue outline: 2020 winter erosion gullies and debris flows (some onto Fontaine Street right lane)
Recommendation: Erosion control measures on the steep terrain along north side of Fontaine (including biodegradable matting and native species planting -- grasses, shrubs and trees)

APPENDIX A: Map of Southern Section of Glenn W. Daniel King



Yellow outline: **Variable amounts of understory brush**

Recommendation: Understory brush thinning in selected locations.

Red outline: **Slump and debris flow erosion**

Recommendation: Biodegradable matting + native species planting: (grasses, shrubs, trees)

Letter BO: G. Marshall Hasbrouck, Oak Knoll Neighborhood Improvement Association

Response to Comment BO-1

The comment shows support for goat grazing in King Estates Open Space. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BO-2

The comment indicates a need for more brush thinning along the western border of King Estates Open Space in both northern and southern sections, and that a negotiated fee deal with private property owners could expand grazing. As stated in Section 8.1.1.3 of the Revised VMP, goats are currently used on approximately 88 acres within King Estates Open Space. The VMP and EIR are focused on reducing wildfire risk through vegetation management activities on City-owned property and do not focus on treatment activities on private property. However, separate coordination with private property owners is recommended as a general management activity. This comment will be conveyed to the decision-makers.

Response to Comment BO-3

The comment recommends replacing fire-prone invasive species with native tree species. As stated in the objectives of the Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/restoration is not a goal of the VMP. Additionally, during VMP development, the City received feedback requesting that the plan not replace non-native trees/vegetation with native vegetation. Though the results of such a plan may meet fire hazard reduction goals, the VMP does as well by addressing areas with the highest fire hazard and prioritizing treatments there.

Response to Comment BO-4

The comment recommends removing downed acacias in the wooded area south of the Ney Avenue Entrance within King Estate Open Space. Section 9.2.4.4 of the Revised VMP states that treatment KES-1 would “manage vegetation within 100 feet of structures, within 150 feet of park access gates, and within 30 feet of Fontaine Street and Crest Avenue according to the standards outlined in Section 9.1. Treatment area equals 15.6 acres.” Refer to Section 9 of the Revised VMP for more information on treatments proposed within King Estate Open Space.

Response to Comment BO-5

The comment references a proposal to Oakland Public Works for planting replacement trees along the western border of the King Estate Open Space area and states that planting native trees would be beneficial in the long run. See Response to Comment BO-3.

Response to Comment BO-6

The comment states that goats would devour young trees and, as a result, exclusion fencing or metal lathe trunk wrapping is needed. As mentioned in Response to Comments BO-3 and BO-5, replacement/restoration is not a goal of the VMP. Mitigation Measure BIO-5, Grazing, in the Recirculated DEIR would protect existing plants such as special-status plant populations from being damaged by grazing and would prevent overgrazing. See Section 3.4 of the Recirculated DEIR, starting on page 3.4-56, for more information. Additionally, BMP BIO-6 would provide additional protections against potential impacts from grazing. See Appendix I for further discussion.

Response to Comment BO-7

The comment states that a benefit of grazing is that branches are trimmed at grazing height, which reduces fire danger in tree canopies. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BO-8

The comment identifies potential negative impacts of grazing on native plants and recommends exclusion fencing. Mitigation Measure BIO-5 would protect special-status plant populations from being damaged by grazing and would prevent overgrazing. See Response to Comment BO-6.

Response to Comment BO-9

The comment discusses OKNIA wildflower seed gathering efforts before grazing begins in an effort to raise seedlings to be transplanted back into the Open Space. See Response to Comment BO-6.

Response to Comment BO-10

The comment recommends that goats be excluded from steep areas to prevent erosion, especially in the upper part of the ravine that empties into the Ney Avenue Entrance area of the Open Space. Mitigation Measure BIO-5 would avoid and minimize erosion impacts by preventing overgrazing. See Response to Comment BO-6.

Response to Comment BO-11

The comment recommends additional anti-erosion measures for the ravine near the Ney Avenue Entrance of King Estates Open Space. The VMP includes numerous stormwater/ erosion measures. See Section 10.2, “Stormwater/Erosion Control,” of the Revised VMP for a further discussion of erosion prevention measures that would be implemented as part of the Proposed Project. BMP GEN-3 and BMP BIO-10 would help minimize erosion.

Response to Comment BO-12

The comment requests that more be done regarding erosion and debris flows during heavy rainfall. See Response to Comment BO-11.

Hills Conservation Network comments on Oakland Vegetation Management Plan/EIR

BP

From HCN <inquiries@hillsconservationnetwork.org>
To <DEIR-comments@oaklandvegmanagement.org>
Cc Peter Scott <PeterGrayScott@aol.com>, Madeline Hovland <madelinehovland@gmail.com>
Date 2023-11-03 13:48

9.1-004 AMSET_comments_EBayHillsDEIS.pdf (~118 KB)

NOR-2/3. Replace “eucalyptus trees” with "trees with trunk diameter of less than 6", irrespective of species". For trees with a diameter of <6”, limb ALL TREES to a minimum of 8’. Maintain contiguous shade canopy to minimize growth of highly fire prone understory fuels, while maximizing fog drip and surface shading to reduce risk and severity of wildfire. Please see USFS AMSET document (attached) for more information.

BP-1

GPO-3. Replace “eucalyptus trees” with "trees with trunk diameter of less than 6", irrespective of species". For trees with a diameter of <6”, limb ALL TREES to a minimum of 8’. Maintain contiguous shade canopy to minimize growth of highly fire prone understory fuels, while maximizing fog drip and surface shading to reduce risk and severity of wildfire. Please see USFS AMSET document (attached) for more information.

BP-2

GAR-3. There are zero “fuel loading” benefits to removing the 3 landmark trees in question here. These trees have an average trunk diameter of 48” or more and would be all but impossible to ignite. In fact, the 1991 fire stopped at these trees, many claiming that the existence of these huge trees was a key factor in saving more than15 homes on Alvarado Road. These trees most likely stopped the fire from entering Garber Park.

BP-3

Of all the proposed treatment areas in this plan/EIR, GAR-3 represents the most egregious misuse of a well-intentioned effort for the sole benefit of a small number of area residents who simply hate eucalyptus trees, no matter the fact that these trees are far less of a fire risk than the natives that the Garber Park Stewards have been promoting. GAR-3 offers zero fire risk mitigation benefits, and represents nothing more than native plant restoration fanaticism. Removal of these trees would, if anything significantly increase the risk of fire entering Garber Park. Based on having assigned this project area with the lowest priority, the City could argue that there is nothing to worry about here, but the reality is that once this project is approved as part of the overall plan, private funding could become an option.

BP-4

While the majority of this plan makes sense and can be supported by scientific rigor, GAR-3 cannot, and must be removed from this plan. Failure to remove GAR-3 from the plan reinforces the suspicion that major portions of this plan were developed not based on a dispassionate assessment of fire risk, but instead based on nothing more than political patronage. There is a high likelihood that inclusion of GAR-3 in the plan will result in a CEQA challenge, one that we believe will result in entire the plan being struck down. We ask that in the interest of moving the entire plan forward, that GAR-3 be omitted.

BP-5

AMSET Comments following review of issues related to East Bay Hills Hazardous Fire Risk Reduction Draft EIS

Prepared by US Forest Service, Adaptive Management Services Enterprise Team
September 27, 2013

It's evident that the current condition of natural fuels in the wildland urban interface of the East Bay Hills poses a significant risk from wildland fire. Given the increased fire risk brought by the presence of eucalyptus trees in the East Bay Hills, complete removal of this species would seem to be an effective means of reducing such risk. However, complete removal of overstory trees can introduce changes to the environment which increase fire behavior in undesirable ways. First, the removal of the overstory, is likely to result in rapid establishment of native and non-native herbaceous and brush communities, bringing an increase in available surface fuels. Secondly, removal of the overstory will result in changes to environmental factors which are known to cause increases in fire behavior.

Background

The East Bay Hills, like many areas throughout California, are prone to fire which is a natural disturbance force that has shaped the landscape. The East Bay Hills are prone to fast moving, high intensity fires, due to the occurrence of natural shrublands, dominated by naturally occurring coyote brush (*Baccharis pilularison)*, as well as highly flammable blue gum eucalyptus *(Eucalyptus globulus),* a non-native species which was introduced to the area in the early 1900's. It's our understanding after review of the Draft EIS, and associated comments, that the project proposes to mitigate the risk of wildland fires in the East Bay Hills wildland urban interface by removal of most or all of the eucalyptus overstory within the project area.

Non-native eucalyptus found in the project area undoubtedly contributes to high risk wildfires in this area. Features of bluegum eucalyptus that promote fire spread include heavy litter fall, and flammable oils in the foliage. The bark catches fire readily, and deciduous bark streamers and lichen epiphytes tend to carry fire into the canopy which tends to send out flying embers that area carried by the wind and result in the development of spot fires that ignite in advance of the fire's leading edge (Ashton 1981). While acknowledging these significant issues, there are undesirable effects of removing the eucalyptus overstory which deserve careful consideration.

Increase in Brush

A cursory literature review indicates that removal of eucalyptus stands in the East Bay Hills is likely to result in a colonization of those sites by a combination of native and non-native herbaceous and chaparral communities (native Baccharis, and invasive broom species). A study by Keeley (2005) shows that shrublands are expanding in the San Francisco East Bay region due to limited environmental controls from fire and grazing. According to Keeley's study, fire has never been frequent enough to act as a significant factor limiting brush communities in the area. He states that in the past, grazing pressure has been the force keeping brushlands in check. With reduced grazing pressure during the latter half of the 20th century, grassland communities are being replaced by brushland communities.

Overstory trees limit the ability of understory species to become established by limiting sunlight, moisture, and nutrient resources that are required. Removal of the eucalyptus overstory would increase sunlight, and reduce the competition for moisture and nutrients. Without significant controls in place the result would likely be rapid introduction and expansion of brushland species, and thus, increases in live surface fuel loading into areas where the eucalyptus overstory is removed.

Increase in Fire Behavior

Increases in live surface fuel loads result in increases in potential surface fire behavior. According to Russell and McBride (2003), the natural succession from grasslands to Baccharis shrublands in the East Bay Hills indicates a dramatic increase in fire hazard for those areas. On productive sites, Baccharis often exceeds two meters high (Russell and Thompkins, 2005). According to The U.S. Fire Administration Technical Report on the 1991 East Bay Hills Fire, brush fuel types played a significant role in the progression of the fire: "The brushland would probably make up a large portion of the available fuel, particularly in the northeastern portion of the fire area."

Managing Wildland Fuels

Wildfires pose major risks to people property and ecosystem attributes in many parts of the world. While there are many different facets of management aimed at reducing wildfire risk, the treatment of natural fuel is pivotal to this aim (Reinhardt et al., 2008). Fuel treatments are designed to alter the arrangement and quantity of fuel in order to reduce the likelihood of ignition, rate of spread and intensity of wildfires. Methods vary from clearing vegetation, mechanical thinning of trees to prescribed fire.

Creating more fire resilient stands implies a three-part process of reducing surface fuels, reducing ladder fuels, and reducing crown density (Agee and Skinner 2005). Harvest alone only treats the ladder and canopy fuels and does little to address the surface fuels which are typically the primary carrier of an advancing fire. Slashing, combined with biomass utilization or grapple-piling and pile burning are also effective methods of treating surface fuels, both natural and activity created. However, it is not as effective in reducing the fine fuel loading (the smallest branchwood material) as is prescribed fire.

The effectiveness of treatment in reducing fuels and altering fire behavior is dependent on the type and intensity of treatment. The length of individual treatment effectiveness for these types of fuel treatments will range from 7 to 15 years dependent on initial treatment levels (Finney et al. 2007, Graham et al. 2004). Fuel reduction activities that include the use of prescribed fire are generally the most successful in reducing fuels (Graham et al. 1999).

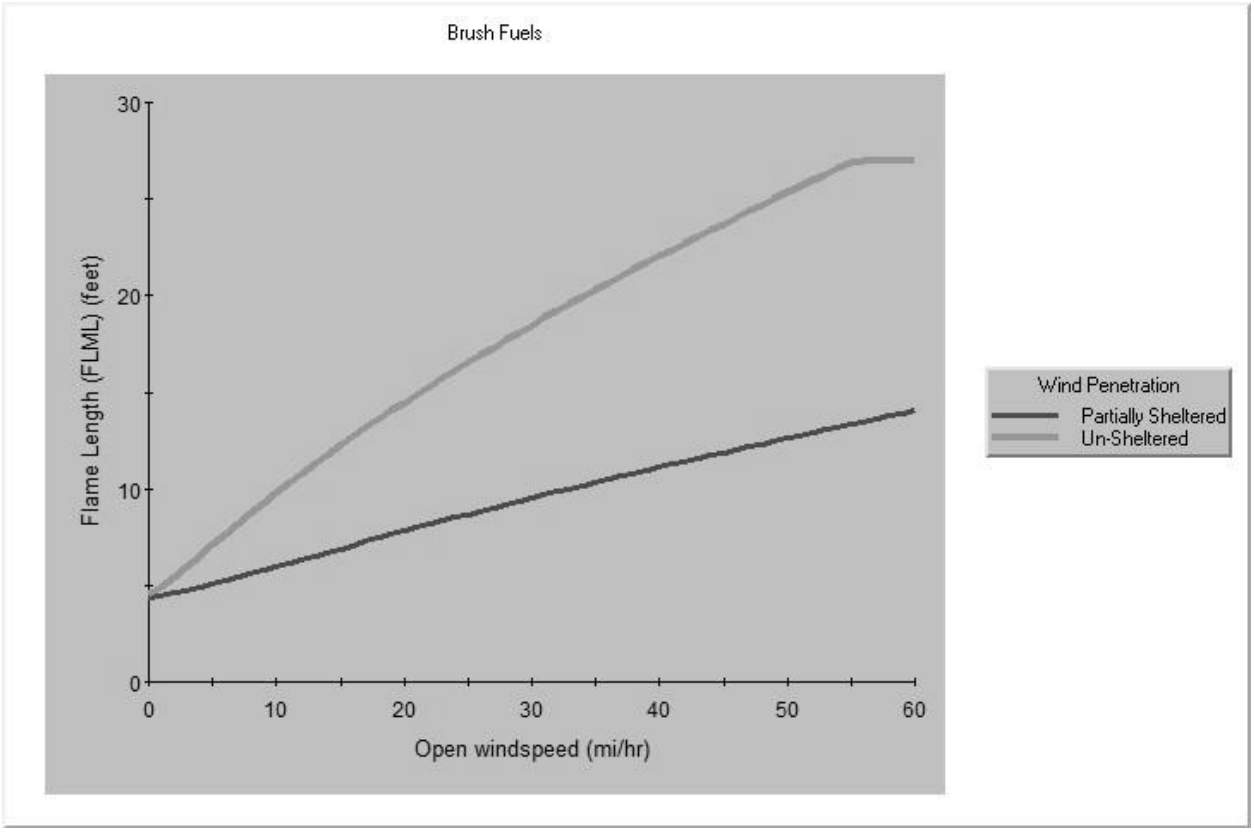
In areas dominated by eucalyptus, studies in Australia suggested that the amount of fine fuel (<6 mm diameter) available on the forest floor (i.e. fuel consumed by the fire) was the most significant fuel variable affecting the behavior of fires in eucalyptus forests. These authors claimed that the rate of spread of the head fire is directly proportional to the load of fine fuel consumed. If the rate of spread is directly proportional to fuel load, then reducing the fuel load by half, halves the rate of spread and reduces the intensity of the fire fourfold. This relationship between fuel load, rate of spread, and fire intensity has provided a simple but powerful argument to support fuel reduction burning in eucalyptus forests for more than 50 years. (Gould et al. 2011). In the Berkeley–Oakland Hills, fuel buildup occurs very rapidly, 95% of equilibrium reached in 27 years in un-managed eucalyptus stands (Agee, 1973). To maintain low fuel levels a fuel reduction program should be implemented.

From a fire behavior standpoint commercial thinning from below that would target smaller diameter trees leaving the largest dominate trees on the landscape, followed by surface and ladder fuel treatments provides the highest level of reduction in potential fire behavior. These treatments and combinations of these treatments would break up the horizontal and vertical continuity from the surface fuels to the canopy fuels, by increasing canopy base height, and reducing canopy bulk density thus reducing the likelihood of crown fire ignition. Aerial fuels separated from surface fuels by large gaps are more difficult to ignite, thus requiring higher intensity surface fires, surface fires of longer duration, or ignition from spotting to ignite the crowns, and of course wind.

Removal of the eucalyptus overstory would reduce the amount of shading on surface fuels, increase the wind speeds to the forest floor, reduce the relative humidity at the forest floor, increase the fuel

temperature, and reduce fuel moisture. These factors may increase the probability of ignition over current conditions.

Furthermore, complete removal of the eucalyptus overstory would result in increases in wind speed which result in a more severe range of fire behavior effects as previously mentioned above. The following illustration is an example of predicted or anticipated flame length for a partially sheltered and an un-sheltered brush fuel model to illustrate lower wind speeds for a thinned stand versus higher wind speeds found with complete removal of eucalyptus trees.



Agee, J. K.; Wakimoto, R. H.; Darley, E. F.; Biswell, H. H. 1973. Eucalyptus fuel dunamics, and fire hazard in the Oakland Hills. California Agriculture. 27(9): 13-15.

Agee,J.K., Carl N. Skinner, Basic principles of forest fuel reduction treatments, Forest Ecology and Management, Volume 211, Issues 1–2, 6 June 2005, Pages 83-96, ISSN 0378-1127, http://dx.doi.org/10.1016/j.foreco.2005.01.034.(http://www.sciencedirect.com/science/article/pii/S0378112705000411)

Ashton, D. H. 1981. Fire in tall open-forests (wet sclerophyll forests). In: Gill, A. M.; Groves, R. H.; Noble, I. R., eds. Fire and the Australian biota. Canberra City, ACT: The Australian Academy of Science: 339-366.

Gould, J.S., W. Lachlan McCaw, N. Phillip Cheney, Quantifying fine fuel dynamics and structure in dry eucalypt forest (Eucalyptus marginata) in Western Australia for fire management, Forest Ecology and Management, Volume 262, Issue 3, 1 August 2011, Pages 531-546, ISSN 0378-1127, http://dx.doi.org/10.1016/j.foreco.2011.04.022. (http://www.sciencedirect.com/science/article/pii/S0378112711002374)

Finney, M. A., R. C. Seli, C. W. McHugh, A. A. Ager, B. Bahro, and J. K. Agee. 2007. Simulation of long-term landscape-level fuel treatment effects on large wildfires. International Journal of Wildland Fire, v. 16, no. 6, p. 712-727. 10.1071/.

Graham, Russell T.; Harvey, Alan E.; Jain, Theresa B.; Tonn, Jonalea R. 1999.
The effects of thinning and similar stand treatments on fire behavior in Western forests. Gen. Tech. Rep. PNW-GTR-463. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 27 p.

Graham, Russell T.; McCaffrey, Sarah; Jain, Theresa B. (tech. eds.) 2004. Science basis for changing forest structure to modify wildfire behavior and severity. Gen. Tech. Rep. RMRS-GTR-120. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 43 p.

Keeley, J.E., "Fire history of the San Francisco East Bay region and implications for landscape patterns", International Journal of Wildland Fire, 285-296 (2005) .

Reinhardt, E.D., Keane, R.E., Calkin, D.E., Cohen, J.D., 2008. Objectives and considerations for wildland fuel treatment in forested ecosystems of the interior western United States. For. Ecol. Manag. 256, 1997–2006.

Russell W, Tompkins R., 2005. *Estimating biomass in coastal Baccharis pilularis dominates plan communities. Fire Ecol. 2005;1:20-27.*

Russell, W. H. and J. R. McBride. 2003. Landscape scale vegetation-type conversion and fire hazard in the San Francisco Bay area open spaces. Landscape & Urban Planning 64:201-208.

United States Fire Administration Technical Report, USFS-TR-060/October 1991. The East Bay Hills Fire, Oakland-Berkeley, California

Letter BP: Hill Conservation Network

Response to Comment BP-1

This comment requests that the term "eucalyptus trees" be replaced with "trees with trunk diameter of less than 6", irrespective of species" in treatment areas NOR-2 and NOR-3. Vegetation management actions have been identified and defined based on site-specific vegetation type, fuel hazard, treatment effectiveness, and ongoing maintenance requirements. Fuel treatment areas have been identified and prioritized based on fuel loads and arrangements, terrain, topographic exposure, and proximity to roads and structures. While some non-native species (e.g., eucalyptus) have been identified as posing a higher fire hazard than other species, the Revised VMP does not prioritize native over non-native vegetation. The treatments selected in the Revised VMP were chosen for their ability to reduce fire danger. See Master Responses 2 and 5. Section 9.1.4, "Tree/Woodland Forest," of the Revised VMP outlines the management standards for tree-dominated vegetation types. See Section 9.4.1.2, "Tree/Woodland/Forest – Specific Standards," of the Revised VMP for a description of fire hazards specific to eucalyptus trees. Appendix D of Revised VMP identifies highly flammable species where they are found within vegetation type.

Response to Comment BP-2

This comment recommends replacing "eucalyptus trees" with "trees with trunk diameter of less than 6", irrespective of species" in GPO-3. See Response to Comment BP-1.

Response to Comment BP-3

The comment opposes the removal of large eucalyptus trees in treatment GAR-3. See Response to Comment BP-1.

Response to Comment BP-4

The comment opposes the management treatment proposed for GAR-3 and claims that it increases fire risk and is "nativist." See Response to Comment BP-1.

Response to Comment BP-5

This comment states opposition to the management treatment proposed for GAR-3 and states that the VMP will most likely be challenged under the CEQA process if GAR-3 is not removed. This comment does not relate to the adequacy of the CEQA analysis. The comment will be conveyed to the decision-makers.

Revised Draft vMP Recirculated DEIR Comments

BQ

From Madeline Hovland <madelinehovland@gmail.com>
To <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-04 21:20

As a member of Hills Conservation Network, I have been an advocate for fire safety in our community for many years. The views I express in this comment on the Revised Draft Recirculated Vegetation Management Plan are my personal opinions based on my experience and observations as an eye witness to the 1991 Tunnel fire, and on my 50 years as an Oakland resident (in the same house) on Alvarado Road close to the intersection of Alvarado and Gravatt.

I agree with the important revisions to the last version of the Plan: expanding vegetation management to clear dead and hazardous trees, of any species I assume, within 100 feet of roadsides, and expanding vegetation management around habitable structures to provide more defensible space. BQ-1

I support most of the vegetation treatments proposed in the Revised Plan, and in the interest of compromise, I would accept the Plan with one exception as specified in GAR-3: the removal of the three large eucalyptus trees at the Alvarado Road entrance on the south side of Garber Park. I believe that the removal of these three trees is in the Plan not because of fire hazard but primarily because eucalyptus trees are non-native. BQ-2

The Garber Park Stewards are volunteers that have advocated for removal of all non-native trees and vegetation (even wildflowers) in Garber Park. They have done good work in maintaining trails in the Park, but they belong to organizations that promote native plant restoration and the destruction of all non-native trees, exaggerating especially the flammability of eucalyptus even when the native trees and vegetation that would replace the non-native trees are more flammable and easier to ignite than non-natives. BQ-3

Since the stated purpose of the Plan is to mitigate fire risk, it is illogical that the three large eucalyptus trees should be removed. I urge readers of this comment to try to put aside any bias against eucalyptus trees while they consider that THOSE THREE LANDMARK EUCALYPTUS TREES SHOULD BE KEPT BECAUSE THEY INCREASE FIRE SAFETY. BQ-4

Four days after the 1991 fire, as we drove up Alvarado Road, it was obvious to us that the fire had stopped when it reached those three tall eucalyptus trees. The 15 houses downhill from the eucalyptus trees on the left side of Alvarado as one faces the eucalyptus trees, all the way down to Slater Lane, were still standing. All of the houses uphill from the eucalyptus trees, up to Amito road, including the right side of Siler Place, had burned to the ground, leaving only chimneys and smoldering ruins where houses had once stood. BQ-5

The houses on the left side of Siler, as one faces the cul-de-sac, are adjacent to the eastern boundary of Garber Park. The fire also did not burn any of the eucalyptus trees along that boundary, so there too eucalyptus trees appear to have stopped the fire from entering Garber Park. Houses on the right side of Siler burned as the fire spread downhill on Alvarado, stopping at the eucalyptus trees. BQ-6

I realize that eucalyptus trees are reviled by many residents of Oakland who are either ignorant of how some tall eucalyptus trees blocked that tragic fire in 1991, or have had another agenda than fire safety. Despite evidence to the contrary, these native supremacists insist that native trees resist fire while non-natives create fire risk wherever they are left standing. BQ-7

I am witness to the fact that the flames that ignited the houses uphill from the three eucalyptus did not ignite the thick trunks of the three eucalyptus trees (now even thicker than they were in 1991). The flames were apparently not high enough to ignite the upper branches of those trees and the supposedly "highly fire prone eucalyptus leaves" still on the branches. On that awful day of the fire, there were red-hot embers flying all around, but, when the embers hit those leaves in the upper branches, they did not ignite. BQ-8

I am not claiming that those tall, thick-trunked eucalyptus trees were the only reason why the fire stopped there. Several other factors, among them a change in the wind and the moist, shaded ground within the Park at that time, may have played a role. Garber Park is now drier and sunnier than it was before the 1991 fire because so many non-native trees have been removed. This change in the ecosystem of the Park has increased the fire risk. If highly flammable brush and tall, dry grass had covered the ground at the Alvarado Road entrance to the Park in 1991 instead of the eucalyptus trees, the fire would undoubtedly have ignited them, with dire consequences for the houses (including ours) downhill. The fire might have spread into Garber Park, possibly down to the Claremont Hotel, the largest wooden building in Berkeley at that time. BQ-9

Another issue is that a grove of redwood trees, that some nativists consider native and therefore immune to fire, burned down to the ground during the 1991 fire. Those redwood trees, at the curve on Gravatt Road just above 95 Gravatt succumbed to the fire as it came down Gravatt towards Alvarado, stopping once again at a line of eucalyptus trees, subsequently cut down, three houses above the intersection of Gravatt and Alvarado. Since the fire, the redwood grove has grown back. BQ-10

So, how can the authors of the revised Oakland Vegetation Management Plan make removing healthy eucalyptus trees even Priority 3 when the goal of the Plan is to mitigate, not increase, fire risk? Nativists would replant them with trees that they consider native, such as redwoods and oaks even though those trees do not thrive because they are no longer suited to our warming climate. BQ-11

Since the purpose of the Plan is to mitigate fire risk, why should those trees be cut down since they stopped the 1991 fire? If they are removed, that area of Garber Park would become much sunnier, encouraging the growth of thickets of chaparral brush and dry grass that are not only unsightly, but, even more important, are easier to ignite, and have higher flame lengths than eucalyptus . BQ-12

Overstory trees such as eucalyptus limit the ability of understory species to thrive under them. Removing the three tall eucalyptus trees at the Alvarado entrance to Garber Park would increase fire risk, so cutting them down should be removed from the Plan. BQ-13

Madeline Hovland
Oakland, November 4, 2023

Letter BQ: G. Madeline Hovland

Response to Comment BQ-1

The comment expresses support for the Proposed Project. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BQ-2

This comment expresses opposition to the management treatment proposed for GAR-3. See Master Response 5 under "Removal of Large or Heritage Trees" and Response to Comment BP-1. The goals of the Project are oriented toward fire mitigation, as opposed to ecological restoration.

Response to Comment BQ-3

This comment expresses opposition to the removal of non-native species. This comment expresses opposition to the management treatment proposed for GAR-3. See Master Response 5 under "Removal of Large or Heritage Trees" and Response to Comment BP-1. The goals of the Project are oriented toward fire mitigation, as opposed to ecological restoration.

Response to Comment BQ-4

This comment expresses concern that the management treatment proposed for GAR-3 will increase fire risk. See Master Response 5 under "Removal of Large or Heritage Trees." See also Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BQ-5

This comment claims that eucalyptus trees prevented further spread of the 1991 fire. See Master Response 5 under "Removal of Large or Heritage Trees." See Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BQ-6

This comment claims that eucalyptus trees prevented further spread of 1991 fire. See Master Response 5 under "Removal of Large or Heritage Trees." See Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BQ-7

This comment expresses disagreement with the idea that non-native trees are more fire prone than native ones. See Master Response 5 under "Removal of Large or Heritage Trees." See Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BQ-8

This comment recounts the experience of the 1991 fire and claims that eucalyptus prevented the spread of fire. See Master Response 5 under "Removal of Large or Heritage Trees." See Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BQ-9

This comment claims that removal of non-native trees has made Garber Park more fire prone. See Master Response 5 under "Removal of Large or Heritage Trees." See Table 2-9 of the Recirculated DEIR for fuel reduction treatments proposed for Garber Park. See also Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BQ-10

This comment discusses redwoods burning during the 1991 fire as evidence that they are not more fire resistant than eucalyptus. See Master Response 5 under "Removal of Large or Heritage Trees." See Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to different tree species found within the VMP Project area.

Response to Comment BQ-11

This comment suggests that native plants are not suited to a warming climate. See Master Response 5 under "Removal of Large or Heritage Trees." See Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to different trees species found within the VMP Project area.

Response to Comment BQ-12

This comment claims that removing eucalyptus will make Garber Park more flammable. See Master Response 5 under "Removal of Large or Heritage Trees." See Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BQ-13

This comment claims that removing eucalyptus will make Garber Park more flammable and that GAR-3 should be removed from the plan. See Master Response 5 under "Removal of Large or Heritage Trees." See Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

BR

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November 5, 2023

Via Email: DEIR-comments@oaklandvegmanagment.org

Montrose Environmental
Attn: Ken Schwarz, Principal, Revised Draft VMP Recirculated DEIR Comments
1 Kaiser Plaza, Suite 340
Oakland, CA 94612

RE: Revised Draft VMP Recirculated Draft Environmental Impact Report Comments; SCH#2019110002

Dear Mr. Schwarz:

These are my comments regarding the Revised Oakland Draft Vegetation Management Plan (DVMP) Recirculated Draft Environmental Impact Report (RDEIR). The RDEIR fails to address many of the issues raised in my Scoping and original DEIR comments particularly the cumulative impacts analysis. The RDEIR fails to analyze the incremental impact of the project when added to past, present, and probable future projects in the area.

Protocol level surveys for plants.

Notice of Availability

The City notice states the deadline to comment is November 4, 2023 at 5:00 pm but at the November 1, 2023 Planning Commission hearing on this matter Michael Hunt announced the deadline to comment was extended to November 6, 2023. No written notice was sent to anyone notifying of this change in the deadline. CEQA Guidelines section 15087(c)(5) requires all documents incorporated by reference in the EIR be available for public review. The Notice of Availability does not contain "[t]he address where copies of the EIR and all documents incorporated by reference in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours." BR-1

Agency Consultation

Nothing in the RDEIR suggests there has been required consultation with responsible and trustee agencies as required by CEQA Guidlines section 15096. Both the California BR-2

Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) must be consulted regarding this project. There is nothing in the RDEIR even hinting at the required consultations. BR-2

An Incidental Take Permit is Required

Because the project has taken and will take threatened and endangered species, a section 2081 Incidental Take Permit (ITP) from the California Department of Fish and Wildlife is required. On June 1, 2021 Marcia Grefsrud emailed the City saying “Since we don’t monitor the contractors and I don’t think the fire department has biological monitors or has staff that can go out and inspect during the fuel treatment activities then the City should consider applying for an Incidental Take Permit. There should be more oversight of the fuels management activities in the areas where the listed plants are located.” The same should apply to locations where Alameda striped racer occur, which is the area covered by this RDEIR. BR-3

April 5, 2005 City Council Resolution No. 79133 CMS

The Oakland City Council passed Resolution No. 79133 on April 5, 2005 directing City staff to prepare "the appropriate environmental review documents consistent with CEQA evaluating a limited exemption to the Integrated Pest Management policy for the selective use of glyphosate (in formulations such as Round-up or Rodeo) and triclopyr (in formulations such as Garlon and Pathfinder) on City owned land in the Wildfire Prevention Assessment District.". The resolution further limited the use of herbicides to only be "painted or applied directly on the plant or tree stumps and shall only be used when conditions and best management practices demonstrate that a chemical treatment would be the most effective approach to control" BR-4

Now, over 18 years later, the City is finally preparing the environmental review and the vegetation management plan the City Council directed be prepared. But the RDEIR and DVMP are attempting to allow the spraying of herbicides, something the City Council specifically did not allow in the resolution.

CEQA and CESA

The project is subject to both the California Environmental Quality Act (CEQA) and the California Endangered Species Act (CESA). The RDEIR fails to identify all the impacts that are required to be addressed in a CEQA document and the mitigation measures fail to meet the requirements of CESA. Specifically the RDEIR does not provide for the mitigation of impacts of the program that has occurred without CEQA analysis. Since 2005 the project has been implemented without CEQA review while violating CESA by taking special status species without an Incidental Take Permit (ITP) or mitigating for impacts. 15 years of impacts to Presidio clarkia and other special status species must be mitigated. BR-5

Project Description

The project description only references City-owned lands. Along with the proposed activities on City-owned lands there are similar activities taking place on privately-owned lands at the direction of City employees. The entire project should include the City requirements for private land owners to maintain their properties to City standards. The activities on private lands have resulted in the take of special status species. Unless the Project Description includes all lands in the City's Very High Wildfire Hazard Severity Zone (VHFHSZ) that are impacted by vegetation management activities designed to reduce wildfire risk, this project will be a piecemealing of the project, something not allowed under the California Environmental Quality Act (CEQA). BR-6

Naturally Occurring Asbestos

The RDEIR does not fully addresses the issue of naturally occurring asbestos (NOA) that is found in serpentine soils. The RDEIR is inadequate without this analysis and specific mitigation measures that will be used to limit NOA impacts. BR-7

Impacts Not Analyzed

Goat grazing is never analyzed for its impacts. The RDEIR does not adequately discuss how goat grazing causes transport of invasive plant seeds or strips soils leading to erosion. How do goats impact Alameda striped racer populations and habitat? How does the use of line trimmers create dust that makes NOA airborne? How will you mitigate for dust containing NOA? The RDEIR is seriously lacking in specificity on these and other issues. BR-8

Oakland Does Not Enforce Mitigation Measures

The City of Oakland has never enforced a mitigation measure for any project impacting Presidio clarka. Pallid manzanita mitigations have not been enforced at the Chabot Space and Science Center (CSSC). Conservation easements that were requirements for both CSSC and the Oakland Zoo in Knowland Park have not been put in place. Oakland Municipal Code section 1.58.340.F. requires all mitigation measures for a project be compiled into a checklist form. The completed form is to be returned after completion of the project and implementation of all mitigation measures. I have made requests to the City for copies of the checklist for a number of projects. In every case the response from the City has been that the document does not exist. There is nothing in the current RDEIR that will insure the City enforces mitigation measures for this project, or any project. BR-9

Special Status Species

While the vegetation management plan includes protocols for protecting special status species during vegetation management activities, to date none of these protocols have been followed resulting in the take of special status species. Both the DVMP and RDEIR lack the specifics for each location where special status species are known to BR-10

occur with treatment protocols and best practices to prevent take in each particular location.

Presidio clarkia

During 2019 all populations of Presidio clarkia (*Clarkia franciscana*) on City properties were cut before seed set. The City has done this consistently for many years, despite being provided maps showing the locations of the populations and in some cases site visits with City staff to show the location of the populations. Both the Old Redwood Road and Chadbourne Way populations were cut in 2020. The Chadbourne Way population is likely the largest Presidio clarkia population in the East Bay outside of Redwood Regional Park and in 2020 no plants were found or survived the City's program.

Both the DVMP and the DEIR fail to mention the Old Redwood Road population of Presidio clarkia, which is located on City property and two adjacent private parcels. Both the adjacent parcels have had projects approved in violation of CEQA and CESA that have resulted in the take of special status species. In 2015 the City approved a project at 5150 Redwood Road in violation of CEQA by granting approval using a CEQA exemption. In 2020 the City approved the project at 5200 Old Redwood Road without proper noticing of the project. The RDEIR does mention the Old Redwood Road population. BR-11

The Chadourne Way population of Presidio clarkia is extirpated as a result of City activities. My survey this year on May 22 found no clarkia present, a site that in the past was the largest population outside of Redwood Park. The extirpation is the direct result of vegetation management activities by the City. I met Leroy Griffin and Camille Rogers on the site in 2007 and they refused to change how they manage the property to protect Presidio clarkia populations. How will the City mitigate for the extirpation of this population without the proper permits from CDFW and USFWS?

Both ESA and CDFW provided the City with maps of the locations of all known Presidio clarkia populations, yet that information is missing from the RDEIR and the DVMP.

Most Beautiful Jewelflower

Most beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*) is found in the Crestmont area on some sites where Presidio clarkia is also present. There are documented populations in other areas such as off Butters Drive and Leona Heights. The RDEIR fails to be specific with locations and treatments to protect the species. BR-12

Pallid manzanita

The take of Pallid manzanita (*Arctostaphylos pallida*) has occurred on both City and private properties during vegetation management activities. Both are violations of CEQA and CESA and mitigation for the take has not occurred. BR-13

Tiburon Buckwheat

The DEIR does not clearly specify proper treatments to protect Tiburon buckwheat *Eriogonum luteolum* var. *caninum*. Because Tiburon buckwheat is late to appear and bloom, the treatment protocols used for other species will lead to impacts to this species. The VMP for the project at 5200 Old Redwood Road only dealt with impacts to Presidio clarkia, and failed to address the protection and enhancement of Tiburon buckwheat. BR-13

Alameda Striped Racer

The Alameda striped racer (ASR) (*Coluber lateralis euryxanthus),* previously known as Alameda whipsnake, is known to occur in much of the area covered by the proposed project and appropriate mitigation measures must be implemented to protect this species. The RDEIR and the DVMP lack specifics on how this species will be protected, including the City obtaining an ITP from CDFW and consultation with USFWS. BR-14

<u>Cumulative Impacts</u>

The RDEIR fails to address the cumulative impacts of the project. CEQA requires that an EIR analyze the incremental impact of the project when added to past, present, and probable future projects in the area. The City of Oakland has a well documented history of failing to enforce project mitigation measures designed to mitigate for impacts to special status species. For that reason the RDEIR for the DVMP must have a robust examination of cumulative impacts and a process to enforce mitigation measures for both the DVMP and past projects. Without enforcement of previously approved mitigation measures the impacts of the DVMP and RDEIR cannot bring impacts to a less than significant level. BR-15

Presidio clarkia

Many projects in Oakland have impacted Presidio clarkia, and none have mitigated for the impacts.

1956: The major development of the serpentine soils in the Crestmont area started with the approval of two parcel maps by the City of Oakland. Because this project pre-dated the California Endangered Species Act (CESA) and the California Environmental Quality Act (CEQA), no environmental review was conducted that would have included biological surveys to determine the extent of Presidio clarkia populations and other special status species in the area.[1] Most of the houses in the development were constructed by 1960. ." Included in the approval is Lot "A", a 3.1769-acre remainder parcel in Tract 1710 is "designated a public park area" in the C, C & R's for the BR-16

[1] Both CEQA and CESA were first enacted in 1970, and have been amended numerous times in the ensuing years.

Homeowners of Crestmont Association recorded on December 3, 1956. The area in Lot "A" we know today had extensive populations of Presidio clarkia.

1982: Rains in January 1982 cause a landslide that takes out property that is part of the Oakland Hills Tennis Club. The landslide is repaired without any environmental review. The repairs likely impacted what later became known as the populations at the Oakland Hills Tennis Club and the Sunrise Assisted Living Facility. BR-17

1988: The Oakland Planning Commission approved the expansion of the Oakland Hills Tennis Club after the discovery of Presidio clarkia on the site. One requirement of the project was " the project sponsor shall develop a management plan for the on-going protection of the plant population and its potential habitat. The plan shall be reviewed by the State Department of Fish and Game, and shall be approved by the Director of City Planning prior to issuance a certificate of occupancy. The plan shall include monitoring of the plant population for a five year period following issuance of the certificate of occupancy." The City has no record of a management plan for the site, nor any record of plant population monitoring. Also, the Tennis Club has added a deck and other development on the end of its building that further impinge on the buffer area that was supposed to be maintained to protect the Presidio clarkia population. The California Department of Fish and Wildlife had specifically asked that this buffer be in place to protect the species. BR-18

1993: Oakland approves the construction of 538 Crestmont Drive without any environmental review. Presidio clarkia and Most beautiful jewelflower had both been documented on the site in 1991. BR-19

1995: Parcel Map is recorded creating one lot at the end of Colgett Drive, the fourth lot formed from the former Lot "A." The remainder parcel is now about 2.4-acres. I can find no record of environmental review taking place when approving the parcel map. BR-20

1995: Tract Map 6622 is recorded, creating three more lots from the former Lot "A." The project was approved with a Mitigated Negative Declaration. The Initial Study ("IS") was prepared by City of Oakland Planner Anu Raud. Under Environmental Effects Biotic the IS states that the project would not "reduce the numbers of any unique, rare, or endangered species of plants or animals." The comment explains that "because of the existing residential uses on the site and in the area, it is not likely that unique, rare, or endangered species are present. In addition, site visits confirm that this property is not conducive to the habitat that would contain rare and endangered species living in this region." The IS also determined that the proposed project would not introduce "new species of plants or animals into an area, or result in a barrier to the replenishment of existing plant species, or the migration or movement of animals." The comment for this statement: "There is ample open space adjacent the project site for the existing wildlife and flora to continue to thrive." BR-21

1997: Oakland approves the Sunrise Assisted Living Facility for the corner of Redwood Road and Skyline Boulevard. This property is adjacent to the Oakland Hills Tennis

Club. Environmental review consisted of a Mitigated Negative Declaration (MND) that included biological surveys of the site. Presidio clarkia was found on the site and the MND declared the mitigation measures shall include the preparation of a management plan for the site and submitting the plan "to the California Department of Fish and Game (CDFG) and the Zoning Manager for review prior to the issuance of any grading or building permit and no such grading or building permits shall be issued until both the CDFG and the Zoning Manager have approved the plan." Additionally the MND required the applicant obtain permits from the appropriate resource agencies for the potential take of special status species, and that those permits be obtained before the issuance of grading or building permits. Nothing in the City files indicates any of the mitigation measures were implemented. There has been no management of the site and the Presidio clarkia population continues to decline. BR-22

2000: Oakland Planning approves Parcel Map 7336 for a property located at the end of Colgett Drive and adjacent to the previously approved Parcel Map 6622. The City provided the project a Categorical Exemption from CEQA review. The property has Most beautiful jewelflower and Presidio clarkia are likely present and for that reason there should have been and Environmental Impact Report prepared. BR-23

2001: Golden Stone Investment Corporation records Parcel Map 7159 subdividing the 1.61 remainder parcel from Tract Map 6622 into three lots. The Initial Study (IS) for the MND was prepared by Oakland Planner Elizabeth Dunn. As with earlier projects the California Natural Diversity Database was not consulted to determine the possible presence of special status species. The IS declared that the proposed project would have no impacts on biological resources. The Comments to the Biological Resources section:

> The proposed project is within a built out, urbanized area where former biotic habitat and natural vegetation has been replaced with urban uses. Several pine and eucalyptus trees on Parcel 1 will be removed in order to construct a house on the flatter level of this proposed parcel. Should the Tentative Parcel Map be approved, and the Final Parcel Map is recorded, the applicant must apply for a tree removal permit when plans are submitted for design review of the proposed homes. The project site does not serve as a wildlife corridor for migratory or other natural movement patterns. Therefore, no effect on native habitat will occur. As there are no significant environmental impacts, no mitigation measures or monitoring provisions are required. BR-24

The site has both Presidio clarkia and Most beautiful jewelflower. This is another project with no mitigations for the impacts to special status species.

2007: The Oakland City Council approves the Crestmont Project but without a full analysis of cumulative impacts because the Planning Department was unable to find the records for all of the projects noted above. Both Presidio clarkia and Most beautiful jeweflower are present on the site. The Project approval provides for a conservation easement on the property, but to date the development has not proceeded and the BR-25

conservation easement is not in place. As a result there is no ongoing management of the property to enhance the populations of special status species.

2008 to present: The City vegetation management program continues to cut Presidio clarkia on the Old Redwood Road and Chadbourne Way properties. In 2019 both sites were cut before seed set threatening the long-term existence of the species. BR-26

2015-2016: The Planning Department approves a project at 5150 Redwood Road, a property that is a part of the Old Redwood Road population of Presidio clarkia. The project was approved without any CEQA review and no mitigation measures were designed to protect the species on the site long-term. The approval was a violation of CEQA and CESA. BR-27

2019: An application for a project at 5200 Old Redwood Road is submitted to the Planning department. Biological surveys for the project confirm the presence of Presidio clarkia. The plants on this site are part of the same population found on the Old Redwood Road and 5150 Redwood Road sites. BR-28

2020: The project at 5200 Old Redwood Road is approved without notice of a comment date in violation of CEQA law. The project is started and none of the mitigation measures for special status species are implemented, including the removal of flammable invasive non-native species. BR-29

Pallid manzanita

Pallid manzanita have been impacted by development and vegetation management activities. The biggest development impact is in the Manzanita Drive area where the heart of the population was eliminated without any mitigations. Most of the development occurred in the 1960's and 70's, and there have been infill sites developed in the years since. The PG&E power lines run through this area and the company has aggressively managed under those lines for years. I am aware of three projects where mitigations were required. The first two were in the early 2000's when two projects each paid $5,000 for taking about 34 pallid manzanita plants. The most recent development on Manzanita Drive was supposed to mitigate by preserving two mature plants on the site and out-planting clones of those plants in another location. The two plants on the site died before construction was completed and many of the off-site plants have died. BR-30

The Exeter Drive population was developed in the late 1980's without any environmental review. Because no surveys were done before development we do not know the extent of the damage to the population. BR-31

The Chabot Space and Science Center (Chabot) project was approved in 1995. At the time there were 21 mature pallid manzanita on the site and the mitigation measures included the preparation of a management plan for the site before the issuance of a grading permit. Additionally Chabot was required to hire a botanist to monitor the population. Grading took place without a management plan and Chabot did not hire a BR-32

botanist to oversee the management of the site. Today those original 21 plants are gone, primarily the result of lack of management. In 2009 Chabot obtained an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) for the management of pallid manzanita on the site. Included in the mitigations for the ITP was the creation of a conservation easement (CE) on the site. The CE has not been implemented.

A number of pallid manzanita have been taken by vegetation management activities over the years, including one of the plants that was part of the Chabot population. Again, because of lack of surveys or monitoring, we do not know the extent of the impacts.

BR-32

Alameda Striped Racer:

The Leona Quarry project planning documents assumed the presence of ASR on the site. In 2007, after completion of the project, LSA prepared a report pointing out that the V-ditches on the site were ASR traps and something should be done about it. Nothing has been done to resolve this problem.

The expansion of the Oakland Zoo was recently approved and one of the mitigation measures for the project was the creation of a conservation easement to protect the habitat of ASR. The mitigations called for the creation of a CE before construction related permits were issued. CDFW in the ITP had required the CE be in place no later than June 2016. The CE still does not exist.

BR-33

<u>Tiburon Buckwheat</u>

The DVMP and RDEIR fail to address all the know populations of Tiburon buckwheat. This would include Old Redwood Road and much of Crestmont.

BR-34

<u>Mitigation Measures</u>

Enforce Existing Mitigation Measures

None of the above mentioned projects have successfully mitigated for project impacts. Until the City enforces the mitigations for previous projects it is impossible to bring the impacts to listed species to a less than significant level. Under CEQA Guidelines section 15097 provides in part "until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program." It is the responsibility of the City of Oakland to enforce these mitigation measures.

BR-35

Conservation Easements

Besides insuring the Chabot and Zoo CE's are established, the City must create CE's for Presidio clarkia. Both the Old Redwood Road and Chadbourne Way populations are on City property and have populations that need preservation and enhancement. The

BR-36

Old Redwood Road population should include the adjacent developments that have also impacted the species. The mitigation measures for the Oakland Hills Tennis Club and the Sunrise Assisted Living Care Facility should incorporate conservation easements which can be combined with City CE's on Chadbourne Way and Old Redwood Road. . BR-36

Mitigation Measures Checklist

Oakland Municipal Code section 17.158.340.F provides in part:

> For a project for which a mitigated negative declaration or an EIR has been certified, at the time the project is approved, the mitigation measures will be compiled into a checklist form. The checklist will identify the agency responsible for ensuring that the mitigation measure is implemented. The Environmental Review Officer or his representative will provide a mitigation monitoring compliance form to each agency identified on the checklist form. The compliance form will identify the mitigation measure, and allow spaces for compliance date, and inspection or field survey dates. The compliance form shall be returned to the Environmental Review Officer when the mitigation measures have been implemented. BR-37

I have requested a copy of the checklist from the Planning Department for most of the projects cited above. In every case the response from the City has been that the document does not exist. It is not surprising that the City has failed to enforce mitigation measures to ensure implementation of mitigation measures to bring project impacts to a less than significant level.
mitigation measures

The RDEIR is deficient in many areas and after more than 18 years since the City Council directed the drafting of the document, the product is less than satisfactory. The lack of detail and analysis is unacceptable. I could have provided far more detailed review of the deficiencies in these documents. Overall the mitigation measures are not adequate and the cumulative impacts analysis is completely deficient. BR-38

Sincerely yours,

Ralph Kanz

Letter BR: Ralph Kanz

Response to Comment BR-1

The comment claims that the Notice of Availability comment deadline extension was not adequately communicated. See Section 1.7, "CEQA Process," of the Recirculated DEIR. The VMP and DEIR have met the legal requirements for soliciting public opinions and comments about the Plan. All comments have been considered and revisions to the Draft VMP have been incorporated in the Recirculated DEIR where applicable. See also Appendix B of the Revised VMP.

Response to Comment BR-2

The comment states that Recirculated DEIR did not consult with CDFW or USFWS. Section 3.4, *Biological Resources,* of the Recirculated DEIR, under "Federal Laws, Regulations, and Policies – Federal Endangered Species Act" (page 3.4-43) states:

> Based on a review of recent ecological studies of other projects in the vicinity; aerial photos and topographic maps; and other relevant scientific literature, technical databases, and resource agency reports, the following federally listed wildlife species occur, or have potential to occur, in the Revised Draft VMP area: Alameda whipsnake and California red-legged frog (*Rana draytonii*). If the Revised Draft VMP would result in take of a federally listed wildlife species, incidental take approval would be required through either Section 7 or Section 10 consultation with USFWS. In addition, the following federally listed plant species occur, or have potential to occur, in the Revised Draft VMP area: pallid manzanita and Presidio clarkia. If Revised Draft VMP activities requiring a Section 404 permit would result in adverse effects on any federally listed plant species, Section 7 consultation with USFWS would be required. However, the City would not need incidental take approval for impacts on federally listed plant species occurring on City-owned land.

Informal Section 7 consultation with USFWS includes analysis of a proposed project action through NEPA, Section 404, or CEQA. A Biological Assessment (BA) may be prepared to assist in USFWS determination of the project's effect on species. If a project action is likely to adversely affect a listed species, the Lead Agency must submit to the Service a request for formal consultation. Formal consultation (if applicable) can last up to 90 days. Please review https://www.fws.gov/service/esa-section-7-consultation for more information regarding ESA Section 7 Consultation.

Section 3.4 of the Recirculated DEIR under "State Laws, Regulations, and Policies – California Endangered Species Act" (page 3.4-45 and 3.4-46) states:

> Based on a review of recent ecological studies of other projects in the vicinity; aerial photographs and topographic maps; and other relevant scientific literature, technical databases, and resource agency reports, one state-listed wildlife species occurs, or has potential to occurs, in the Revised Draft VMP area: Alameda whipsnake. Three state-

> listed plant species occur, or have potential to occur, in the Revised Draft VMP area: pallid manzanita, Presidio clarkia, and San Francisco popcornflower (*Plagiobothrys diffusus*). If Revised Draft VMP activities would result in take of a state-listed species, an incidental take permit would be required through Section 2081 consultation with CDFW.

Additionally, Section 3.4 of the Recirculated DEIR in "State Laws, Regulations, and Policies – California Fish and Game Code" (page 3.4-46) states:

> The CESA prohibits state agencies from approving a project that would jeopardize the continued existence of a species listed under the CESA as endangered or threatened. Section 2080 of the F&G Code prohibits the take of any species that is state listed as endangered or threatened, or designated as a candidate for such listing. CDFW may issue an incidental take permit authorizing the take of listed and candidate species if that take is incidental to an otherwise lawful activity, subject to specified conditions. F&G Code Sections 3503 and 3513 protect native and migratory birds, including their nests and eggs, from all forms of take. In addition, Section 3511 lists fully protected birds, Section 5515 lists fully protected fish, Section 4700 lists fully protected mammals, and Section 5050 lists fully protected amphibians. CDFW regulates activities that will interfere with the natural flow of, or substantially alter, the channel, bed, or bank of a lake, river, or stream. Section 1602 of the F&G Code requires that CDFW be notified of lake or streambed alteration activities. If CDFW subsequently determines that such an activity might adversely affect an existing fish and wildlife resource, it has the authority to issue a streambed alteration agreement, including requirements to protect biological resources and water quality.

CESA-Section 2081 Incidental Take Permit requires documentation of CEQA compliance. CEQA must be completed prior to receiving an ITP from CDFW, as the permit is considered a discretionary action.

Please review https://wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits for information regarding ITP consultation with CDFW.

Informal/formal consultation with USFWS and/or CDFW has not taken place as the Final EIR has not been available yet for public review and the Final EIR has not been certified.

Response to Comment BR-3

The comment states that an ITP was not obtained. This comment is addressed in Response to Comment BR-2.

Response to Comment BR-4

This comment asserts that Resolution No. 79133 required environmental review, but the Revised VMP and Recirculated DEIR allow spraying of herbicides, which was not allowed in the resolution. See Response to Comment V-4.

Response to Comment BR-5

This comment states that mitigation requirements for CEQA and CESA have not been met. See Response to Comment V-5.

Response to Comment BR-6

The comment states that the Revised VMP should not only address vegetation treatments on City-owned lands but also specify City requirements for private landowners. The comment further states that addressing only City-owned lands is piecemealing. See Response to Comment V-6.

Response to Comment BR-7

The comment states that the Recirculated DEIR does not address naturally occurring asbestos (NOA) and is therefore inadequate. See Response to Comment V-7.

Response to Comment BR-8

The comment states that impacts of goat grazing are not evaluated within the Recirculated DEIR and that impacts of NOA are not evaluated. See Response to Comment V-8.

Response to Comment BR-9

The comment states that that the City of Oakland does not enforce mitigation measures. See Response to Comment V-9.

Response to Comment BR-10

The comment states that the VMP is not specific about where special-status species are located and best practices for working around them. See Response to Comment V-10.

Response to Comment BR-11

The comment states that that the Revised VMP and Recirculated DEIR do not provide enough information on known city locations on Presidio clarkia within the VMP Project area. See Master Response 1. See also Response to Comment V-11.

Response to Comment BR-12

The comment states that that the Revised VMP and Recirculated DEIR fail to be specific about locations and treatments to protect most beautiful jewelflower. See Master Response 1. The Recirculated DEIR was revised to identify most beautiful jewelflower populations in Section 3.4.1 on pages 3.4-12 and 3.4-13; Table 3.4-2 on page 3.4-20; and Impact BIO-1 on page 3.4-54. See also Response to Comment V-12.

Response to Comment BR-13

The comment states that that the Revised VMP and Recirculated DEIR do not adequately protect pallid manzanita or Tiburon buckwheat. See Response to Comment BR-11.

Response to Comment BR-14

The comment states that that Revised VMP and Recirculated DEIR do not sufficiently describe how Alameda striped racer will be protected. See Response to Comment BH-4.

Response to Comment BR-15

The comment states that the Revised VMP and Recirculated DEIR do not address cumulative impacts. The comment also states that, because of the City's record of not enforcing project mitigation measures, the Recirculated DEIR would not be able to mitigate impacts on special-status species to a less-than-significant level. See Response to Comment V-16.

Response to Comment BR-16

The comment claims to report unmitigated impacts to Presidio clarkia from 1956. This comment does not apply to the Revised VMP or the Recirculated DEIR, nor does the comment pertain to the scope of the Revised VMP; therefore, the comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BR-17

The comment claims to report unmitigated impacts to Presidio clarkia from 1982. See Response to Comment BR-16.

Response to Comment BR-18

The comment claims to report unmitigated impacts to Presidio clarkia from 1988. See Response to Comment BR-16.

Response to Comment BR-19

The comment claims to report unmitigated impacts to Presidio clarkia and most beautiful jewelflower from 1993. See Response to Comment BR-16.

Response to Comment BR-20

The comment states that, in 1995, no environmental review was undertaken for parcel development at the end of Colgett Drive. See Response to Comment BR-16.

Response to Comment BR-21

The comment describes the environmental review for Tract 6622 in 1995. See Response to Comment BR-16.

Response to Comment BR-22

The comment states that the City did not enforce mitigation measures for impacts to Presidio clarkia for the 1997 approval of Sunrise Assisted Living Facility. See Response to Comment BR-16.

Response to Comment BR-23

The comment states that a Categorical Exemption was prepared for the 2000 approval of Tract 7336, despite the presence of most beautiful jewelflower and Presidio clarkia at the site. See Response to Comment BR-16.

Response to Comment BR-24

The comment states that the 2001 development of Parcel Map 7159 did not mitigate impacts to Presidio clarkia or most beautiful jewelflower. See Response to Comment BR-16.

Response to Comment BR-25

The comment states that no management for conservation of Presidio clarkia and most beautiful jewelflower has taken place with respect to the Crestmont Project development approved in 2007. See Response to Comment BR-16.

Response to Comment BR-26

The comment states that, from 2008 to the present, the City's vegetation management program has continued to cut Presidio clarkia on the Old Redwood Road and Chadbourne Way properties. See Response to Comment BR-16.

Response to Comment BR-27

The comment states that the 2015-2016 approval of the 5150 Redwood Road development violated CEQA and CESA because there was no CEQA review and no inclusion of mitigation measures to protect on-site species. See Response to Comment BR-16.

Response to Comment BR-28

The comment states that Presidio Clarkia was found in 2019 on 5200 Old Redwood Road. See Response to Comment BR-16.

Response to Comment BR-29

The comment states that the 2020 development on 5200 Old Redwood Road violates CEQA because no comment date was noticed and because no mitigation measures for special-status species were implemented. See Response to Comment BR-16.

Response to Comment BR-30

The comment states that development and vegetation management have had an impact on pallid manzanita populations on Manzanita Drive. See Response to Comment BR-16.

Response to Comment BR-31

The comment states the development along Exeter Drive in the 1980s could have affected the local population of pallid manzanita because no surveys were done before development. See Response to Comment BR-16.

Response to Comment BR-32

The comment states that pallid manzanita has not been properly managed at the Chabot Science Center site. See Response to Comment BR-16.

Response to Comment BR-33

The comment states that the Oakland Zoo expansion project's protection for the Alameda striped racer has not been adequately implemented because the mitigation measure creating a conservation easement was never implemented. See Response to Comment BR-16.

Response to Comment BR-34

The comment states that that the Revised VMP and Recirculated DEIR do not address all known populations of Tiburon buckwheat. See Response to Comment BR-11.

Response to Comment BR-35

The comment states that the City has not enforced mitigation measures for projects described in Comments BR-11 through BR-34. This comment does not apply to the Revised VMP or Recirculated DEIR, nor does the comment pertain to the scope of the VMP Project area, and the comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BR-36

The comment states that the City must establish and create conservation easements for Presidio clarkia on City-owned parcels to mitigate for previous projects/developments. This comment does not apply to the Revised VMP or Recirculated DEIR, nor does the comment pertain to the scope of the VMP Plan area, and the comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BR-37

The comment states that the City has not provided mitigation checklists from previous projects upon public request as required by law. This comment does not apply to the Revised VMP or Recirculated DEIR, nor does the comment pertain to the scope of the VMP Plan area, and the comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BR-38

This comment summarizes Comments BR-1 through BR-37 and states that the Recirculated DEIR is deficient, lacks detail, provides unacceptable level of detail, includes inadequate mitigation measures, and contains a deficient cumulative analysis. The comment does not provide further substantiation. See Responses to Comments BR-1 through BR-37.

Draft Vegetation Management Plan

BS

From Jon Kaufman <jonk@solem.com>
To <Oaklandplanningcommission@oaklandca.gov>, <DEIR-comments@oaklandvegmanagement.org>
Cc Elizabeth Stage <stage@berkeley.edu>
Date 2023-10-30 21:52

To the Oakland Planning Commission:

The Claremont Canyon Conservancy is a 500-member neighborhood organization in the Claremont Canyon area of Oakland. Many of our homes were impacted by the 1991 Tunnel Fire and, in addition to our interest in the preservation and restoration of the natural beauty of Claremont Canyon, wildfire prevention is a major concern. BS-1

We have reviewed the revised DEIR and find it a significant improvement over the earlier draft. We support the revised draft, although we find that the thinning of the eucalyptus plantations remains an unacceptable program. We advocate instead for the removal of the eucalyptus trees and replacing them with oaks and other less fire-prone species. BS-2

Jon Kaufman, President
Claremont Canyon Conservancy
Jon Kaufman

Letter BS: Jon Kaufman, Claremont Canyon Conservancy

Response to Comment BS-1

This comment expresses concern about wildfire in the area. As stated in the objectives of the Revised VMP in Section 1.4, page 9, the Revised VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property.

Response to Comment BS-2

This comment expresses general support for the Plan but prefers that the eucalyptus trees be removed and replaced by native trees. See Master Response 5. See also Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire mitigation, as opposed to ecological restoration.

Comments on the Vegetation Management Plan from an Oakland hills homeowner

BT

From Steve Luzmoor <sluzmoor@gmail.com>
To <DEIR-comments@oaklandvegmanagement.org>
Cc DeVries, Joe <jdevries@oaklandca.gov>, info@oaklandfiresafecouncil.org <info@oaklandfiresafecouncil.org>, <prepare@oaklandfiresafecouncil.org>, <outreach@oaklandfiresafecouncil.org>, <joelle@oaklandfiresafecouncil.org>, Hamilton, Daniel <dhamilton2@oaklandca.gov>, Hunt, Michael <MHunt@oaklandca.gov>, Bryant, Felicia <FBryant@oaklandca.gov>, Covington, Damon <dlcovington@oaklandca.gov>, Unger, Zachary <zunger@oaklandca.gov>, 7 more...
Reply-To <sluzmoor@gmail.com>
Date 2023-11-04 17:47

Vegetation Management, Oakland Fire Department, and Oakland Fire Safe Council staff:
I've been an Oakland hills homeowner since 1989, living just above Highway 13 below Joaquin Miller Road, and I'm writing to provide comments on the Vegetation Management Plan dated September 2023 that I read at:

https://t.e2ma.net/click/nxj70e/bkppocob/7sd3wh

While the priority projects listed in Table 14 look generally reasonable to me, in particular the proposed work for Joaquin Miller Park uphill (east) of my house, the plan does nothing to address the primary fire risk to my property, which the City's fire inspectors and fire companies conducting the annual vegetation inspection program have been unable to address. BT-1

The primary fire risk to my property comes from the CALTRANS corridor vegetation adjacent to the west edge of my property, and the huge amount of tall property line vegetation (up to 30' high) the owners of the adjacent marijuana grow house have planted along the east edge of my property, as near as 6' from our house. City fire inspectors claim that they have no legal authority to enforce the California Fire Code (CFC) for living vegetation on private property, even for vegetation that has grown over the property line and can hit the adjacent house during high winds. BT-2

The above plan document outlined the city's vegetation inspection program, which I believe has caused more harm than good in my neighborhood. The document stated: BT-3

> 5.1.4 Oakland Fire Department Vegetation Inspection Program
>
> OFD's Fire Prevention Bureau conducts approximately 26,000 public and private property inspections annually in the VHFHSZ portion of the City. Inspections are mandated by City of Oakland Ordinance No. 11640. The inspection area is divided into five districts (which differ from City Council Districts), each of which has an inspector.
>
> On City-owned and private lots, fire companies and vegetation management inspectors annually inspect properties to identify and notice those that are out of compliance with the defensible space standards outlined in the City's Fire Code (Section 4907 of the Oakland Municipal Code Chapter 15.12).

The document should have stated that the above inspectors refuse to do anything about living vegetation, so the inspection program is largely ineffective in some neighborhoods, and is an inefficient and misguided use of taxpayer funds.

Since December 2022 I have been unable to get anyone in the city to explain to me why city staff cannot enforce the key sections of the CFC, or contract with an appropriate agency with the authority to do so. City staff and community leaders who I have mostly previously Emailed or talked to about the issues are cc-ed on this Email. BT-4

The relevant CFC sections are:

Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. (CFC 4907.3.1.1) BT-5

Maintain 30-ft fuel reduction zone around all buildings and neighboring structures; more may be required due to steepness of terrain. (CFC 4907.2)

The city has given marijuana growers control over our neighborhood, including allowing them to block the creek in my backyard, and encouraging them in writing to grow 250 square feet of marijuana in public view opposite my daughter's bedroom windows, which is illegal under state law. The actions that the growers have taken that I believe violate both sections of the CFC mentioned above include: BT-6

1) Planting and strapping tall palm trees to a wood carport full of flammable materials including gasoline, with the nearest palm tree 7' from the corner of my house. If their carport catches on fire, flaming palm trees will fall on our house and/or our front yard oak tree. BT-7

2) Planting tall bamboo trees along the property line within 6' of our house windows, with the apparent goal of banging on our windows on windy days and damaging our foundation with an extensive root system. BT-8

3) Heavily irrigating a property line bay tree, even during the winter, that previously cracked about 12' high and fell, such that it has now re-grown to nearly hit our roof (growing in the direction of sunlight). BT-9

Even bamboo and bay trees will burn during a firestorm, and palm trees strapped to a carport with vehicles full of gasoline will definitely burn. In past years I have hired licensed tree service contractors to cut all the oak and redwood limbs/branches near our house, and have zero vegetation touching or strapped to our house. But my efforts to make the area fire-safe have been severely undermined by the city encouraging the marijuana growers to plant an increasing amount of tall property line vegetation each year, much of it strapped to a carport and/or close to the carport or our adjacent house. BT-10

All of the above vegetation should be removed and replaced with fire-resistant shorter native vegetation, I suggest 6' tall or shorter, consistent with the CFC.

The CALTRANS land vegetation east of Highway 13 consists of dense and overgrown brush/trees, and a canopy of tall eucalyptus trees. With much appreciated help from the City's Chief Resiliency Officer, Mr. DeVries, I was able to get CALTRANS to cut down a tall dead pine tree before it fell on our house last winter, but that tree and some smaller dead trees and dry brush CALTRANS chipped in June 2023 were dumped on the city land in front of my house (so we will have even more tall weeds next spring that I will have to cut). The trees/brush CALTRANS cut comprised a very small fraction of the vegetation in the Highway 13 corridor south of the Joaquin Miller Road exit. BT-11

As a higher priority issue than the tasks outlined in the Vegetation Management Plan, I suggest that my Councilmember, Ms. Ramachandran, introduce legislation to require that private property vegetation management inspections in Oakland be done by an agency that will enforce the CFC, with no exceptions other than not requiring mature protected species (redwood and oak trees) that predate home construction in the area from being completely cut down. BT-12

I recommend that the next highest priority hills area fire safety issue for the city to address be to reduce the fire risk from the CALTRANS corridor vegetation east of Highway 13 and south of the Joaquin Miller Road exit. The vegetation management plan doesn't mention CALTRANS, but their vegetation, and the vegetation planted/irrigated by the neighbors on the east property border of my home, are clearly the primary fire risks for our property. BT-13

I would rather see the city spend my tax dollars litigating the Highway 13 corridor fire risk issues with CALTRANS, than pay for fire inspectors to repeatedly mark overgrown private property vegetation adjacent to and touching structures as "in compliance" each year, encouraging even more property line vegetation to be planted and irrigated over the next year. BT-14

If anyone has questions, or would like to view the above issues in person, please contact me.

Sincerely,

Steve Luzmoor

Oakland hills homeowner in OPD Beat 22Y, City Council District 4

Letter BT: Steve Luzmoor

Response to Comment BT-1

This comment expresses general support for the Plan but claims that the plan does not adequately address the author's concern about fire to their home. See Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The Plan pertains to property under the public jurisdiction of the City of Oakland and does not pertain to private property. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-2

This comment expresses concern that the author's neighbors' overgrown marijuana plants violate fire codes but that the City does not enforce the codes and these conditions threaten the author's property. See Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The Plan pertains to property under the public jurisdiction of the City of Oakland and does not pertain to private property. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-3

This comment states that the Oakland Fire Department's vegetation management program has caused more harm than good in the author's neighborhood. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-4

This comment claims that the City has not been able to explain to the author why the fire code cannot be enforced by inspectors. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-5

This comment cites CFC 4907.3.1.1 and 4907.2. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-6

This comment claims that the author's neighbor's marijuana plants violate City and state laws. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-7

This comment mentions the author's neighbor's palm trees and carport as a fire risk. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-8

This comment claims the author's neighbor's bamboo plants are a fire hazard and damage the author's house's windows and foundation. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-9

This comment claims that heavily watering the neighbor's bay tree during winter that has fallen near the author's house previously violates the CFC. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-10

This comment claims that the City is encouraging neighbor to violate fire codes while the author has been in compliance. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-11

This comment takes issue with how Caltrans has managed vegetation near the author's property in the past. This comment does not pertain to the scope of the project as Caltrans does not have jurisdiction over any part of the VMP Project area. This comment will be conveyed to the decision-makers.

Response to Comment BT-12

This comment requests that an agency be formed that enforces CFC rules. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BT-13

This comment requests that Caltrans properties be given high priority for vegetation management. This comment does not pertain to the scope of the project as Caltrans does not have jurisdiction over any part of the VMP Project area. This comment will be conveyed to the decision-makers.

Response to Comment BT-14

This comment requests that money be used to mitigate fire risks on Highway 13 and Caltrans properties rather than on ineffective inspections. his comment does not pertain to the scope of the project as Caltrans does not have jurisdiction over any part of the project area. This comment will be conveyed to the decision-makers.

Re: Comments on the Vegetation Management Plan from an Oakland hills homeowner

BU

From Steve Luzmoor <sluzmoor@gmail.com>
To Hunt, Michael <MHunt@oaklandca.gov>
Cc DeVries, Joe <jdevries@oaklandca.gov>, info@oaklandfiresafecouncil.org <info@oaklandfiresafecouncil.org>, <prepare@oaklandfiresafecouncil.org>, <outreach@oaklandfiresafecouncil.org>, <joelle@oaklandfiresafecouncil.org>, Hamilton, Daniel <dhamilton2@oaklandca.gov>, Bryant, Felicia <FBryant@oaklandca.gov>, Covington, Damon <dlcovington@oaklandca.gov>, Unger, Zachary <zunger@oaklandca.gov>, Merriouns, Iris <ilmerriouns@oaklandca.gov>, 9 more...
Reply-To <sluzmoor@gmail.com>
Date 2023-11-14 22:13

Good Afternoon OFD Chief of Staff Hunt:

Following-up on my 11/4 comments about the Vegetation Management Plan: the multiple fires on the east side of Highway 13 yesterday, below my house and slightly to the south (between the Joaquin Miller Road exit and the old HNU campus), are consistent with my belief that the highest risk of fire to my house is from a blaze alongside Highway 13 spreading uphill to my home adjacent to the Highway 13 fence.

BU-1

There was some TV news coverage, e.g.,

https://www.kron4.com/news/bay-area/all-lanes-of-highway-13-closed-due-to-nearby-fire/

It is not difficult to see how such a fire could spread from the roadside dry grass to the eucalyptus trees adjacent to my property, then to the enormous amount of tall vegetation that the marijuana growers have strapped to their wood carport (including 3 tall palm trees) and the bay tree that they have grown up to and nearly touching our roof.

BU-2

My suggestion is that the taxpayer dollars being spent on the ineffective vegetation inspection program, which encourages marijuana growers to plant and irrigate more tall vegetation next to homes each year, instead be used to force CALTRANS to remove fire-prone vegetation next to Highway 13 (including the eucalyptus trees and large amounts to dense/dead brush), and to strictly enforce the CFC, especially for tall vegetation intentionally grown adjacent to, touching and above homes.

BU-3

I request that CM Ramachandran help with any necessary OMC changes needed in order for vegetation inspections to be done in a more productive way.

I've added the City Auditor to the cc list, and I have encouraged his department to examine why vegetation inspections are making my neighborhood less fire-safe, because they encourage unsafe tall vegetation next to wood structures to be planted and heavily irrigated (including during winter).

BU-4

Sincerely,

Steve Luzmoor

510 710-8531 (cell)

On 11/4/23 10:47 AM, Steve Luzmoor wrote:

Vegetation Management, Oakland Fire Department, and Oakland Fire Safe Council staff:
I've been an Oakland hills homeowner since 1989, living just above Highway 13 below Joaquin Miller Road, and I'm writing to provide comments on the Vegetation Management Plan dated September 2023 that I read at:

https://t.e2ma.net/click/nxj70e/bkppocob/7sd3wh

While the priority projects listed in Table 14 look generally reasonable to me, in particular the proposed work for Joaquin Miller Park uphill (east) of my house, the plan does nothing to address the primary fire risk to my property, which the City's fire inspectors and fire companies conducting the annual vegetation inspection program have been unable to address.

The primary fire risk to my property comes from the CALTRANS corridor vegetation adjacent to the west edge of my property, and the huge amount of tall property line vegetation (up to 30' high) the owners of the adjacent marijuana grow house have planted along the east edge of my property, as near as 6' from our house. City fire inspectors claim that they have no legal authority to enforce the California Fire Code (CFC) for living vegetation on private property, even for vegetation that has grown over the property line and can hit the adjacent house during high winds.

The above plan document outlined the city's vegetation inspection program, which I believe has caused more harm than good in my neighborhood. The document stated:

> 5.1.4 Oakland Fire Department Vegetation Inspection Program
>
> OFD's Fire Prevention Bureau conducts approximately 26,000 public and private property inspections annually in the VHFHSZ portion of the City. Inspections are mandated by City of Oakland Ordinance No. 11640. The inspection area is divided into five districts (which differ from City Council Districts), each of which has an inspector.
>
> On City-owned and private lots, fire companies and vegetation management inspectors annually inspect properties to identify and notice those that are out of compliance with the defensible space standards outlined in the City's Fire Code (Section 4907 of the Oakland Municipal Code Chapter 15.12).

The document should have stated that the above inspectors refuse to do anything about living vegetation, so the inspection program is largely ineffective in some neighborhoods, and is an inefficient and misguided use of taxpayer funds.

Since December 2022 I have been unable to get anyone in the city to explain to me why city staff cannot enforce the key sections of the CFC, or contract with an appropriate agency with the authority to do so. City staff and community leaders who I have mostly previously Emailed or talked to about the issues are cc-ed on this Email.

The relevant CFC sections are:

Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. (CFC 4907.3.1.1)

Maintain 30-ft fuel reduction zone around all buildings and neighboring structures; more may be required due to steepness of terrain. (CFC 4907.2)

The city has given marijuana growers control over our neighborhood, including allowing them to block the creek in my backyard, and encouraging them in writing to grow 250 square feet of marijuana in public view opposite my daughter's bedroom windows, which is illegal under state law. The actions that the growers have taken that I believe violate both sections of the CFC mentioned above include:

1) Planting and strapping tall palm trees to a wood carport full of flammable materials including gasoline, with the nearest palm tree 7' from the corner of my house. If their carport catches on fire, flaming palm trees will fall on our house and/or our front yard oak tree.

2) Planting tall bamboo trees along the property line within 6' of our house windows, with the apparent goal of banging on our windows on windy days and damaging our foundation with an extensive root system.

3) Heavily irrigating a property line bay tree, even during the winter, that previously cracked about 12' high and fell, such that it has now re-grown to nearly hit our roof (growing in the direction of sunlight).

Even bamboo and bay trees will burn during a firestorm, and palm trees strapped to a carport with vehicles full of gasoline will definitely burn. In past years I have hired licensed tree service contractors to cut all the oak and redwood limbs/branches near our house, and have zero vegetation touching or strapped to our house. But my efforts to make the area fire-safe have been severely undermined by the city encouraging the marijuana growers to plant an increasing amount of tall property line vegetation each year, much of it strapped to a carport and/or close to the carport or our adjacent house.

All of the above vegetation should be removed and replaced with fire-resistant shorter native vegetation, I suggest 6' tall or shorter, consistent with the CFC.

The CALTRANS land vegetation east of Highway 13 consists of dense and overgrown brush/trees, and a canopy of tall eucalyptus trees. With much appreciated help from the City's Chief Resiliency Officer, Mr. DeVries, I was able to get CALTRANS to cut down a tall dead pine tree before it fell on our house last winter, but that tree and some smaller dead trees and dry brush CALTRANS chipped in June 2023 were dumped on the city land in front of my house (so we will have even more tall weeds next spring that I will have to cut). The trees/brush CALTRANS cut comprised a very small fraction of the vegetation in the Highway 13 corridor south of the Joaquin Miller Road exit.

As a higher priority issue than the tasks outlined in the Vegetation Management Plan, I suggest that my Councilmember, Ms. Ramachandran, introduce legislation to require that private property vegetation management inspections in Oakland be done by an agency that will enforce the CFC, with no exceptions other than not requiring mature protected species (redwood and oak trees) that predate home construction in the area from being completely cut down.

I recommend that the next highest priority hills area fire safety issue for the city to address be to reduce the fire risk from the CALTRANS corridor vegetation east of Highway 13 and south of the Joaquin Miller Road exit. The vegetation management plan doesn't mention CALTRANS, but their vegetation, and the vegetation planted/irrigated by the neighbors on the east property border of my home, are clearly the primary fire risks for our property.

I would rather see the city spend my tax dollars litigating the Highway 13 corridor fire risk issues with CALTRANS, than pay for fire inspectors to repeatedly mark overgrown private property vegetation adjacent to and touching structures as "in compliance" each year, encouraging even more property line vegetation to be planted and irrigated over the next year.

If anyone has questions, or would like to view the above issues in person, please contact me.

Sincerely,

Steve Luzmoor

Oakland hills homeowner in OPD Beat 22Y, City Council District 4

Letter BU: Steve Luzmoor

Response to Comment BU-1

This comment claims that the east side of Highway 13 represents the highest fire danger to the author's house. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BU-2

This comment mentions the author's neighbors' marijuana plants as a fire risk to their property. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment BU-3

This comment states that money currently used by City to inspect private property should instead be used to force Caltrans to mitigate fire-prone vegetation near Highway 13. This comment does not pertain to the scope of the project as Caltrans does not have jurisdiction over any part of the VMP Project area. This comment will be conveyed to the decision-makers.

Response to Comment BU-4

This comment reiterates that current inspections are ineffective at reducing fire hazards. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Garber Park Project to Remove Eucalyptus Trees

BV

From Janet Macher <janetmacher@icloud.com>
To <info@oaklandvegmanagement.org>, <DEIR-comments@oaklandvegmanagement.org>
Date 2023-10-27 22:22

Dear managers,

A neighbor alerted me to the planned removal of three eucalyptus trees at the Alvarado Rd entrance to Garber Park.

I urge review of the proposed removal for the following reasons:

- The trees are beautiful, provide shade, are well established, and offer habitats for other plants, insects, microbes, and animals (especially rodent-controlling hawks during the day and owls at night). BV-1
- The trees are landmarks and alert drivers to the sharp curve in the road where they stand. BV-2
- My home at 901 Alvarado Rd was destroyed in the 1991 Oakland Hills Fire, yet these trees as well as one nearer the house did not burn. Therefore, I, along with the Hills Conservation Network (Oakland releases proposed Vegetation Management Plan (hillsconservationnetwork.org)), ask that you reconsider the proposed removal. BV-3

Janet M. Macher
901 Alvarado Rd
Berkeley CA 94705

Letter BV: Janet Macher

Response to Comment BV-1

This comment opposes removal of eucalyptus trees because they are established and provide shade and habitat for animals. See Master Response 5 under "Removal of Large or Heritage Trees." See also Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BV-2

This comment opposes the removal of eucalyptus trees because they are landmark trees. See Master Response 5 under "Removal of Large or Heritage Trees." See also Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BV-3

This comment opposes the removal of eucalyptus trees because they did not burn in the 1991 fire. See Master Response 5 under "Removal of Large or Heritage Trees." See also Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Comment on the Recirculated Draft Environmental Impact Report

BW

From Howard Matis <hsmatis@gmail.com>
To DEIR-comments@oaklandvegmanagement.org <DEIR-comments@oaklandvegmanagement.org>
Date 2023-09-21 02:52

Dear DEIR Comments,

I am a survivor of the 1991 Oakland Hills Fire. I appreciate the work that you have done.

What I fear is that the owners have abandoned many unbuildable lots. There is no vegetation management done on those lots. For instance, those on Charing Cross are filled with weeds and dead wood. Some are in foreclosure.

As they have been abandoned, Oakland must take possession of them and clear them so its citizens can be safe. If Oakland does not do it, no one else will.

BW-1

Oakland must clear all abandoned properties not cleared.

Howard Matis
6824 Sherwick Drive

Letter BW: Howard Matis

Response to Comment BW-1

This comment requests that the City of Oakland repossess abandoned lots and mitigate fire hazards on them. The Plan pertains to property under the public jurisdiction of the City of Oakland and does not pertain to private property. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

BX

Comments for the DEIR

From Howard Matis <hsmatis@gmail.com>
To DEIR-comments@oaklandvegmanagement.org <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-21 18:16

I hope there is still time to comment. I looked at the Draft Environment Report. There is one major deficiency.

The Bristol, Sherwick, Charing Cross, to Hiller, is not listed as an emergency evacuation route. This is the road that people evacuated on, not Tunnel Road. Tunnel Road is too narrow.

BX-1

During the fire, I watched people use the route. Eight people were trapped getting out of this route. When a tree fell from a slope and blocked the road.

This route needs to be cleared. The vegetation needs to be cleared from this road. It is much too dense. I would be happy to talk to you.

Howard Matis
510-717-0201

Letter BX: Howard Matis

Response to Comment BX-1

The comment recommends that Hiller, Charing Cross, and Sherwick Roads be labeled as Priority roads in the Revised VMP. The comment also includes specific recommendations for fire risk reduction along these roads (e.g., parking restrictions, road widening, road patrolling for parking violations, veg clearing). Some of the recommendations are outside of the scope of the Revised VMP and Recirculated DEIR (e.g., parking restrictions, road widening). The Revised VMP and Recirculated DEIR have been updated to include the area within 30-100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees (as determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property and could strike the road if they fell. Contact Oakland City staff for concerns about parking and road widening.

Public comment on DEIR for Oakland Vegetation Management Plan

BY

From Mary McAllister <marymcallister@comcast.net>
To DEIR-comments@oaklandvegmanagement.org <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-06 13:21
Priority Normal

scripps-ranch-nytimes.jpg (~294 KB)

Recirculated Draft of Oakland Vegetation Management Plan and DEIR

Public Comment

I support the new version of the Oakland Vegetation Management Plan because it will thin trees and vegetation and remove dead trees and fire ladders to canopies in management areas. The most significant revision of those vegetation management standards is the expansion of clearance of dead and dying trees from 30-100 feet from the edge of 300 miles of roadsides on city-owned property. **The management standards defined by the previous version were acceptable to me and the proposed revision of those standards are also acceptable to me.** BY-1

However, I am sorry that more eucalyptus will be removed because the diameter size standard for removal has been increased from 8 to 10 inches (greater than 31" circumference). The flammability of eucalyptus has been exaggerated by native plant advocates who want all non-native trees to be destroyed. California's native vegetation is fire adapted and fire dependent. Many of our most prominent native plants—such as ceanothus and manzanita–will not germinate in the absence of fire. Most wildfires in California occur in native shrubland and native conifer forests. When wildfires enter suburban areas--as happened in the East Bay in 1991--the homes themselves are the primary fuel of the fires. (See attached photo of the Scripps Ranch fire in San Diego that burned an entire residential neighborhood in 2003 without igniting the adjacent eucalyptus forest.) BY-2

The planned removal of isolated non-native trees within stands of native trees is unnecessary because it will not reduce fire hazards. The VMP should be a fire hazard reduction plan, NOT a native plant restoration. The characteristics of trees vary, but the variation is unrelated to the national origin of species. Some native tree species are more flammable than some non-native trees and vice versa. BY-3

Although I recognize that dead trees are important for the long-term health of forests because they provide food and habitat for insects and birds as well as recycle nutrients into the soil, we can't indulge that preference in very high fire hazard zones in high-density population areas that will be treated by Oakland's Vegetation Management Plan. As always, we must set priorities and the public's safety must be a high priority. BY-4

The revised Vegetation Management Plan is the compromise I had hoped for. Specifically, I had hoped that fire hazards could be reduced in Oakland without destroying more trees than necessary to mitigate fire hazards. The thinning strategy proposed by the VMP has been used successfully by the East Bay Regional Park District for over 10 years. It leaves the canopy intact so the forest floor is shaded, which suppresses the growth of weeds and keeps the forest floor moist, which retards ignition. BY-5

I had hoped that herbicides would not be used in public parks, but did not achieve that goal. However, I am grateful that the revised plan makes many efforts to protect the public, their pets, wildlife, and goats grazing in project areas from exposure to the herbicides that will be used. (Improvements in these protections are described on pages 2-81, 3.3-29, 3.3-32) There are also extensive new protections for monarch butterflies and a rare species of bee (see page 3.4-86). BY-6

A functioning democracy requires compromise. Although I support the present version, I do not consider it ideal, but it will end 7 years of gridlock. BY-7

Mary McAllister
Oakland, CA 94611

November 6, 2023

Letter BY: Mary McAllister

Response to Comment BY-1

This comment expresses support for the Proposed Project. This comment will be conveyed to the decision-makers.

Response to Comment BY-2

This comment opposes the removal of eucalyptus trees. See Master Response 5 under "Removal of Large or Heritage Trees." See also Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BY-3

This comment claims non-native trees are being removed because they are non-native rather than because they are fire hazards. The goals of the Project are oriented towards fire mitigation, as opposed to ecological restoration. See Master Response 5 under "Removal of Large or Heritage Trees." See also Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Response to Comment BY-4

This comment supports the plan to remove dead wood to mitigate fire hazards. This comment will be conveyed to the decision-makers.

Response to Comment BY-5

This comment expresses support for the Proposed Project. This comment will be conveyed to the decision-makers.

Response to Comment BY-6

This comment expresses the author's preference that herbicides not be used but that the author is content that its use is limited. See Master Response 3.

Response to Comment BY-7

This comment expresses general support for the Proposed Project but mentions that it is not ideal. This comment will be conveyed to the decision-makers.

Revised Draft VMP Recirculated DEIR Comments

BZ

From SF Forest <sfforestnews@gmail.com>
To <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-04 17:16

I.
Oakland's Vegetation Management Plan continues to call for the use of herbicides where they are currently prohibited, representing a roll back of the 1997 city ban on pesticide use that already has too many exemptions, which should be revoked, not added to.

- Herbicidal chemicals are more toxic, more persistent, more mobile and **more dangerous than their manufacturers disclose;**
- Scientific **studies associate exposure to herbicides with cancer**, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system;
- There is no safe dose of exposure to those chemicals because they **persist in soil, water, and animal tissue**, so even low levels of exposure could still accumulate and harm humans, animals, and the environment;
- **Especially vulnerable individuals** include infants, children, pregnant women, the elderly, people with compromised immune systems and chemical sensitivities;
- **Toxic runoff from herbicides pollute streams and groundwater**, and therefore the drinking water sources;
- Herbicides are **harmful to pets and wildlife** – including threatened and endangered species, plants, and natural ecosystems;
- Herbicides are harmful to soil microbiology and **contaminate soil into the future, reducing biodiversity** in sensitive areas.

BZ-1

People have a right not to be involuntarily exposed to herbicides in the air, water or soil that inevitably result from chemical drift and contaminated runoff.

You are using taxpayers money to poison the environment and all of us.

This Tuesday, October 31st, a California jury has awarded $332 million to a man who sued Monsanto/Bayer Co. contending that his cancer was related to decades of using its Roundup weedkiller. On Friday, October 27th the jury award in another Monsanto case was $175 million. And on October 20st the verdict was only $1.25 million. Not just glyphosate/Roundup but all high toxicity herbicides are dangerous and should be banned.

II.
The plan increases the trunk size of eucalyptus to be removed from 8 to10 inches. Those are big trees providing important ecological services and they should be preserved.

The flammability of eucalyptus has been greatly exaggerated by native plant advocates who want all non-native trees destroyed. "Native" trees - not eucalyptus - are burning in most of the California wildfires. The planned removal of isolated non-native trees within stands of native trees is unnecessary because it will not reduce fire hazards. The VMP should be a fire hazard reduction plan, NOT a native plant restoration.

BZ-2

Sincerely,

San Francisco Forest Alliance

San Francisco Forest Alliance is a 501(c)4 not-for-profit organization with a mission of **inclusive environmentalism**. We fight to protect our environment through outreach and providing information. We oppose the unnecessary destruction of trees, oppose the use of toxic herbicides in parks and public lands, and support public access to our parks and conservation of our tree canopy. We stand for transparency in the use of public funds

Letter BZ: San Francisco Forest Alliance

Response to Comment BZ-1

This comment expresses opposition to the use of herbicides. See Master Response 3. See Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP.

Response to Comment BZ-2

This comment expresses opposition to the removal of eucalyptus trees. See Master Response 5 under "Removal of Large or Heritage Trees." See also Section 2.3.1.3, "Tree/Woodland/Forest," of the Revised VMP for a description of fire hazards specific to eucalyptus trees.

Public comments

CA

From Anna Sarukhanov <annasarukhanov@gmail.com>
To <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-02 21:50

Hello,

There are many overgrown trees in the Claremont Hills Area even along Tunnel Rd. Considering that this is where the Oakland fire started and destroyed the area, it is crucial to make sure that we maintain the area well and prevent any future fires from happening. Also some of the huge trees are growing at an angle along Tunnel Rd and will most likely fall with the rain and wind. Can we get the city to prune trees?

CA-1

Anna Sarukhanov
Buckingham Blvd, Claremont Hills

Letter CA: Anna Sarukhanov

Response to Comment CA-1

This comment requests that trees leaning over Tunnel Road be pruned or removed. This comment has been superseded by revisions incorporated into the Recirculated DEIR. See Master Response 1.

CB

Alternative 3–No herbicide use

From LESLIE SMITH <lesliesmth@aol.com>
To <DEIR-comments@oaklandvegmanagement.org>
Date 2023-09-21 06:15

We are in the midst of the sixth mass extinction, this time completely caused by humans. We must immediately desist in the use of herbicides if any species are to survive. There is zero choice. Insect populations are collapsing and all herbivores and omnivores eat plants. The sooner we cease our practices the increase extinction, the sooner the cure can begin.

CB-1

Leslie Smith
6046 Fairlane Drive
Oakland 94611

Sent from my iPad

Letter CB: Leslie Smith

Response to Comment CB-1

This comment expresses opposition to the use of herbicides. See Master Response 3. See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP.

DEIR Comments

From Elizabeth K Stage <stage@berkeley.edu>
To <DEIR-comments@oaklandvegmanagement.org>
Cc Elizabeth <stage@berkeley.edu>
Date 2023-11-05 23:41

CC

November 5, 2023

Elizabeth Stage
1247 Alvarado Road
Berkeley, CA 94705
(Oakland Resident)

To whom it may concern,

I've been a resident of the very high fire hazard severity zone in Oakland's North Hills for more than four decades. I live in the Claremont Canyon about fifteen feet from the boundary of the 1991 Hills Fire and a quarter mile from Garber Park. My Neighborhood Council is the North Hills Community Association and I'm delighted that its board supports the revised plan. I'm a board member of the Claremont Canyon Conservancy; Jon Kaufman, our President, has communicated our support to you. And I'm Vice Chair of the Oakland Firesafe Council; our board voted unanimously to endorse the plan. CC-1

As you may recall, these organizations were among the most vocal and persistent in requesting changes in the previous drafts and we are now standing together to support this significantly improved plan because it provides a strong foundation for the work that must be done ASAP. CC-2

Not surprisingly, we wish the goals of removing highly flammable trees were more ambitious; we know how expensive it is to clear these trees on our properties. However, increasing the roadside clearance from 30 to 100 feet is going to make the high-risk fire zone substantially safer. Indeed, all of Oakland and ridge-line neighbors in Alameda and Contra Costa counties will be less vulnerable to the spread of fire and particulate matter in the air. CC-3 Similarly, we wish that there were more plans to restore cleared hillsides with less fire-prone plans so they can propagate and decrease erosion. CC-4 Increasing collaboration with the volunteers who steward the city parks, however, is an important step in that direction. And it would have been great to anticipate the likely changes in climate over the next decade, but I understand that under CEQA you're allowed to use a credible source that looks backward. No doubt you've had to develop a plan that would have broader consensus so that we can create a successful ballot measure, so thanks for providing a stronger plan. CC-5

Elizabeth K Stage
stage@berkeley.edu
510-332-0577 (cell)

Letter CC: Elizabeth Stage

Response to Comment CC-1

The comment expresses general support for the Revised VMP. This comment will be conveyed to the decision-makers.

Response to Comment CC-2

The comment states general support for the Revised VMP. This comment will be conveyed to the decision-makers.

Response to Comment CC-3

The comment expresses a desire for more ambitious removal of flammable trees but acknowledges that increasing roadside clearance from 30 to 100 feet will increase fire safety in the area. This comment will be conveyed to the decision-makers.

Response to Comment CC-4

The comment expresses a desire for more plans to plant fire-safe species on cleared hillsides. As stated in the objectives of the Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. Replacement/restoration is not a goal of the VMP. Additionally, during VMP development, the City received feedback requesting that the plan not replace non-native trees/vegetation with native vegetation. Though the results of such a plan may meet fire hazard reduction goals, the VMP does as well by addressing areas with the highest fire hazard and prioritizing treatments there.

Response to Comment CC-5

The comment states a desire that the plan more specifically discuss future local effects of climate change, but recognizes this is not a requirement of CEQA. This comment will be conveyed to the decision-makers.

Draft Oakland Vegetation Management Plan

CD

From Mike Vandeman <mjvande@pacbell.net>
To <deir-comments@oaklandvegmanagement.org>
Reply-To <mjvande@pacbell.net>

Date 2023-09-21 02:54

Please remove all non-native plants from city property (unless they are for producing food, such as fruit trees)! See https://mjvande.info/habitat_restoration.htm

--

Machine-Free Trails Association

I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help? (I spent the previous 8 years fighting auto dependence and road construction.)

Wildlife must be given top priority, because they can't protect themselves from us.

Please don't put a cell phone next to any part of your body that you are fond of!

Stop obeying dictators and incompetent leaders from this time forward! Please share this message as widely as possible!

Are you still driving? Why?????

https://mjvande.info

To not receive email from me, just reply and ask to be removed.

CD-1

Letter CD: Mike Vandeman

Response to Comment CD-1

This comment requests that all non-native plants be removed from City property. See Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire mitigation. Removing non-native plants for restoration purposes is not within the scope of the plan.

My response to the Oakland Vegetation Management Plan

CE

From slakewings@aol.com <slakewings@aol.com>
To <deir-comments@oaklandvegmanagement.org>, slakewings <slakewings@aol.com>, Coalition To Defend East Bay Forests <eastbayhills@googlegroups.com>, HCN <inquiries@hillsconservationnetwork.org>
Date 2023-11-06 05:32

My response to the Oakland Vegetation Management Plan

First, I want to thank you for using my photo of the American Kestrel. I also am relieved to see the important historical information you included, about the Ohlone and Chochenyo and other original peoples, as well as the horrific attempt by the European invaders to commit genocide to steal the land. I also appreciate the information about how trees improve our health and the environment, and how it's the richest neighborhoods who have the most trees, and the poorest, in the flatlands, where it is so polluted by industry, ugly, filthy, depressing, has the least. The rich know the value and beauty of trees, while the poor often don't even own where we live or have any choice about trees. (I live in a working class/poverty class neighborhood that borders more poor but also middle class, and is immediately recognizable as not middle class because of so many apartments and rentals, potholes in the street, and also mostly treeless.

CE-1

Second, I had trouble seeing the site, and especially the comments (where I could only see one or two lines at a time), and I never found a way to see an index to search for topics. I'm having computer trouble, and am disabled from chronic illness, so finally gave up and decided to post what I've sent in the past, which sounds like it still should be relevant.

CE-2

My concerns:

The most disturbing part of your plan is that it **introduces** pesticides into the parks and open spaces where it is now banned. This will cause more cancer and chronic illness in humans as well as killing animals, polluting the earth, air, water. Saying it will be "limited" is not good enough. There is no rational reason to do this other than for money.

You must know that Marin parks and Open Spaces, including the Marin Municipal Water District, which manages most of Mt. Tamalpais, has stopped all pesticide use so you could also. (The last group who insisted fragile Ring Mountain in Marin **had** to be sprayed were stopped by law, and the brush cutters used instead worked perfectly.) Again, I am left wondering how much money from the poison manufacturers like Monsanto and Dow influence your decisions.

CE-3

The main focus is about fire prevention, but this plan is more likely to cause catastrophic fire than prevent it.

Most fire has one cause: Man -- whether it's PG&E, avoidable accidents (fireworks, barbecue, cigarettes, etc.) or deliberate arson. (Your plan opens the parks in ways that make them far more welcoming to arsonists than a closed, dense, dark forest full of poison oak and blackberry thorns.) Local news stations reported that PG&E caused at least 7 of the recent major fires, and over 2000 other ignitions. The CPUC determined that PG& E was responsible for the most catastrophic fire in California history. The documentary on PBS by Frontline, actually shows PG&E starting the Paradise fire: https://www.pbs.org/wgbh/frontline/film/fire-in-paradise/.

CE-4

Every branch or limb cut, every shrub or vine or tree killed, increases the heat and dryness and eliminates moisture from the parks and the earth. I'm not even going to refer to "carbon sequestering" or saving the "canopy" because those divert from the real issue, which is that the parks need to be left alone, to grow as dark and dense and moist as possible, which they can do without human harassment. There is no need to spend money on making our parks more in danger from fire. If we eliminate the money to be made from killing the trees and opening up the parks, then there is no rational reason for most of this plan.

CE-5

Wind is the major fire problem besides heat and dryness. Wind increases the dryness that leads to fire and spreads fire. So why on earth do most agencies' plans want to open our parks to more wind? Recommending thinning "mature pine or cypress stands to reach an average 30-foot horizontal spacing" is an enormous distance and makes no sense. The so-called "defensible space" recommendations also increase fire risk. There is absolutely no reason to prune or "limb" or make space between trees by "thinning" unless you want to increase wind and thereby increase fires, especially since every cut on a tree opens it to disease. Trees also don't compete for water and resources, but work together. It's been documented that if one tree needs help, the nearby trees try to provide the moisture, food, etc. Why on earth do humans think they know better than the trees and other plants how want to live? Haven't humans done enough irreparable damage to the Oakland hills forests, once the tallest in the world?

CE-6

The 1991 firestorm was caused by humans when the original grass fire was not fully put so the next day firefighters inadvertently kicked up embers. The wooden houses caught fire quickly while the streets acted as wind tunnels, spreading the fire, but still, it did not go into the parks. Yet trees are blamed.

Meanwhile, Oakland has had devastating fires in the flatlands and other parts of the city far from parks and maligned trees. The Ghost Ship fire is one example, so why are trees targeted in this enormous money-making plan, when there has been no fires in our parks in all these years?

CE-7

The revised document looks like a patchwork that is missing awareness of the connection with nature that make up our parks. One section refers to wanting to increase rare species of plants and animals, while another section is about eliminating them. You can't so damage a forest and expect to still have diverse animal and plant habitat.

If you want to see what a healthy, more natural forest looks like, go to Muir Woods. It's relatively tiny, but it has the rare Spotted Owl, Pileated Woodpeckers, Barred Owls, Giant Pacific Salamanders, etc. and incredibly rare wildflowers. You can see that the ground is covered with what would be considered a fire hazard elsewhere, but is actually the opposite. It's a shambles of fallen trees and debris with signs saying to not remove a single twig because the birds need them. CE-8

Another, very different forest example is on EBMUD land in Moraga, by a creek and reservoir. It's not natural at all, but has become a wildlife sanctuary because of how EBMUD maintains it. They allow dead trees to stand so the acorn woodpeckers can use them as granary trees and other birds nest and hunt in them. They allow Poison Oak to climb over 30 feet into the Monterey Pines. (In spite of that being called a "fire ladder," it's the opposite, because living plants do not easily burn and also limit wind.) They allow the beautiful native Monterey Pines (yes, they are native) to continue so that the new baby trees grow to replace the old trees. Why on earth kill them when they enrich the soil like no other tree, bring down fog drip, and feed so many animals? (This is a wonderful place to see unusual bird species as well as bobcats and coyotes.) CE-9

There are only a few Eucalyptus there, who are large and old, proving that they do not easily spread. They provide ideal nesting for large raptors because they are safer for the fledglings to learn to fly in than the shorter, denser oaks and bays. There is an amazing variety of birds, but I have also seen three rare species of snakes, including the Alameda Whipsnake, who was in a particularly dark dense part of the forest, and not what the Oakland Veg. M recommends. You say you'd like the Dusky-Footed Woodrats to return, but do you know they need a dense forest with fallen branches and twigs to build their enormous nests (some taller than humans) that have chambers where other species live, including some endangered? I've never seen as many Woodrat nests as at this Moraga site. (I can show anyone who wants to see fifty of them in a short walk.) This site also has the Western Pond Turtles that the OVM plan wants. CE-10

If the OVM team truly wants the Special-Status Animal Species you mention, like Bald Eagles, Golden Eagles and White-tailed Kites (who are also at the Moraga EBMUD site), then don't remove any trees. Those animals need to have decent habitat, which means not eliminating herbs like Fennel (which is edible to humans, as well as medicinal), which feeds small birds and rodents, who then would feed the raptors and other predators. Fennel also feeds beautiful Anise Swallowtails, so why are they targeted other than being "non-native"? CE-11

In spite of Cotoneaster's red berries feeding many bird species, including Cedar Waxwings, in your plan, Cotoneaster is said to be "thought capable of invading intact ecosystems, where it competes with native vegetation for water, nutrient, and light resources." Sorry, but did the person who wrote that ever see one? They are quite short, barely qualify as a tree, do not spread, and I have only ever seen them in already very disturbed environments and not wilderness parks. Considering how many native animals they feed, how are they a problem? But it's like this with all the targeted plants, such as the incredibly beautiful flowering and edible brassicas, mustard and radish. How are highly flammable dead grasses and Poison Hemlock better than these flowers who maintain moisture and stay green throughout the dry season, and also provide shelter for and feed animals? I've seen rare long-tailed weasels playing in them. Why kill impressive Pampas grass that helps prevent erosion? Or the artichoke relative, Cardoon, who is both beautiful, with large electric blue flowers, but also edible, and sold in gourmet produce stores? Yellow Star Thistle blooms brilliant color when all else is dead and dry, providing significant nectar for honeybees, yet is extremely hated. What do you want instead, bare earth? (These plants are simply targeted because they are not native and are called "trash" by non-native nativists.) CE-12

Mulching isn't an improvement when it's chipped trees that can spontaneously combust, and mulching also eliminates native bees who need bare ground to nest. As honeybees are killed by pesticides, we might soon need those native bees for pollination. This is the problem when focusing only on killing one plant alters the entire eco-system. CE-13

The list of "invasive" plants in the plan is bizarre because it includes trees and other plants that aren't even in this area outside of a Botanical Garden and if they did appear magically, would not spread at all.

The plan itself says: "*researchers in Marin County, California, were unable to burn a mature, uncut broom stand, and a young uncut stand had only spotty combustion"* (Odion and Haubensak 2002). So why target broom species? They bloom bright yellow in the dark of winter and have the most delicious scent imaginable. Even more importantly, they fill in and cover highly flammable dry, dead grasses, and when the trees return, the broom disappears. They are ideal in helping change grassland to forest. CE-14

But instead, "The Weed Worker's Handbook" in your plan recommends putting poison on every plant listed to kill what is considered a problem, but poison is the problem, contaminating the earth, water, air, killing animals and unintended plants. **And pesticides kill humans, no matter how it's applied**. Yet your concern is less *"about the potential to affect non-target vegetation and/or wildlife,"* and more about "*public concern regarding potential health impacts from herbicide use."*

You can say that the poisons are to be safely applied by a "licensed professional," but that does not stop the harm it does. If you have ever seen a California Newt dying an excruciating death after walking through a recently sprayed area, you wouldn't be so casual. We know that glyphosate (which is already in all our bodies) and other poisons kill humans too. There is no safe way to use it, no safe dose, and it also pollutes where it's manufactured. **How about if the next people who die from it are those who order the spraying, rather than the workers?** Plus, how do we trust any agency when I saw poison illegally sprayed from an unmarked container in an EBRP? (And no, saying CE-15

they are just "dabbing" or otherwise applying it does not reassure me.) Also, how can we trust anyone who uses such shockingly patronizing misinformation and propaganda as at this influential site? https://www.cal-ipc.org/.../Cal_IPC_Symposium_2019_Chris_McDo...

Of course they never answer how or why there is any reason to use the poisons -- or where the water goes that they recommend washing off the clothes, equipment, etc. Not one more death or case of chronic illness justifies these poisons. But this con will convince people to keep exposing themselves. CE-15

Part of what makes me skeptical of intent are the myriad contradictions, like the bizarre piles of dead branches often left lying around in park lands, even while living trees are killed as "fire hazards." The "masticators" and other heavy machinery that damages the earth are recommended to kill plants yet actually leave shredded branches that are extremely flammable, but no one notices? CE-16

Most people don't realize that the European invaders drastically altered California weather -- from eliminating most of the once extensive inland lake (where birds still migrate to, from across the earth) which affects the Delta and the Sierra snow pack (and is likely why the Sequoiadendrons are suffering), to clearcutting what had once been the largest estuary Oak forest in the world in Oakland (hence the name), to clearcutting the largest Redwoods in the world in the Oakland hills. Those Redwoods would have brought down massive fog drip, filling the creeks to the bay. Parts of Oakland would have been wet year round. The way they destroyed the earth with their machinery permanently altered the land, killing the rare plants that OVM wants to return. But people can learn from this, knowing that continuing to kill trees and other plants will continue damaging the land. CE-17

You can see in Marin, on Mt. Tamalpais, that the logging to clear cut their Redwoods did not do the same damage as to Oakland. There is a wonderful variety of rare wildflower species still growing under the baby (but now huge) Redwoods on Mt. Tamalpais, but they are gone from Oakland. They also have the exquisite Douglas Fir that can grow taller than Redwoods and together they bring water down from the fog. (There was a small trail in Redwood Park in Oakland that had some beautiful rare wildflowers, but EBRPD mistakenly ordered everything cut to the ground, apologized, and then brought in heavy machinery that destroyed what was left. It's so easy for a supposed mistake to have permanent consequences. Now, if we want to see those rare wildflowers, we have to travel to another county.) CE-18

Lauding the "Friends of Sausal Creek" as a "stewardship group active in vegetation management efforts in Dimond Canyon Park" does not inspire confidence when they killed 40 large, healthy Redwoods for no rational reason. (I was told the trees' crime was being from Crescent City, which made them "non-native," whatever that means.) Oakland is so barren and treeless, yet this group was allowed to do this? And they also advocate massive pesticide spraying in their nativist fanaticism, contaminating the land and creek to the bay. Why haven't they been stopped? Promoting them and other nativist groups while completely ignoring the people and organizations who have been working to protect our parks shows disturbing bias. (Members of some of those nativist "steward" groups have advocated that the OVM plan match the proposal in the FEMA EIS, which the city was already sued over, and lost, by the Hills Conservation Network.) CE-19

So why not name and recommend people and groups who have been working for years to protect our parks -- like East Bay Pesticide Alert (who provided toxicology and alternatives to city officials and involved agencies back in January 2005), and Save the East Bay Hills (who submitted extensive comments that don't seem to have been mentioned in the revised draft)? Our Coalition to Defend East Bay Forests included members injured and disabled by pesticide poisoning, and some have attended all the meetings of the last years for this plan and consistently opposed the use of pesticides. CE-20

You could have balanced your extensive citations of Cal-IPC with alternative perspectives, such as by David Theodoropoulos, who debunked 'Invasion Biology' as a pseudo-science, but which Cal-IPC's entire existence is based on. https://www.youtube.com/watch?v=n1i3RP7eDFc

And instead of citing Cal-IPC's "Weed Workers' Handbook," where are the alternatives to pesticides used by Tao Orion, a longtime worker in the field of "restoration," which Cal-IPC pushes along with pesticide use. And where is there mention of Dave Maloney, retired Oakland firefighter, former Chief of Fire Prevention at the U.S. Army Base in Oakland, and member of the Oakland-Berkeley Mayor's Firestorm Task Force, who wrote "The Next Major Fire in the East Bay Hills"?
https://milliontrees.me/2016/03/25/the-next-major-fire-in-the-east-bay-hills/ CE-21

Another serious environmental worry listed in your plan is the acknowledgement that the machinery you're planning to use can cause fires and poison the parks: *"Service and fuel heavy equipment only in areas that will not allow grease, oil, fuel, or other hazardous materials to pass into streams or retained vegetation; Remove from the site and properly dispose of all refuse, litter, trash, and non-vegetative debris resulting from vegetation treatment operations; Ensure that hazardous materials spill kits are available on all heavy equipment."*

How about not risking any of this? CE-22

This is personal to me because your plan would destroy most of what makes these parks special. In a small section of Joaquin Miller park, Monterey Pines enrich the otherwise clay soil and so there is an amazing variety of mushrooms. The Bay Area Mycological Society has events to show the over 40 species in a 20 minute stroll. It's an excellent way to learn species without having to drive hours to other counties. This is the same area that a local conservation biology group teaches people how to find and see two native scorpion species with UV lights. Who even knew Oakland had these interesting little animals? But it won't take much to destroy this habitat. Just kill the pines and open the forest to wind and increasingly deadly sun, followed by fire. CE-23

Your plan also ignores that the various Oak species are ill and dying. Bay trees might be next. Redwoods are suffering because of lack of rain and adequate fog drip and they need every bit of tree companionship they can get in order to survive. The June issue of National Geographic ("Talking Trees" by Daisy Chung and Ryan Williams, p. 26), describes how tree species help each other survive. I've wondered if the Oaks with Sudden Oak Death who are predicted to be dead in a few decades could be helped to heal in this way. But the trees need to be as close as possible for the mycorrozial fungi to connect and help them. The plan to isolate and separate trees is not how they naturally grow, and instead weakens them, as well as drying out and heating the earth. Redwoods who need to conserve as much moisture as possible especially suffer. CE-24

Wouldn't it make sense to diversify our forests so we aren't without trees as disease spreads and heat increases? We have several species, native and not, perfectly suited to this changing environment. Native Douglas Fir live for hundreds of years and are incredibly disease and pest resistant, and do well in both hot and cold environments. The Grey Pine/Pinus Sabiniana who are east of Oakland in Mt. Diablo could also be planted here. But we already have extremely drought tolerant and disease resistant Acacia species (including the gorgeous golden wattle Acacias) and several Eucalyptus species. (In terms of fire risk, I could demonstrate trying to set fire to Euc leaves or bark here to show you how difficult that is). When older, Eucalyptus trunks are like steel, and they are perfect windbreaks. (Many people don't know that they were planted specifically as windbreaks on farms out in the open, and not just for lumber.) CE-25

Why not commit to not killing another tree and actually talking with us about how to truly prevent fires while enriching our parks, instead of continuing on this destructive path?

You describe in detail about working around some of the more vulnerable animals species, including relocating them, but you should know that that is likely to kill them. Animals have a complex relationship with the trees and other plants and animals and the territories they have fought to win. (Again, mistakes inevitably happen. I tried working with Audubon to save the Burrowing Owls in Berkeley, only to see that those in charge knew nothing about the birds and so inadvertently destroyed their habitat, driving the owls away. They apologized, but continued doing more damage.) CE-26

Your plan refers to leaving trunks of killed trees to prevent hillsides collapsing but that is another disaster in the making. The trees hold hillsides up, as do the beautiful, evocative, but hated broom. As people lose their homes to landslides, being told the cause was fire prevention will be small comfort. Go along Skyline and in Montclair to see houses and hillsides coming down after Eucalyptus and other trees have been killed. (Also, so many trees have been killed in the Oakland hills that much of the privacy people moved there for is disappearing.) CE-27

We need every tree we can get as our climate continues to heat. The difference in how it feels on a very hot day to be on an Oakland street versus under the trees in our parks is dramatic and tens of degrees difference.

Most parts of the US want more trees, but the Bay Area seems set on cutting them down. We can easily see the results in every cut areas, where the highly flammable grasses and thistles and Poison Hemlock spread. (Those plants cannot successfully grow in shade.) And once the targeted trees are killed or "thinned" or "limbed," there is no returning them to a natural, healthy state. They also make an ugly sterile-looking unnatural "park." It's a terrible plan. CE-28

Please, OVM, take the lead in being on the right side of history, inspiring other cities, and making Oakland safer and more beautiful, but not more vulnerable to fire.

Bev Jo Von Dohre

Slakewings@aol.com

Letter CE: Bev Jo Von Dohre

Response to Comment CE-1

This comment commends the inclusion of historical information in the updated Plan. This comment will be conveyed to the decision-makers.

Response to Comment CE-2

This comment reports that the author had difficulty accessing site pictures and comments. This comment will be conveyed to the decision-makers.

Response to Comment CE-3

This comment expresses opposition to the use of herbicides. See Master Response 3. See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP.

Response to Comment CE-4

This comment claims that the Plan makes the site more accessible to potential arsonists. See Master Response 5.

Response to Comment CE-5

This comment expresses opposition to removing or thinning any plant life. See Master Response 5.

Response to Comment CE-6

This comment expresses concern that thinning or removing trees will increase wind speeds and therefore fire risk. See Master Response 5. See also Table 7, "Fire Behavior Characteristics for VMP Area Fuel Models," in the Revised VMP.

Response to Comment CE-7

This comment claims that buildings are to blame for fires more than plants. See Master Response 5.

Response to Comment CE-8

This comment claims that the Plan is contradictory about attempting to protect rare species. See Master Response 5. See also Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources,* of the Recirculated DEIR.

Response to Comment CE-9

This comment cites EBMUD management of a Moraga site as a good example of forest management. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CE-10

This comment describes the forest at the Moraga site. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CE-11

This comment opposes the removal of any trees. See Master Response 5.

Response to Comment CE-12

This comment opposes the removal of non-native species as well as the distinction between native and non-native plants. See Master Response 5. See also Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire mitigation, as opposed to ecological restoration.

Response to Comment CE-13

This comment expresses opposition to mulching. See Master Response 5.

Response to Comment CE-14

This comment expresses opposition to removing broom. See Master Response 5.

Response to Comment CE-15

This comment expresses opposition to the use of herbicide. See Master Response 3. See also Section 8.4.3, "History of Chemical Treatment Use in the Plan Area," in the Revised VMP.

Response to Comment CE-16

This comment expresses skepticism about current forest management activities that leaves burn piles and use masticators, citing concerns that these activities increase fire risk. See Master Response 5.

Response to Comment CE-17

This comment describes the pre-contact Bay Area forests and claims the Plan will further harm rare species. See Master Response 5. See also Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources,* of the Recirculated DEIR.

Response to Comment CE-18

This comment cites alleged past mismanagement of forests by EBRPD. See Appendix J, *Protected and Endangered Species Policies and Procedures*, "IV. Procedures – A. Plants" in the Revised VMP.

Response to Comment CE-19

This comment expresses opposition to "nativist" ideology that privileges native species over non-native. See Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire mitigation, as opposed to ecological restoration.

Response to Comment CE-20

This comment requests that other groups not included in the Plan be listened to more. See Section ES.5, "Public Involvement in the CEQA Process," in the Recirculated DEIR.

Response to Comment CE-21

This comment requests that alternate voices be prioritized in the Plan. See Section ES.5, "Public Involvement in the CEQA Process," in the Recirculated DEIR.

Response to Comment CE-22

This comment expresses concern that machinery used in the Project will poison the park and increase fire risk. See Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources,* of the Recirculated DEIR.

Response to Comment CE-23

This comment claims that the Plan would harm rare species. See also Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources,* of the Recirculated DEIR and Appendix J, *Protected and Endangered Species Policies and Procedures*, "IV. Procedures – A. Plants" in the Revised VMP.

Response to Comment CE-24

This comment expresses opposition to the thinning and spacing out of trees. See Master Response 5.

Response to Comment CE-25

This comment expresses opposition to removing non-native plants. See Section 2.4.1, "Goals and Objectives," of the Recirculated DEIR. The goals of the Project are oriented toward fire mitigation, as opposed to ecological restoration.

Response to Comment CE-26

This comment expresses opposition to the relocation of animals in the process of Project activities. See BMP BIO-9 in Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources,* of the Recirculated DEIR. Woodrat homes are permitted to be deconstructed only as a last resort and relocated to suitable habitat elsewhere. The Plan does not call for the relocation of individual animals.

Response to Comment CE-27

This comment claims wildfire mitigation activities in the Plan will increase erosion risk. See also BMPs GEN-1 through GEN-3 in Appendix I, *Best Management Practices for General Operations, Vegetation Management, and Protection of Biological Resources,* of the Recirculated DEIR.

Response to Comment CE-28

This comment expresses opposition to the thinning or removing of trees. See Master Response 5.

Comments on Recirculated Draft EIR for Revised Draft Oakland VMP

CF

From Nadine Weil <nadine.weil@gmail.com>
To <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-07 12:41

Comments by Nadine Weil on Recirculated DEIR for Revised Draft VMP - final.doc (~2.2 MB)

Dear City of Oakland,

Thank you so much for safeguarding public safety and the environment in Oakland.

Enclosed please find my comments on the Recirculated Draft Environmental Impact Report for the Revised Draft Oakland Vegetation Management Plan.

I had sent in an email earlier, and I realized that I had attached a draft version of my comments instead of the final one. I am so sorry about this.

Thank you very much for your time and help. I really appreciate it!

Warm regards,

Nadine Weil

November 5, 2023

Michael Hunt
Chief of Staff
Oakland Fire Department
150 Frank H. Ogawa Plaza
Oakland CA, 94612

Edward Manasse
Environmental Review Officer
The City of Oakland
250 Frank H. Ogawa Plaza
Oakland, CA 94612

Dear Mr. Hunt and Mr. Manasse,

I am writing to comment on the Recirculated Draft Environmental Impact Report ("DEIR") for the Revised Draft Oakland Vegetation Management Plan ("VMP").

It is wonderful that the City of Oakland is proactively seeking to protect public safety from dangerous wildfire. The VMP also mentions that a long-term vision of the plan is to "foster a healthy environment in the Plan Area," which is very much appreciated. I strongly support measures that safeguard public safety and create healthy environments. CF-1

I have concerns about the adequacy and sufficiency of the DEIR as explained below.

Insufficient Detail about Field Surveys, Deforestation & Greenhouse Gas Emissions

In the Revised Draft VMP Biological Resources Report, it says that a series of field surveys of sites in the Plan Area were conducted. However, the VMP and the DEIR do not provide any detail about the number of trees currently in the Plan Areas or the diameter at breast height (DBH) of the trees. The VMP only provides the target, specific, numerical post-deforestation number of trees per acre by type of habitat. Therefore, it is difficult to know how many trees would be cut down and difficult to calculate accurately the Greenhouse Gas Emissions and the potential adverse environmental impacts on Biological Resources stemming from the deforestation without replacement from the VMP. This is insufficient, and this failure to include relevant information on the amount of deforestation that would take place is hindering informed participation by the public. CF-2

In *Sierra Club v. County of Fresno,* the Court notes that an EIR must provide "detail sufficient to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the proposed project." The DEIR for the Oakland VMP does not provide sufficient detail about the amount of deforestation that would occur and the potentially significant negative environmental impacts from that deforestation. These impacts include greenhouse gas emissions from the deforestation CF-3

without replacement and the loss of annual carbon removal from the felled trees going forward, both of which would cause climate change.

Using estimates of beginning trees per acre, one can attempt to estimate the minimum total number of trees that would be cut down in the VMP areas as shown below.

Estimated Minimum Number of Trees Removed by VMP

Habitat Type	VMP Table 3.4-1 Acres	Estimated Beginning Trees per Acre	Estimated Beginning Total Trees	VMP Ending Trees per Acre	Ending Total Trees	Minimum Estimated Trees To Be Cut Down
Oak Woodland: Non-Oak Trees	630.6	20	12,612	0	0	12,612
Redwood	141.4					
Riparian	10.4					
Eucalyptus	177.9					
Mature (80%)	142.3	800	113,840	36	5,124	108,716
Second Growth (20%)	35.6	1,000	35,600	108	3,843	31,757
Closed-cone Pine-Cypress	180.7	100	18,070	48	8,674	9,396
Coastal Scrub	176.9					
Mixed Chaparral	8.1					
Annual Grassland	258.1					
Perennial Grassland	13.4					
Frshwater Emergent Wetland	0.4					
Urban - Acacia+	654.6	100	65,460	36	23,566	41,894
Total	2,253.0		245,582		41,205	204,377

Using the allometric equations from the California Air Resources Board U.S. Forest Projects Protocol, one can forecast that the CO2e emissions from cutting down 200,000 trees without replacement would be a minimum of 847,902 metric tons of Co2e. This would cause climate change. The loss of future carbon sequestration from these felled trees over 30 years would be a significant 720,000 metric tons of CO2 not removed from the atmosphere, thereby harming California's ability to mitigate climate change. These greenhouse gas emission impacts are significant and unmitigated in the DEIR. CF-4

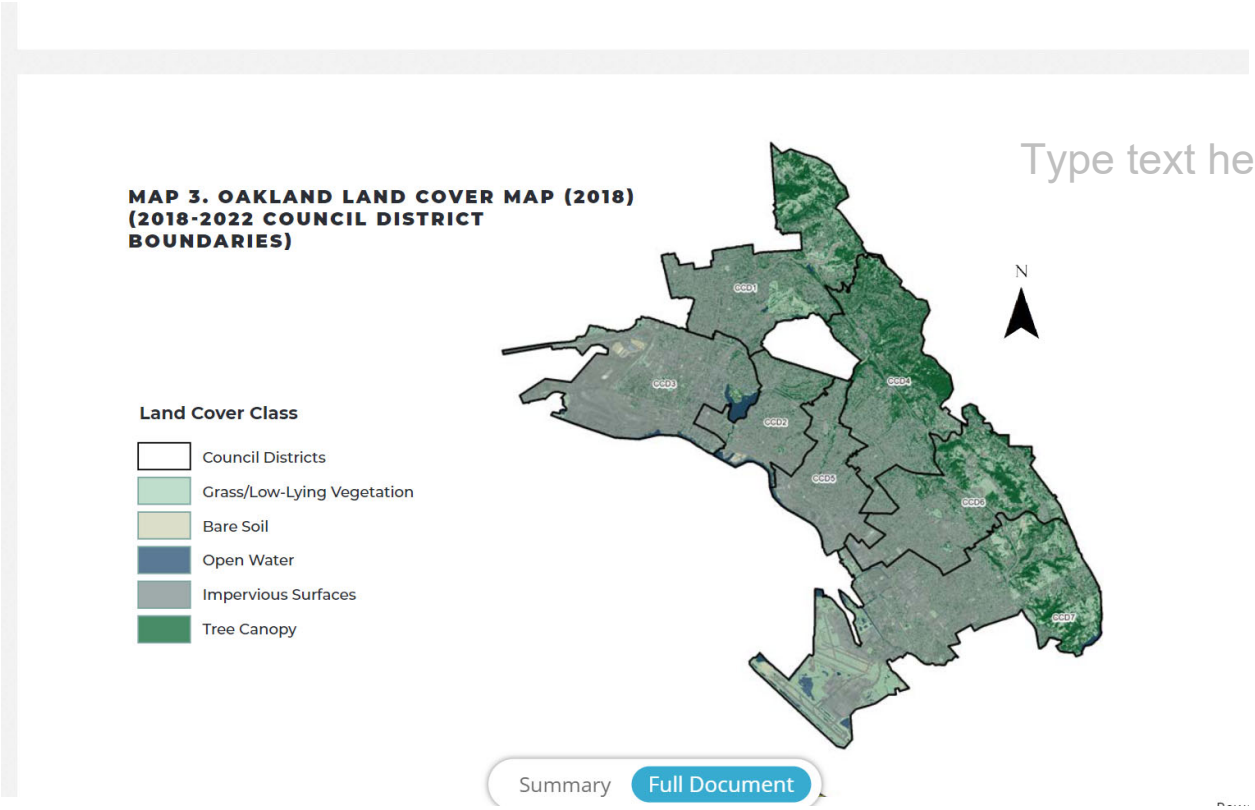
At the high end of possibility, cutting down 1 million trees in Oakland with an average DBH of 20 would generate an estimated 4,239,513 metric tons of CO2e from the deforestation and would cause California to lose 3,600,000 metric tons of future carbon sequestration and removal over 30 years, thereby causing climate change.

The greenhouse gas emissions from the VMP deforestation conflicts with California's SB 32 which established a target to reduce California's GHG emissions to 40 percent below 1990 levels by 2030. It also conflicts with California's landmark AB 1279 which created a legally binding target to achieve net zero emissions by 2045 in all of California. It also CF-5

conflicts with Oakland's 2030 Equitable Climate Action Plan which has a GHG reduction target of 56% below 2005 levels by the year 2030. CF-5

Based on this initial analysis, the negative environmental impacts from the Greenhouse Gas Emissions from the VMP could be potentially significant and would need to be mitigated. The current DEIR is inadequate because it contains insufficient information and no mitigation measures for GHG-1, GHG-2, and GHG-4 impacts. CF-6

The newly-released draft Oakland Urban Forest Plan says that Oakland has "more tree canopy than other cities in the region, primarily due to the forested Oakland hills." These forested lands are the area that the VMP is targeting for tree removal. The VMP would result in a substantial decrease in the total tree canopy percentage for the City of Oakland. This can be seen in the map below from the Urban Forest Plan which shows that the densest dark green tree canopy is in the VMP area. CF-7



Source: Oakland Urban Forest Plan

The Oakland Urban Forest Plan does not provide the number of trees in what it calls the "developed public rights of way" and the "public open spaces." Therefore, the information available to the public about the number of current trees in the City of Oakland is still insufficient for the purposes of understanding the extent of the deforestation that would occur and assessing the associated potential environmental impacts. In the VMP Table 1 of City-Owned Parcels within the Plan Area, it states that City Park Lands and Open Space comprise the vast majority (1,523 acres) of the total CF-7

acres in the plan. Therefore, one can infer that the negative environmental impact of the VMP on Oakland's total tree canopy and its green infrastructure benefits (filtering air pollution, sequestering carbon, absorbing stormwater, offering shade, lowering temperature, stopping erosion, providing wildlife habitat and more) would be significant. CF-7

Per the CEQA Guidelines Appendix G, an EIR must adequately assess whether the plan would "generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment" and/or "conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases." The Greenhouse Gas Emissions section of the VMP DEIR is insufficient and inadequate in its current form and potentially conflicts with California's legally-binding commitment to reduce greenhouse gases and achieve net zero emissions. CF-8

In the DEIR, it states that "the purpose of the Revised Draft VMP is to reduce the risk of uncontrolled wildfires which can emit large amounts of GHGs." Per Mast Reforestation in October 2023, "at least 80% or more of the carbon stays in the trees after a wildfire. It is not emitted into the atmosphere." A recent study led by Mark Harmon of Oregon State University showed that two recent forest fires in California released less than 2% of the total biomass and carbon in the trees at the stand level and landscape level. This study is called "Combustion of Aboveground Wood from Live Trees in Megafires, CA" published in *Forests* in 2022. These facts are not mentioned anywhere in the VMP or DEIR, and they would ideally be included for greater sufficiency of information. CF-9

In Section 3.7 on Greenhouse Gas Emissions, the DEIR states that the VMP would "provide forest biomass for resource utilization." There is insufficient information in the DEIR to understand what this means and how it would benefit the environment, and clarification by the public is desired. CF-10

Insufficient Information on EIR Tiering

Given the insufficient information in the current DEIR, the public would like to inquire if there would any Tiering with regards to the EIR(s) for the VMP and its Plan Areas. Will any future EIRs be completed and shown to the public when more details about the current conditions of the Plan Areas, such as the number of total trees, and the proposed treatments are released? The public hopes that future, additional EIRs would be drafted for substantial specific, individual Plan Areas and Parks in the VMP. This is especially important because the DEIR mentions that new decisions will be made by the Oakland Fire Department "on an annual basis (or more often as necessary) regarding vegetation management." CF-11

Inadequate Discussion of Negative Environmental Impacts on Agriculture & Forestry Resources

The CEQA Guidelines Appendix G say that an EIR must evaluate whether there would be significant negative impacts on the environment in the category of Agriculture & Forestry Resources. This includes whether the plan would "result in the loss of forest

land or conversion of forest land to non-forest use." The current VMP DEIR does not currently evaluate whether the VMP would result in the loss of forest land. It only mentions that the plan would not convert any forest areas to non-forest uses in section 3.1.3. This is inadequate. Initial estimates show that at least 200,000 trees in forested areas would be cut down without replacement by the VMP. This is a potentially significant negative impact on forest land that is currently unmitigated. CF-12

The VMP also includes many provisions which allow for the removing of eucalyptus trees across all habitat types and near roadsides. In addition, the Oakland Protected Tree Ordinance municipal code (Chapter 12.36) says that "no tree replacement shall be required for the removal of nonnative species," of which eucalyptus is one. There are historical records showing that Joaquin Miller planted an estimated 75,000 eucalyptus and other tree species in Oakland. Starting in 1910, Frank Havens is estimated to have planted between 1 and 3 million eucalyptus and Monterey pine trees. Because there is insufficient information in the VMP and DEIR, it is impossible to know exactly how many of these trees would be cut down permanently without replacement. Removing 1 million trees over the plan timeline of 10 years would have a significant negative environmental impact on Agriculture & Forestry Resources and other CEQA Issues that would need to be mitigated. CF-13

Unmitigated Greenhouse Gas Emissions & Need for a Replacement Rate for Mitigation across Multiple CEQA Issues

The VMP seeks to remove thousands of trees from the City of Oakland, which could threaten long-term public safety by causing climate change. The potentially significant Greenhouse Gas Emissions impact from the deforestation in the VMP is unmitigated. Deforestation causes 12–20% of the global greenhouse gas emissions every year. CF-14

A replacement rate for the majority of trees to be removed in the VMP would protect public safety and help to mitigate the current negative significant environmental impacts from the VMP's deforestation on Greenhouse Gas Emissions, Biological Resources, Aesthetics, Agriculture & Forestry Resources, and Air Quality. CF-15

In the Oakland Protected Trees Ordinance, it says that "replacement plantings shall be required in order to prevent excessive loss of shade, erosion control, groundwater replenishment, visual screening and wildlife habitat." It also says that "replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Ancutus merciesii (Madrone), Aesculus californica (California Buckeye) or Umbelluiana californica (California Bay Laurel)." CF-16

Currently, the DEIR contains a replacement rate only in Mitigation Measure BIO-15 entitled as follows: Avoid Riparian Habitat and Develop and Implement a Plan to Replace Affected Riparian Habitat. The DEIR says, "Native riparian trees 4-6 inches dbh removed for the Revised Draft VMP shall be replaced at a 2:1 ratio; native riparian trees larger than 6 inches dbh shall be replaced at a 3:1 ratio. These replacement trees shall be planted within riparian zones in the Revised Draft VMP area." As an alternative, the City CF-17

of Oakland "may preserve existing riparian habitat of equal or better value to the affected riparian habitat through a conservation easement at a sufficient ratio to offset the loss of riparian habitat function."

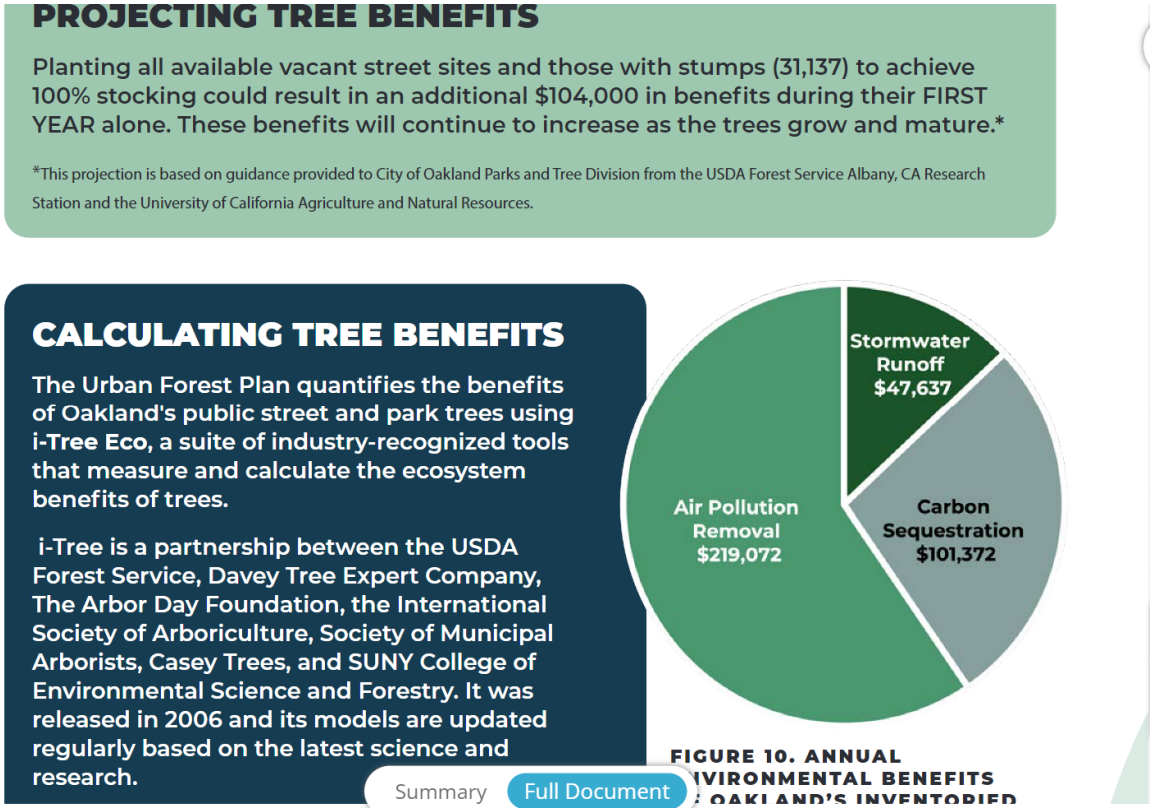
This is very helpful for mitigation purposes in the riparian habitat. This riparian habitat only comprises a small 0.47% of the total acres that would be treated. The remaining Plan Area habitats that contain trees to be felled need replacement rates or conservation easements to mitigate the negative environmental impacts from removing thousands to hundreds of thousands of trees. CF-18

Recent scientific studies have shown that forests and large trees provide nature-based solutions to climate change through active carbon removal. For example, a study published in *Nature* in 2014 showed that the larger a tree is, the more kilos of carbon it removes from the air each year. "The trees that are adding the most mass are the biggest ones, and that holds pretty much everywhere on Earth that we looked," says Nathan Stephenson, an ecologist at the US Geological Survey in California and an author of the study published in *Nature* of 673,046 trees from 403 species in forest plots around the world. The study is called "Rate of Tree Carbon Accumulation Increases Continuously with Tree Size." CF-19

Similarly, scientists Steve Sillett, Robert Van Pelt, and others measured crown structures and growth rates of the two tallest species trees – Sequoia sempervirens and Eucalyptus regnans – representing a wide range of tree sizes and ages. In both species, wood production and biomass accumulation of the entire main trunk and whole crown both increased with size and age up to and including the largest and oldest trees. The study is called "Increasing Wood Production Through Old Age in Tall Trees" published in *Forest Ecology and Management* in 2010. "It's the geometric reality of tree growth: bigger trees have more leaves, and they have more surface across which wood is deposited," says Sillett, leading to higher annual carbon sequestration and removal by large trees.

A recent report from the U.N. Intergovernmental Panel on Climate Change recommended adding 1 billion hectares of forests to help limit global warming to 1.5° C by 2050. The IPCC Global Warming of 1.5 ºC analysis found that adding 1 billion hectares of forest could remove two-thirds of the roughly 300 gigatons of carbon humans have added to the atmosphere since the 1800s. CF-20

The Oakland Forest Plan discusses the carbon sequestration benefits of trees as shown below.



Source: Oakland Urban Forest Plan

Trees are currently one of our best defenses against climate change because they are powerful carbon removal agents. Trees store carbon and remove a substantial amount of the carbon emissions that society is putting into the atmosphere every day. To help protect public safety from climate change, a replacement rate for the majority of trees that would be removed via the VMP ideally needs to be added. CF-21

Inadequate Discussion of How to Solve the Home Ignition Problem and Create Defensible Homes & Structures

The VMP states in the Introduction that "Of the variables that comprise the wildland fire environment (weather, terrain, and fuels [vegetation]), vegetation is the only variable that can be managed." This statement leaves out an important element of how to protect public safety from wildfire – solving the home ignition problem and creating defensible, ember-resistant homes and structures near the Wildland Urban Interface (WUI). CF-22

In wildfires with high, warm, dry wind conditions like the Diablo winds combined with dry fine fuels at the end of summer, embers can be carried more than a mile ahead of a fire. Fire tornados have even been reported such as during the Tubbs fire. During a wildfire, thousands of embers can rain down on homes and structures made with flammable materials such as wood shake roofs.

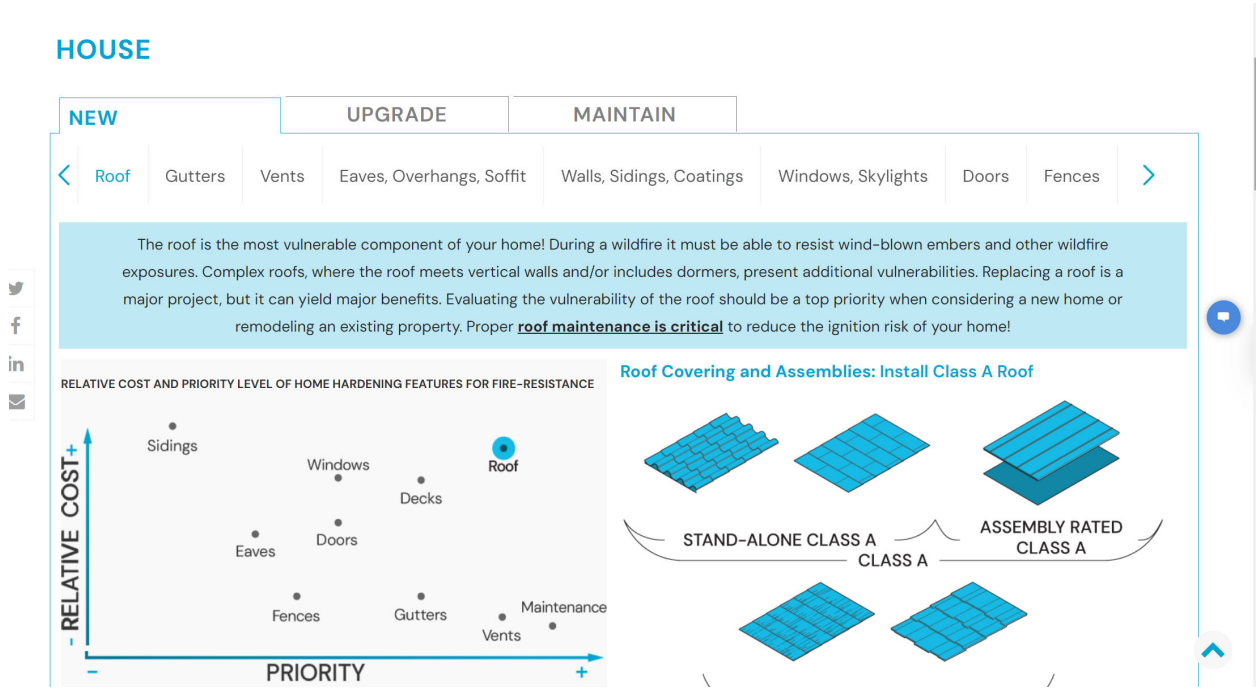
Per Sustainable Defensible Space (http://defensiblespace.org), there are steps homeowners can take to reduce the chance of home ignition such as using fire-resistant CF-23

building materials including steel, brick, cement, masonry, or stucco. “The most important place to begin preparing defensible space is with your home. Fortifying or retrofitting your home can be your best defense against ember intrusion. The key to protecting your home and property from fire is to start from the house out. The Wildland Urban Interface Building Standard, also known as Chapter 7A, is a new addition to the California Building Code, and it affects how new homes are built in wildfire-prone areas.”

CF-23

Defensible Space states that the roof is the most fire-vulnerable component of a structure. To help protect public safety, perhaps the City of Oakland or the State of California could consider providing financial incentives for homeowners and building owners in Very High Fire Hazard Severity Zones (VHFHSZ) to replace their roofs with Class A fire-proof roofs if that is not happening already. Common Class A ember-resistant roof coverings include clay tiles, slate, asphalt fiberglass composition shingles, concrete and flat/barrel-shaped tiles, and some metal roofing materials.

CF-23



Source: Defensible Space

Per the VMP section 3.3 on Fire Behavior Modeling, the software FlamMap assumes that “the primary driving forces in the predictive calculations are the dead fuels less than 0.25 inches in diameter. These are the fine fuels that carry fire. Fuels greater than 1 inch in diameter have little effect in carrying fire, and fuels greater than 3 inches in diameter have no effect.” Based on this, it is unclear why the VMP seeks to remove so many large living trees within the Plan Area when according to FlamMap, the number one problem is the dead, fine organic litter on the ground. There is insufficient information in the VMP and DEIR to make a determination and understand this inconsistency.

CF-24

Need for Independent Tree Assessments from Certified Arborists

The VMP mentions that the "Plan Area also encompasses the area within 30 to 100 feet of the edge of roadsides in the City's VHFHSZ where dead and dying trees (as determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) are present on City-owned property."

CF-25

It is important for trees to be evaluated by a certified arborist who can assess technical nuances of tree health and growth dynamics. For example, per the former Presidio Chief Forester Peter Ehrlich, eucalyptus trees might reduce their crowns during the summer or during a drought to survive, and then they fill their crown canopies back out again when rainfall comes. It would be important for a tree like this not to be labeled as "dying" when it is still of good-to-moderate vigor. This could lead to unnecessary tree removals, which would cause climate change and adversely impact air quality, stormwater control, biological resources, and more.

Significant Unmitigated Public Safety Risks & Hazards from Herbicides

The DEIR states, "In 1997, the City adopted an Integrated Pest Management (IPM) Policy that limits the use of pesticides to manage pest problems on City-owned property. In 2005, the City adopted Resolution 79133 authorizing staff to evaluate an additional exemption from the IPM Policy that would permit the use of glyphosate and triclopyr on City-owned land within the WPAD to improve fire prevention and reduce wild land fuels in a cost effective and environmentally sensitive way. The revised herbicide policy is part of the project being evaluated in this Recirculated DEIR." It states that no environmental review was conducted at that time.

CF-26

It is wonderful that the City of Oakland is seeking input on the potential hazardous impacts from herbicide use in the Plan Areas. Substantial independent, scientific information has come out about glyphosate, triclopyr, and imazapyr since 2005.

CF-27

Glyphosate

Per the U.S. Geological Survey, glyphosate contaminates groundwater and is even found in rainfall. Please see the study entitled "Glyphosate and Its Degradation Product AMPA Occur Frequently and Widely in U.S. Soils, Surface Water, Groundwater, and Precipitation" published in April 2014.

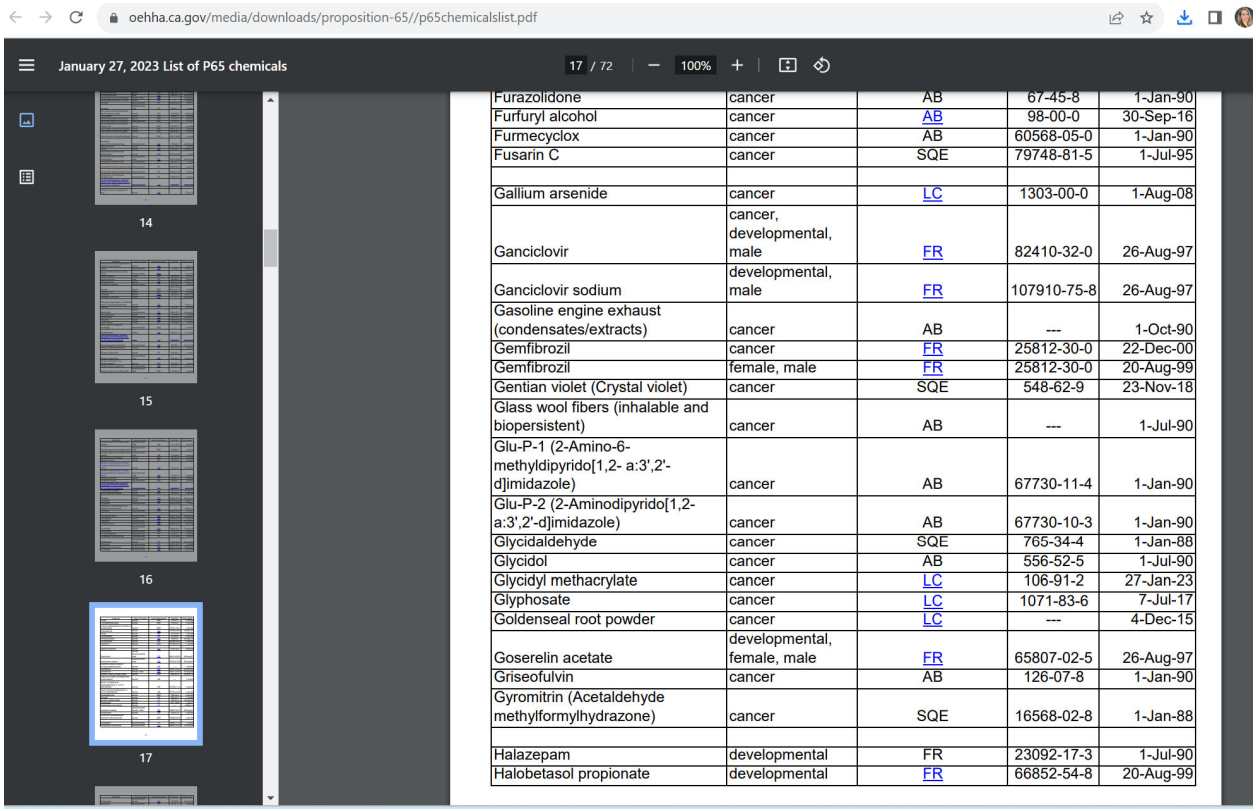
CF-28

In 2015, the World Health Organization's cancer research arm IARC classified glyphosate as "probably carcinogenic to humans" (Group 2A) based on evidence of non-Hodgkin's lymphoma cancer in humans after real-world exposure and sufficient evidence of cancer in experimental animals. This classification is supported by strong scientific evidence that glyphosate is genotoxic. Bayer is currently paying out billions of dollars to plantiffs who are suing Monsanto because they got non-Hodgkin's lymphoma cancer from exposure to glyphosate.

CF-29

The California Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor publish the list of chemicals known to the State to cause cancer or reproductive toxicity. On July 7, 2017, the state of California listed glyphosate on its Proposition 65 List of chemicals known to cause cancer or reproductive toxicity in humans as shown in the table below.

State of California
Environmental Protection Agency
Office of Environmental Health Hazard Assessment
List of Proposition 65 Chemicals



Furazolidone	cancer	AB	67-45-8	1-Jan-90
Furfuryl alcohol	cancer	AB	98-00-0	30-Sep-16
Furmecyclox	cancer	AB	60568-05-0	1-Jan-90
Fusarin C	cancer	SQE	79748-81-5	1-Jul-95
Gallium arsenide	cancer	LC	1303-00-0	1-Aug-08
Ganciclovir	cancer, developmental, male	FR	82410-32-0	26-Aug-97
Ganciclovir sodium	developmental, male	FR	107910-75-8	26-Aug-97
Gasoline engine exhaust (condensates/extracts)	cancer	AB	---	1-Oct-90
Gemfibrozil	cancer	FR	25812-30-0	22-Dec-00
Gemfibrozil	female, male	FR	25812-30-0	20-Aug-99
Gentian violet (Crystal violet)	cancer	SQE	548-62-9	23-Nov-18
Glass wool fibers (inhalable and biopersistent)	cancer	AB	---	1-Jul-90
Glu-P-1 (2-Amino-6-methyldipyrido[1,2- a:3',2'-d]imidazole)	cancer	AB	67730-11-4	1-Jan-90
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	cancer	AB	67730-10-3	1-Jan-90
Glycidaldehyde	cancer	SQE	765-34-4	1-Jan-88
Glycidol	cancer	AB	556-52-5	1-Jul-90
Glycidyl methacrylate	cancer	LC	106-91-2	27-Jan-23
Glyphosate	cancer	LC	1071-83-6	7-Jul-17
Goldenseal root powder	cancer	LC	---	4-Dec-15
Goserelin acetate	developmental, female, male	FR	65807-02-5	26-Aug-97
Griseofulvin	cancer	AB	126-07-8	1-Jan-90
Gyromitrin (Acetaldehyde methylformylhydrazone)	cancer	SQE	16568-02-8	1-Jan-88
Halazepam	developmental	FR	23092-17-3	1-Jul-90
Halobetasol propionate	developmental	FR	66852-54-8	20-Aug-99

CF-30

In November 2020, the Environmental Protection Agency released a draft biological evaluation finding that glyphosate is likely to injure or kill 93% of the plants and animals protected under the Endangered Species Act and 96% of their habitats.

On June 17, 2022, the U.S. Court of Appeals for the Ninth Circuit vacated the human health portion of the glyphosate Interim Registration Review Decision (ID) and held that EPA's registration review decision under FIFRA was an action that triggered Endangered Species Act obligations. The EPA determined that withdrawal of the glyphosate ID was appropriate in consideration of the Ninth Circuit's decision.

In October 2023, the Global Glyphosate Study released a study showing that the likely cause of an explosion in childhood leukemia is due to glyphosate. CF-31

Therefore based on the evidence presented above, the VMP's proposed substantial use of glyphosate as shown in Table 2-5 of the DEIR is concerning and would have significant adverse and hazardous impacts on the public, on the applicators, and on the environment. Specifically, glyphosate would be used on a minimum of 36 areas in the Oakland Hills including in parks frequented by children plus on the roadsides throughout the Plan Area. For instance, glyphosate would be used in Joseph Knowland State Arboretum & Park near the Oakland Zoo and in Joaquin Miller Park, named for one of the founders of Oakland's urban forest. CF-32

Table 2-5. Summary of Targeted Vegetation Types, VMP Treatment Areas, and Quantities Where Herbicides May Be Used

Targeted Vegetation Type	VMP Treatment Area Where Herbicides May be Used	Quantity Per Acre	Maximum Quantity of Herbicide Used per Acre Annually	Frequency of Herbicide Application
Eucalyptus	BLU-1, BLU-2, BLU-3, DIM-1, GAR-3, GPO-1, GPO-2, GPO-4, JMP-1, JMP-2, JMP-3, JMP-4, KNO-1, KNO-2, KNO-3, KNO-4, KNO-5, LHT-1, LST-1, MEDIAN, MJS-1, MJS-2, NOR-1, NOR-2, NOR-3, OKN-2, PSD-1, PSD-2, SHF-1, SHF-2, SHF-3, SHP-1, SHP-2, SHP-3, SHP-4, URB-1, Roadsides	Glyphosate: 0.94 gallon/acre	Glyphosate: 8 quarts/acre per year Triclopyr: 2 gallons/acre per year Imazapyr: 0.25 gallon/acre per year	2 times per year
French Broom	JMP-1, JMP-2, JMP-3, JMP-4, SHP-1, SHP-2, SHP-3, URB-1, Roadsides, and where observed	Glyphosate: 0.94 gallon/acre	Glyphosate: 8 quarts/acre per year Triclopyr: 2 gallons/acre per year Imazapyr: 0.25 gallon/acre per year	2 times per year
Scotch Broom	JMP-1, JMP-2, JMP-3, JMP-4, SHP-1, SHP-2, SHP-3, URB-1, Roadsides, and where observed	Glyphosate: 0.94 gallon/acre	Glyphosate: 8 quarts/acre per year Triclopyr: 2 gallons/acre per year Imazapyr: 0.25 gallon/acre per year	2 times per year
Acacia	JMP-1, JMP-3, JMP-4, Roadsides	Glyphosate: 0.94 gallon/acre	Glyphosate: 8 quarts/acre per year Triclopyr: 2 gallons/acre per year Imazapyr: 0.25 gallon/acre per year	2 times per year
Pampas Grass	Where observed	Glyphosate: 0.94 gallon/acre	Glyphosate: 8 quarts/acre per year Imazapyr: 0.25 gallon/acre per year	2 times per year
Jubata Grass	Where observed	Glyphosate: 0.94 gallon/acre	Glyphosate: 8 quarts/acre per year	2 times per year

Note: Types of herbicides that may be used at select VMP treatment areas include glyphosate (Accord or Rodeo formulation), triclopyr, and imazapyr.

The analysis of Hazards and Hazardous Materials in the DEIR is insufficient in part because it lacks specificity regarding the negative human health impacts of glyphosate. CF-33

Triclopyr

Triclopyr is toxic to many broadleaf plants. Even very small amounts of spray may injure some plants. Triclopyr interferes with normal plant growth processes. It is absorbed by green bark, leaves, roots, and cut stem surfaces and moves throughout the plant. CF-34

According to the USDA Forest Service in the Pacific Northwest Region, half-lives for triclopyr in western Oregon soils have been reported from 75 to 81 days (Norris 1987). The study found detectable triclopyr residues in soil 477 days after treatment.

CF-34

Triclopyr is at risk of drifting, and so applicators are cautioned to apply triclopyr only when there is little or no hazard of spray drift and only when wind speed is low. Applicators are also advised to avoid fine spray, which may drift.

CF-35

The harmful TCP (3,5,6- Trichloro-2-pyridinol) is the major initial product of triclopyr degradation. TCP is also a major degradation product of chlorpyrifos, a toxic insecticide. Reported half-lives for TCP range from 8 to 279 days in tests on 15 soil types. Carbon dioxide has been identified as another degradation product.

CF-36

The potential for triclopyr leaching into groundwater increases as soil organic matter decreases and as climatic conditions reduce soil microbial activity. Triclopyr has some characteristics conducive to leaching behavior. It is not strongly adsorbed to soil particles, and adsorbed molecules may later detach into water moving through the soil.

CF-37

A trace amount of the metabolite TCP was detected in groundwater at a golf course site. (Dupuy 1986). In western Oregon, triclopyr was detected in runoff nine months after application. Researchers concluded that the triclopyr did not come from upslope sprayed areas. The triclopyr had been sprayed directly onto dry streambeds, which became flowing streams during the rainy season and carried the triclopyr downstream (Norris 1987). In western Oregon, triclopyr was detected in runoff nine months after application. Researchers concluded that the triclopyr did not come from upslope sprayed areas. The triclopyr had been sprayed directly onto dry streambeds, which became flowing streams during the rainy season and carried the triclopyr downstream (Norris 1987).

CF-38

Triclopyr is slightly toxic to fish. This is concerning because there is rainbow trout in Oakland's Redwood Creek.

Triclopyr in the form of Garlon 4 has been observed to cause behavioral neurological changes that may affect survivability in frog tadpoles (Berrill 1994) and in salmon fry.

CF-39

Triclopyr may be a hazard to threatened and endangered plant species if it is used in areas where they live.

CF-40

According to the Ragan and Massey Triclopyr Safety Data Sheet, "triclopyr is toxic to fish. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate. This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Triclopyr is highly toxic to certain terrestrial plant and aquatic organisms in its ester form."

CF-41

If triclopyr is allowed to be used in the VMP, triclopyr's drift potential, toxic degradation products, and persistence in the environment and the resulting hazardous environmental impacts on wildlife species would be a substantial concern. These potential adverse environmental impacts for Oakland are currently not adequately mitigated in the DEIR. CF-42

Source materials for the above analysis on triclopyr include the USDA Forest Service: (https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev2_026296.pdf).

Imazapyr

Imazapyr is a non-selective herbicide that has an adverse impact on a broad range of plants including terrestrial annual and perennial grasses and broadleaved herbs, woody species, and riparian and emergent aquatic species. It controls plant growth by preventing the synthesis of branched-chain amino acids. The half-life of imazapyr in soil ranges from one to five months. Because imazapyr can affect a wide range of plants and can remain available, it creates risk of accidental contact with non-target species and subsequent harm. Further, a few studies have reported that imazapyr may be actively exuded from the roots of legumes, likely as a defense mechanism by those plants. This ability of imazapyr to move via intertwined root grafts may therefore adversely affect the surrounding desirable vegetation with little to no control of the target species. CF-43

Source: https://www.invasive.org/gist/products/handbook/17.imazapyr.pdf

Imazapyr was completely banned in the EU as of the end of 2007 as shown in the table below. This table presents example chemicals that have been phased out in the EU under the authorizations Directive 91/414/EEC. Some of these substances were granted a limited extension to use on certain crops until the end of December 2007 when they had to come off the market. CF-44

Sample Pesticides Withdrawn from the EU

Substance	Type	Decision date	Decision on essential use
Alkyltrimethylbenzyl ammonium chloride	HB	Out 7/03	essential use 2076/2002
2-Aminobutane (aka sec-butylamine)	FU	Out 7/03	essential use 2076/2002
4-CPA (4-chlorophenoxyaceticacid = PCPA)	PG	Out 7/03	essential use 2076/2002
Acifluorfen	HB	Out 7/03	essential use 2076/2002
Anthracene oil	IN,AC,HB,RO	Out 7/03	essential use 2076/2002
Atrazine	HB	Out 10/04	essential use 835/2004, 04/247
Azaconazole	IN,FU	Out 7/03	essential use 835/2004, 2076/2002
Benfuresate	HB	Out 7/03	essential use 2076/2002
Benomyl	FU	Out 05/03	derogation HU (771/2004) essential use 835/04, 02/928

…			
Imazapyr	**HB**	**Out 7/03**	**essential use 835/04, 2076/2002**
Iminoctadine	FU	Out 7/03	essential use 835/04, 2076/2002

Therefore, the VMP's allowable use of imazapyr as shown in the DEIR Table 2-5 is concerning and poses a risk of significant unmitigated negative hazardous impacts on the environment. CF-45

Health Effects Associated with Formulations containing Multiple Herbicides

If glyphosate, triclopyr and/or imazapyr would be used in combination in the VMP, then more information would be needed in the DEIR about the resulting toxicity to humans, wildlife species, and the environment. It can be difficult to find adequate safety profile information on the potential for health or environmental effects from formulations containing multiple herbicides. CF-46

Significant Impacts from Hazardous Materials and Inadequate Mitigation

The DEIR states that the negative environmental impacts related to Hazards and Hazardous Materials would be significant (ES-35). Specifically, it mentions that the VMP would create a significant hazard to the public through the storage and use of acutely hazardous materials near sensitive receptors (HAZ-3) and through the emitting of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or wastes within 0.25 miles of an existing or proposed school (HAZ-4).

The proposed mitigation measures such as Mitigation Measure HAZ-4 are inadequate because they would only attempt to prohibit people from entering public parks and publicly-accessible areas where toxic herbicides have been sprayed for 48 hours. There is no guarantee that people would follow the signs posted warning people about the hazards to their health and their pets' health, and harm could still occur. There is no guarantee that people would not attempt to climb any temporary fences erected. In addition, the proposed mitigation measures would not stop the adverse environmental impacts of the herbicides on wildlife species and the environment. Toxic chemicals would still be able to be sprayed outside of 100 feet of residences and public use areas and outside of 0.25 miles of schools. This would put wildlife species and the environment in thousands of acres at significant risk of harm. Therefore, the mitigation measures proposed are inadequate. The use of herbicides is also inconsistent with the VMP's stated long-term goals to protect public safety and create a healthy environment in Oakland. CF-47

There are many cities in California that are prioritizing public safety, human health, and environmental health and are replacing herbicides with other methods successfully such as Irvine County, Sonoma City and County, Marin, and Malibu. As additional examples, the Audubon Starr Ranch Sanctuary in southern California and the extensive botanical garden Lotusland in Santa Barbara are free of toxic pesticides and herbicides. CF-48

In the VMP Section 8.3, it states that "herbicides do not remove any vegetation from a treatment area; therefore, dead plant material remains unless otherwise treated." The herbicides in the VMP would create significant hazardous environmental impacts and then leave dead fuels, which could worsen a wildfire, especially if the dead materials were fine fuels. CF-49

Harming people and the environment with hazardous chemicals for the sake of saving money is concerning to the public. The DEIR mentions the cost savings that would be achieved from using chemical herbicides rather than grazing, manual means, or mechanical methods. CF-50

The VMP states that one of its objectives is to develop management recommendations that enable the Oakland Fire Department to make decisions regarding vegetation management "considering the benefits of treatment, potential environmental effects, and treatment costs."

In the DEIR, the No Herbicide Use Alterative 3 would prohibit herbicides for vegetation management and would use other vegetation management methods such as grazing, hand labor techniques, and mechanical techniques in lieu of herbicides. The DEIR states, "Over the course of the 10-year planning timeframe for the Revised Draft VMP, these increased costs by not using herbicide treatment would result in an added cost ranging from $1,660,000 to $6,825,000 by using hand removal and mechanical treatments in place of herbicide to achieve a similar level of vegetation management." Therefore, this seems to indicate that the VMP could be prioritizing cost savings over public safety and over the health of wildlife species and the environment when it relates to herbicides and vegetation management. CF-51

Please consider adopting an herbicide-free policy to protect public health and the environment for current and future generations. CF-52

Thank you for your time and consideration in reading these comments, and thank you for protecting public safety and the environment in Oakland.

Sincerely,

Nadine Weil

Nadine Weil
2140 Pacific Avenue, Suite 603
San Francisco, CA 94115

Letter CF: Nadine Wells

Response to Comment CF-1

The comment expresses support for the Proposed Project. This comment will be conveyed to the decision-makers.

Response to Comment CF-2

The comment expresses concern that the Recirculated DEIR and Revised VMP do not provide details about the number or DBH of trees in the Plan area currently, and that it is difficult to know how many trees would be cut down and to calculate GHG emissions and impacts to biological resources from deforestation without replacement. As stated on page 3.7-11 in Section 3.7, *Greenhouse Gas Emissions, Climate Change, and Energy*, of the Recirculated DEIR, due to the 10-year time frame of the VMP, detailed information on the health, size, and type of vegetation at the time of removal would only be speculative. See Master Response 5 for further discussion on concerns associated with the removal of trees.

Response to Comment CF-3

The comment expresses concern that the Recirculated DEIR does not provide details about the amount of deforestation that would occur and the potentially significant negative impacts from deforestation. The comment also states that deforestation without replacement and the loss of annual carbon removal from felled trees could create GHG emissions. As stated in the impact analysis discussion for Impact GHG-4 in Section 3.7, *Greenhouse Gas Emissions, Climate Change, and Energy*, the Project aims to reduce the risk of wildfires which can result in the uncontrolled and rapid release of stored carbon and a dramatic reduction in carbon sequestration rates over impacted areas over the longer term. Refer to the "Carbon Sequestration" section of Master Response 5 for further discussion.

Response to Comment CF-4

The comment expresses concern that potential GHG emission impacts are significant and unmitigated in the Recirculated DEIR, which could cause climate change. As stated in the impact analysis discussion for Impact GHG-4 in Section 3.7, *Greenhouse Gas Emissions, Climate Change, and Energy*, the Project aims to reduce the risk of wildfires which can result in the uncontrolled and rapid release of stored carbon and a dramatic reduction in carbon sequestration rates over impacted areas over the longer term. Refer to the "Carbon Sequestration" section of Master Response 5 for further discussion.

Response to Comment CF-5

This comment expresses concern that GHG emissions from Revised VMP deforestation conflict with the State's SB 32 and AB 1279 and Oakland's 2030 Equitable Climate Action Plan. As stated in Section 3.7, *Greenhouse Gas Emissions, Climate Change, and Energy*, of the Recirculated DEIR, the Revised VMP is consistent with strategies in the 2022 Scoping Plan that are necessary to meet the goals of SB 32, specifically relating to restoring health and resilience to overstocked

forests and preventing carbon losses from severe wildfire, disease, and pests. As stated on page 3.7-6 of the Recirculated DEIR, the Revised VMP is also consistent with AB 1279 as it outlines a path to achieve California's climate targets using the 2022 Scoping Plan. Additionally, Impact GHG-2 in Section 3.7 of the Recirculated DEIR outlines how the Revised VMP would align with Oakland's 2030 Equitable Climate Action Plan because the adoption and implementation of a vegetation management plan is one of the actions included in the Oakland 2030 Equitable Climate Action Plan, and because it would not create any facilities that would generate future GHG emissions and would be completed as efficiently as possible.

Response to Comment CF-6

The comment states that the Recirculated DEIR contains insufficient information and no mitigation measures for Impacts GHG-1, GHG-2, and GHG-4. Section 3.7, *Greenhouse Gas Emissions, Climate Change, and Energy*, of the Recirculated DEIR describes and analyzes the risks of the VMP generating GHG emissions and contributing to climate change either directly or indirectly and includes mitigation measures (where needed) that would minimize the risk to a less-than-significant level with mitigation.

Response to Comment CF-7

The comment states concern that the Revised VMP would result in a substantial decrease in the total tree canopy percentage for the City of Oakland and a resulting significant impact to green infrastructure benefits such as filtering air pollution, sequestering carbon, absorbing stormwater, offering shade, lowering temperature, stopping erosion, and providing wildlife habitat. See Master Response 5 for discussion regarding ecosystem benefits related to carbon sequestration, erosion prevention, and wildlife habitat. Section 3.9, *Hydrology and Water Quality*, of the Recirculated DEIR analyzes the potential for vegetation removal activities included in the VMP to impact stormwater drainage patterns and finds that it would be a less-than-significant impact with implementation of Mitigation Measures BIO-5, GEO-1, GEO-2, and HYD/WQ-1. As stated in Section 3.4, *Biological Resources*, of the Recirculated DEIR, the general goal of VMP treatment activities is to create a shaded fuel break which would prioritize maintaining a closed tree canopy in favor of removing highly flammable plant species such as young saplings and tree sprouts.

Response to Comment CF-8

The comment states concern that the GHG section of the Recirculated DEIR potentially conflicts with California's commitment to reduce GHG and achieve net zero emissions. Section 3.7, *Greenhouse Gas Emissions, Climate Change, and Energy*, of the Recirculated DEIR describes and analyzes the risks of the Revised VMP generating GHG emissions and contributing to climate change either directly or indirectly and includes mitigation measures (where needed) that would minimize the risk to a less-than-significant level with mitigation. Specifically, Section 3.7 evaluates Impact GHG-2 regarding the potential of the VMP to conflict with an applicable plan, policy, or regulation that has the purpose of reducing GHG emissions and finds that it would be a less-than-significant impact because implementation of the Revised VMP would fall in line with the Oakland 2030 Equitable Climate Action Plan and the 2022 California Scoping Plan.

Response to Comment CF-9

The comment states that the Revised VMP and Recirculated DEIR should include more information about how carbon stays in trees after a wildfire. As stated in Section 3.7 of the Recirculated DEIR, the Revised VMP seeks to reduce significant carbon releases associated with catastrophic wildfires. This falls in line with the California Forest Carbon Plan, as stated on page 3.7-8, which aims to "expand and improve forest management to enhance forest health and resilience, resulting in enhanced long-term carbon sequestration and storage potential." Additionally, as mentioned in Impact GHG-4 starting on page 3.7-17 of the Recirculated DEIR, Revised VMP activities involving the removal of trees, shrubs, and grasses could marginally decrease sequestration in the short term but would support forest health and reduce the risk of catastrophic wildfire in the long term, thus preventing a widespread and rapid release of GHGs.

Response to Comment CF-10

The comment suggests that the phrase "provide forest biomass for resource utilization" in the Revised VMP needs clarification. This phrase, in Section 3.7 of the prior 2020 DEIR and Recirculated DEIR, refers to a sector strategy taken directly from the 2022 California Scoping Plan that has the purpose of restoring health and resilience to overstocked forests and preventing carbon losses from severe wildfire, disease, and pests. The first paragraph on page 3.7-18 of the Recirculated DEIR outlines what would happen to the forest biomass/material that is cut or removed as part of VMP activities.

Response to Comment CF-11

The comment asks if there will be future tiering with regards to specific EIRs for the Revised VMP and VMP Plan area, and suggests that future EIRs include additional information, as it becomes available, about specific individual Plan areas and parks in the Revised VMP. In accordance with the CEQA Guidelines, any treatment types that fall within the scope of the EIR would not require additional environmental review. As stated on page 200 in Section 12.4, "Adaptive Management," of the Revised VMP, monitoring efforts would be conducted on a yearly basis and used to determine what specific vegetation management activities are needed. Rather than additional EIRs, the VMP would support the creational of annual vegetation management work plans to identify and plan annual vegetation treatments. See Section 1.7, starting on page 12, of the Revised VMP for more information about annual vegetation management work plans, and Sections 1.5 and 1.6 of the Recirculated DEIR for more information about general CEQA requirements and the scope of the Revised VMP and Recirculated DEIR.

Response to Comment CF-12

The comment states that the Recirculated DEIR does not evaluate whether the Revised VMP would result in a loss of forest land, and states that this is a potentially significant negative impact that would need to be mitigated. Page 3.1-4 of Section 3.1.2, "Agriculture and Forestry," of the Recirculated DEIR, states that all VMP areas consist entirely of land classified by the California Department of Conservation as "urban and built-up" and "other land." Therefore, no affected areas defined as forest would be converted to non-forest uses. For this reason, the VMP would not result in adverse effects to agricultural and forest lands.

Response to Comment CF-13

This comment states that the Oakland Protected Tree Ordinance (Municipal Code Chapter 12.36) says that "no tree replacement shall be required for the removal of nonnative species," and that it is impossible to know exactly how many eucalyptus trees would be cut down permanently without replacement because there is insufficient information in the Revised VMP and Recirculated DEIR. The comment also expresses concern that removing a large quantity of trees would have a significant negative environmental impact on Agriculture and forestry resources and other CEQA resource areas. As stated on page 3.7-11 in Section 3.7 of the Recirculated DEIR, due to the 10-year time frame of the VMP, detailed information on the health, size, and type of vegetation at the time of removal would only be speculative. The impact analysis for Impact-GHG-4 in Section 3.7, *Greenhouse Gas Emissions, Climate Change, and Energy*, states that the Project aims to reduce the risk of wildfires which can result in the uncontrolled and rapid release of stored carbon and a dramatic reduction in carbon sequestration rates over impacted areas over the longer term. Page 3.1-4 of Section 3.1.2, "Agriculture and Forestry," of the Recirculated DEIR discusses that the VMP areas consists entirely of "urban and built-up" and "other land," and that no affected areas defined as forest would be converted to non-forest uses. See also the "Carbon Sequestration" section of Master Response 5 for further discussion regarding tree removal and treatment of tree/woodland/ forest fuels.

Response to Comment CF-14

The comment states concern that the removal of thousands of trees from the City of Oakland could threaten public safety and contribute to climate change and states that this impact in the Revised VMP is unmitigated. See Response to Comment CF-6 and Master Response 5.

Response to Comment CF-15

The comment suggests that the Revised VMP should include a replacement rate for the majority of trees to be removed and states this would help mitigate current negative significant impacts from deforestation to GHGs, biological resources, aesthetics, agriculture and forestry, and air quality. As stated in the objectives of the Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. While replacement/restoration is not a goal of the VMP, BMPs in Appendix I of the Revised VMP would be implemented to minimize potential impacts of removing vegetation. See Appendix I for a detailed list of these BMPs. Additionally, see Sections 3.2, 3.3, 3.4, and 3.7 in the Recirculated DEIR for further discussion on what measures would be utilized to reduce impacts to aesthetics, air quality, biological resources, and GHGs, respectively.

Response to Comment CF-16

The comment states that the Oakland Protected Tree Ordinance says that replacement plantings shall be required to prevent loss of shade, erosion control, groundwater replenishment, visual screening, and wildlife habitat, and lists specific species that require replacement (*Sequoia sempervirens* [Coast Redwood], *Quercus agrifolia* [Coast Live Oak], *Ancutus merciesii* [Madrone], *Aesculus californica* [California Buckeye] or *Umbelluiana californica* [California Bay Laurel]). Master Response 5, under "Removal of Large or Heritage Trees," discusses the Revised VMP's compliance with the Oakland Protected Tree Ordinance. As stated in the objectives of the

Revised VMP in Section 1.4, page 9, the VMP has the main goal of reducing wildfire risk through vegetation management activities on City-owned property. While replacement/restoration is not a goal of the VMP, BMPs in Appendix I of the Revised VMP would be implemented to minimize potential impacts of removing vegetation, including for activities on steep hillsides where erosion could be a concern. See Appendix I for a detailed list of these BMPs. Additionally, see Section 3.4, *Biological Resources*, in the Recirculated DEIR for further discussion on what measures would be utilized to protect habitat-supporting vegetation.

Response to Comment CF-17

This comment states that the Recirculated DEIR only contains a tree replacement rate in Mitigation Measure BIO-15. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CF-18

The comment states that remaining VMP Plan area habitats, besides riparian habitat, need replacement rates or conservation easements as well to mitigate impacts. See Response to Comment CF-15.

Response to Comment CF-19

This comment cites studies that show that forests and large trees provide solutions to climate change through active carbon removal. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CF-20

This comment cites a study suggesting that adding 1 billion hectares of forests would help limit global warming to 1.5 degrees C by 2050. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CF-21

This comment states that a tree replacement rate for the majority of trees to be removed needs to be added to the Revised VMP. See Response to Comment CF-15.

Response to Comment CF-22

This comment expresses concern that the Revised VMP does not include information about how home ignition contributes to wildfire risk and how creating defensible space and ember-resistant homes and structures near the Wildland Urban Interface could be a solution. As stated on page 9, Section 1.3 of the Revised VMP, the primary purpose of the Revised VMP is vegetation management on City-owned parcels and along public roadways. The City acknowledges the Revised VMP is only one facet of wildfire risk reduction and explains how OFD and other City departments are addressing other areas of wildfire risk reduction, including defensible space on private properties.

Response to Comment CF-23

This comment states there are methods homeowners can take to reduce the chance of home ignition and recommends that the City of Oakland or State of California should consider providing financial incentives for homeowners and building owners in very high fire severity zones to replace roofs with Class A fire-proof roofs. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CF-24

This comment expresses concern that there is insufficient information in the Revised VMP and Recirculated DEIR to explain why the Plan seeks to remove many large living trees within the Plan Area when dead, organic litter poses the greatest wildfire threat. Master Response 5, under "Removal of Large or Heritage Trees," explains that vegetation treatments would prioritize retention of healthy trees and removal of all single-stem pines and cypress with trunk diameters measuring less than 8 inches as well as removal of trees that pose an unreasonable fire and/or life safety risk (determined by a Certified Arborist, Licensed Forester, or Fire Safety Expert) (Recirculated DEIR, page 3.4-111). Additionally, Table 2-4, "Vegetation Management Standards and Goals by Dominant Vegetation Type," starting on page 2-14 of the Recirculated DEIR, indicates that the Revised VMP seeks to remove all dead trees and dead/dying growth and litter from trees, consistent with the Oakland Fire Code.

Response to Comment CF-25

This comment suggests that the trees within the VMP Plan area should be evaluated by a certified arborist to help determine tree health and guide the removal selection process. See Response to Comment CF-24.

Response to Comment CF-26

This comment states that the Recirculated DEIR says no environmental review of the integrated pest management policy (including the allowance of using glyphosate and triclopyr) was conducted, but that the policy is included in the Recirculated DEIR. As explained in Master Response 3, under "Legality of Herbicide Use in Oakland for the Purpose of Vegetation Management," Resolution 79133 restricts the application of herbicide to direct application and states that spraying of herbicides is prohibited until an environmental evaluation of the resolution can be completed. The Oakland VMP Recirculated DEIR is that environmental evaluation. Accordingly, any sprayed application of herbicide authorized in the Recirculated DEIR is permitted under Resolution 79133.

Response to Comment CF-27

This comment supports that the City of Oakland is seeking input on potentially hazardous impacts from herbicide use within VMP Plan areas. This comment will be conveyed to the decision-makers.

Response to Comment CF-28

This comment states that glyphosate contaminates groundwater and rainwater and cites a supporting study. See Master Response 3.

Response to Comment CF-29

This comment states that glyphosate is classified as a probable carcinogen to people based on evidence after real-world exposure situations in animals and cites research from the World Health Organization. See Master Response 3.

Response to Comment CF-30

The comment states that the USEPA released a draft biological evaluation which found that glyphosate is likely to injure or kill 93% of plants/animals protected under the ESA and 96% of their habitats, as well as that the U.S. Court of Appeals vacated the human health portion of the glyphosate interim registration review decision and the EPA determined withdrawal of glyphosate ID was appropriate. See Master Response 3.

Response to Comment CF-31

The comment states that a study found that glyphosate is likely the cause of an explosion in childhood leukemia. Section 3.8, *Hazards and Hazardous Materials*, of the Recirculated DEIR describes the risks to human health and mitigation that would reduce the risk to a less-than-significant level with mitigation.

Response to Comment CF-32

This comment states concern that the Revised VMP's proposed use of glyphosate would have significant and hazardous impacts on the public, applicators, and the environment, and concern that glyphosate would be used on a minimum of 36 acres in the Oakland Hills in areas where children often are. The Recirculated DEIR describes risks of herbicide and the approach to minimizing the risks under the Project. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to ecological health and mitigation that would reduce the risk to less than significant with mitigation. Section 3.8, *Hazards and Hazardous Materials*, of the Recirculated DEIR describes the risks to human health and mitigation that would reduce the risk to less than significant with mitigation. See Master Response 3 for further discussion regarding the use of herbicide.

Response to Comment CF-33

This comment states that the Recirculated DEIR lacks sufficient analysis in the Hazards and Hazardous Materials section about impacts of glyphosate. See Response to Comment CF-32 and Master Response 3.

Response to Comment CF-34

This comment states that triclopyr is toxic to many different types of broadleaf plants and that triclopyr has been found to reside in soils for 477 days following treatment. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to ecological health and mitigation that would reduce the risk to a less-than-significant level with mitigation.

Response to Comment CF-35

The comment states that triclopyr is at risk of drifting, so it should be applied only when there is little or no hazard of drift and when there is limited wind, and, that fine spray should be avoided. Section 3.3, page 3.3-32, of the Recirculated DEIR outlines Mitigation Measure HAZ-4, which prohibits the use of herbicide spray application methods when wind velocities are greater than 7 miles per hour. See also Master Response 3.

Response to Comment CF-36

The comments states that TCP is a major initial product of triclopyr and that CO_2 is also a degradation product. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CF-37

The comment states that the potential for triclopyr leaching into groundwater increases as soil organic matter decreases and climatic conditions reduce soil microbial activity, and that it is not strongly absorbed to soil particles. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CF-38

The comment states that TCP has been found in groundwater, and particularly, that it was found at a golf course site in western Oregon. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CF-39

The comment states that triclopyr is toxic to fish and can affect behavioral neurological changes and survivability in frog tadpoles and salmon fry. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to ecological health, including amphibians and fish, and mitigation that would reduce the risk to less than significant with mitigation. Section 3.4 includes Mitigation Measures BIO-1, BIO-2a, BIO-2b, BIO-9, HAZ-4, and HAZ-5 to reduce impacts from herbicide. See also Master Response 3.

Response to Comment CF-40

The comment states that triclopyr may be a hazard to threatened and endangered plant species if used where they live. The Recirculated DEIR includes analysis of potential hazards from triclopyr as well as mitigation measures (specifically Mitigation Measures BIO-2a and BIO-b) to reduce potential impacts from herbicide to biological resources, including special-status plant species. See also Master Response 3.

Response to Comment CF-41

The comment states that triclopyr is toxic to fish and should not be applied directly to water, or in areas where it could get into water. Mitigation Measure BIO-9, mentioned in Section 3.4, onpage 3.4-73 of the Recirculated DEIR, would reduce the potential for herbicides to impact special-status reptiles and amphibians by ensuring no herbicide is applied to open water or

riparian corridors, and no herbicide is applied within 48 hours of predicted rainfall. See also Master Response 3.

Response to Comment CF-42

The comment states concern that the use of triclopyr in the Revised VMP would result in hazardous environmental impacts to wildlife species, and that it is not mitigated adequately in the Recirculated DEIR. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to ecological health and mitigation that would reduce the risk to less than significant with mitigation. Section 3.8, *Hazards and Hazardous Materials*, of the Recirculated DEIR describes the risks to human health and mitigation that would reduce the risk to a less-than-significant level with mitigation. See also Master Response 3.

Response to Comment CF-43

The comment states that imazapyr is a non-selective herbicide with broad-ranging negative effects on various plants, including grasses, herbs, woody species, and aquatic plants. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to ecological health and mitigation that would reduce the risk to a less-than-significant level with mitigation. See also Master Response 3.

Response to Comment CF-44

The comment states that imazapyr was banned in the EU and includes a table of chemicals that have been phased out under authorizations Directive 91/414/EEC. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CF-45

The comment expresses concern that allowing imazapyr in the VMP Project area poses a risk of significant unmitigated negative hazardous impacts to the environment. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to ecological health and mitigation that would reduce the risk to a less-than-significant level with mitigation. Section 3.8, *Hazards and Hazardous Materials*, of the Recirculated DEIR describes the risks to human health and mitigation that would reduce the risk to a less-than-significant level with mitigation. See also Master Response 3.

Response to Comment CF-46

The comment expresses concern that if glyphosate, triclopyr, and imazapyr would be used in combination in the VMP, then the Recirculated DEIR would need to include further analysis about potential toxicity to humans, wildlife, and the environment. Section 3.4, *Biological Resources*, of the Recirculated DEIR describes the risks to ecological health and mitigation that would reduce the risk to a less-than-significant level with mitigation. Section 3.8, *Hazards and Hazardous Materials*, of the Recirculated DEIR describes the risks to human health and mitigation that would reduce the risk to a less-than-significant level with mitigation. See also Master Response 3.

Response to Comment CF-47

The comment states concern that the proposed mitigation measures for hazards and hazardous materials are inadequate because they only attempt to prevent people from accessing areas where herbicides have been sprayed, but that people would not necessarily follow them, and because the mitigation measures would not stop negative environmental impacts of herbicides on wildlife species and the environment. The comment also states concern that the use of herbicides is inconsistent with the Revised VMP's long-term goals to protect the public safety and create a healthy environment in Oakland. See Response to Comment CF-46. The use of herbicide in the Revised VMP was selected in combination with three other treatment methods to reduce wildfire fuel. As stated in Section 1.0 of the Revised VMP, page 2, the goals and objectives and management approach suggested in the Revised VMP are aligned with objectives in the City of Oakland General Plan that promote managing vegetation to minimize risk of catastrophic wildfire.

Response to Comment CF-48

The comment states that many other cities in California prioritize public safety and are replacing herbicides with other methods. See Master Response 3.

Response to Comment CF-49

The comment states concern that the use of herbicides in the Revised VMP would create significant hazardous environmental impacts and leave dead fuels, which could worsen a wildfire. See Response to Comment CF-24. As stated in Section 2.4.6 on page 2-83 of the Recirculated DEIR, herbicides would typically be used in combination with other types of fuel reduction treatments such as mowing, trimming, pruning, and grazing. This would limit the amount of dead vegetation left following herbicide application. See also Master Response 3.

Response to Comment CF-50

The comment expresses concern that the Recirculated DEIR mentions cost savings would be achieved from using chemical herbicides, when harm could be created as a result of using the chemicals. See Response to Comment CF-46. See Master Response 3 for additional discussion.

Response to Comment CF-51

The comment expresses concern that the Revised VMP could be prioritizing cost savings over public safety, wildlife species, and the environment with the use of herbicides. See Response to Comment CF-46. As stated in Section 1.1, page 3 of the VMP, the overarching purpose of the VMP is to protect public safety and foster a healthy environment in the VMP Plan area.

Response to Comment CF-52

The comment suggests including an herbicide-free policy in the Revised VMP. Section 5.4 of the Recirculated DEIR evaluated Alternative 3, the No Herbicide Use Alternative, and Alternative 4, the Reduced Herbicide Use Alternative. Both alternatives were found to be infeasible. See Sections 5.4.3 and 5.4.4 beginning on page 5-8 of the Recirculated DEIR for further discussion.

CG

Comments on Recirculated Draft Environmental Impact Report for the Revised Draft Oakland Vegetation Management Plan

From Nadine Weil <nadine.weil@gmail.com>
To <DEIR-comments@oaklandvegmanagement.org>
Date 2023-11-07 01:02

Revised Draft VMP DEIR Comments by Nadine Weil.doc (~58 KB)

Dear City of Oakland,

Please find my comments on the Recirculated Draft Environmental Impact Report for the Revised Draft Oakland Vegetation Management Plan.

Thank you very much for your time and consideration.

Warm regards,
Nadine Weil

November 5, 2023

Edward Manasse
Environmental Review Officer
The City of Oakland
250 Frank H. Ogawa Plaza
Oakland, CA 94612

Dear Mr. Manasse,

I am writing to comment on the Recirculated Draft Environmental Impact Report ("DEIR") for the Revised Draft Oakland Vegetation Management Plan ("VMP").

As a frequent visitor to the Mt. Sutro Reserve, I have witnessed the valuable health benefits this forest is providing to people, wildlife and the environment. I have concerns about the adequacy and sufficiency of the DEIR as explained below. CG-1

Inadequate Greenhouse Gas Emissions Calculations & Insufficient Detail about Tree Field Surveys, Deforestation & Greenhouse Gas Emissions

In the Revised Draft VMP November 2017 Draft Biological Resources Report, it says that a series of field surveys of sites in the Plan Area were conducted. However, the VMP and the DEIR do not provide any detail about the number of trees currently present in the Plan Areas or the diameter at breast height (DBH) of the trees. The VMP only provides the target post-deforestation number of trees per acre by type of habitat. This is insufficient. Therefore, it is impossible to know how many trees will be cut down and impossible to calculate accurately the Greenhouse Gas Emissions associated with the deforestation from the VMP. CG-2

In *Sierra Club v. County of Fresno,* the Court notes that an EIR must provide "detail sufficient to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the proposed project." The DEIR for the Oakland VMP does not provide sufficient detail about the amount of deforestation that will occur and the potentially significant negative environmental impacts from that deforestation including greenhouse gas emissions and the loss of annual carbon removal from those felled trees going forward, thereby causing climate change. CG-3

Using estimates of beginning trees per acre, one can attempt to estimate the total number of trees to be cut down in the VMP areas as show below.

Habitat Type	VMP Table 3.4-1 Acres	Estimated Beginning Trees per Acre	Estimated Beginning Total Trees	VMP Ending Trees per Acre	Ending Total Trees	Minimum Estimated Trees Cut Down
Oak Woodland (Non-Oak Trees)	630.6	20	12,612	0	0	12,612
Redwood	141.4					
Riparian	1.4					
Eucalyptus	177.9					
Eucalyptus - Mature (80%)	142.3	800	113,840	36	5,124	108,716
Eucalyptus - Second Growth (20%)	35.6	1,000	35,600	108	3,843	31,757
Closed-cone Pine-Cypress	180.7	100	18,070	48	8,674	9,396
Coastal Scrub	176.9					
Mixed Chaparral	8.1					
Annual Grassland	258.1					
Perennial Grassland	13.4					
Frshwater Emergent Wetland	0.4					
Urban - Acacia+	654.6	100	65,460	36	23,566	41,894
Total	2,253.0		245,582		41,205	204,377

Using the allometric equations from the California Air Resources Board AB 32 U.S. Forest Projects Protocol, one can estimate that the CO2e emissions from cutting down 200,000 trees would be a minimum of 847,902 metric tons of Co2e. The loss of future carbon removal from these felled trees over 30 years would be 720,000 metric tons of CO2 not removed from the atmosphere, thereby causing climate change. These greenhouse gas emissions are significant and unmitigated in the current DEIR.

CG-4

Cutting down 1 million trees would generate an estimated 4,239,513 metric tons of CO2e from the deforestation and would cause California to lose 3,600,000.00 metric tons of future carbon removal over 30 years, thereby causing climate change.

Per the CEQA Guidelines Appendix G, an EIR must adequately assess whether it will "generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment" and "conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The Greenhouse Gas Emissions section of the VMP DEIR is insufficient and inadequate in its current form and is also inconsistent with California's stated goals to reduce greenhouse gas emissions.

CG-5

Thank you for your time and consideration in reading these comments.

Sincerely,

Nadine Weil

Nadine Weil
2140 Pacific Avenue, Suite 603
San Francisco, CA 94115

Letter CG: Nadine Wells

Response to Comment CG-1

The commenter described having witnessed the valuable ecological and human benefits conferred by the Mt. Sutro Reserve forest. The commenter also expressed concerns about the adequacy and sufficiency of the Recirculated DEIR. This comment is introductory in nature. It does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comment CG-2

The comment states that the Revised VMP and Recirculated DEIR do not provide the number of trees present in the VMP Plan area or the DBH of the trees, instead providing only a target number of trees to be removed per acre by type of habitat. The comment asserts that it is not possible to calculate GHG emissions associated with vegetation treatment under the VMP without this level of detail.

A count of all trees in the VMP Plan area is not feasible, given the size of the area. The number of trees to be removed at each treatment site would depend on site conditions and the alignment of those conditions to CAL FIRE's defensible space standards. Table 2-4, "Vegetation Management Standards and Goals by Dominant Vegetation Type," on page 2-16 of the Recirculated DEIR states that horizontal crown spacing shall adhere to CAL FIRE's most current defensible space standards. Crown spacing distances are subject to change in accordance with updated state or local regulations and will be reviewed by OFD in alignment with Revised VMP Section 12.4, "Adaptive Management." Accordingly, the number of trees to be removed and the and change to canopy could vary over time. A quantitative analysis of tree removal and canopy change is therefore not possible. A qualitative analysis of GHG emissions is required.

Response to Comment CG-3

The comment asserts that the Recirculated DEIR is inconsistent with requirements of *Sierra Club v. County of Fresno*, which requires that an EIR provide sufficient detail for those "who did not participate in its preparation." The comment further stated that the Revised VMP does not provide sufficient detail about the extent of tree removal that it would enable and the loss of annual carbon sequestration that would result, thereby increasing the rate of climate change. The comment also provides a table prepared by the commenter which estimates the number of trees that would be removed as a result of vegetation treatment under the Revised VMP across the Plan area.

It is unclear where the values in the columns "VMP Ending Trees per Acre," "Ending Total Trees," and "Minimum Estimated Trees Cut Down" came from. The comment does not describe the methods used to determine these values. In particular, the comment assumes a static number of trees that would be removed, whereas the Recirculated DEIR recognizes that this number would depend on site conditions and could change over time (see Response to Comment CG-2). The Recirculated DEIR provides the information about particular vegetation treatments as fully

as is known at this time and therefore is consistent with requirements of *Sierra Club v. County of Fresno*.

Response to Comment CG-4

The comment states that, based on the allometric equations from CARB's AB 32 U.S. Forest Projects Protocol, the loss of 200,000 trees would decrease carbon sequestration and result in 720,000 metric tons of CO_2 not being removed from the atmosphere.

The Recirculated DEIR considered potential reduction in carbon sequestration that could result from vegetation treatments enabled by the Revised VMP in Impact GHG-4 on pages 3.7-17–3.7-18. This impact analysis states that vegetation treatment would increase forest health and decrease risk of catastrophic wildfire. The analysis identified that 80 percent of carbon sequestration loss from natural and working lands is a result of loss from wildland fire (page 3.7-17). The temporary loss of carbon sequestration that would result from vegetation treatments would be substantially less than the loss that would result in case of catastrophic wildfire (page 3.7-18). Accordingly, the Recirculated DEIR determined that the impact would be less than significant and that no mitigation was required.

Response to Comment CG-5

The comment expresses concern that the GHG section of the Recirculated DEIR is insufficient and not consistent with California's goals to reduce GHG emissions. As summarized in Response to Comment CG-4, the Recirculated DEIR provides a detailed qualitative analysis supporting its conclusion that loss in carbon sequestration would be less than significant.

Letter CH: Oral Comments Presented at the November 1, 2023 Planning Commission Hearing

Response to Comments by Kenneth Benson, President, Oakland Firesafe Council

The commenter states that the Oakland Firesafe Council and other participating community members agree with the edits made to the DEIR and are happy it is getting passed by the City. The comment does not pertain to the adequacy of the CEQA analysis. This comment will be conveyed to the decision-makers.

Response to Comments by Elizabeth Stage

The commenter states that the CCC supports the Recirculated DEIR and thanks the City Council for approving the DEIR. The commenter notes that the CCC would prefer removal of all eucalyptus but understands budget constraints and thanks the City Council for reaching a reasonable compromise with different groups.

Replacement/restoration is not a goal of the VMP. During VMP development, the City received feedback requesting that the plan not replace non-native trees/vegetation with native vegetation. Though the results of such a plan may meet fire hazard reduction goals, the VMP does as well by addressing areas with the highest fire hazard and prioritizing treatments there.

Response to Comments by Cynthia Harrison Barbera

The commenter thanks all relevant parties for their hard work forward completing the Recirculated DEIR. The commenter states that she enthusiastically supports the plan and that vegetation management is desperately needed on City-owned land. The comments do not pertain to the adequacy of the CEQA analysis. These comments will be conveyed to the decision-makers.

Response to Comments by Richard Buckingham

The commenter supports the plan, especially expanding the clearance of roadways from 30 to 100 feet. The commenter encourages the City Council to be expeditious about passing, funding, and implementing the VMP. The comments do not pertain to the adequacy of the CEQA analysis. These comments will be conveyed to the decision-makers.

Chapter 4
REVISIONS TO THE REVISED VMP AND RECIRCULATED DEIR

This chapter presents revisions to the Recirculated DEIR in response to the public review and comment process. Based on the responses to comments on the Revised VMP and Recirculated DEIR provided in FEIR Chapter 2, the text of the VMP and EIR are hereby revised as indicated below.

The revisions to the Revised VMP and Recirculated DEIR do not alter the conclusions of the impact analysis contained in the Recirculated DEIR.

4.1 REVISED VEGETATION MANAGEMENT PLAN

In Section 9.1.2, "Vegetation Management and Maintenance Standards – Grassland/ Herbaceous," of the Revised VMP, the second bullet point is revised as follows:

> "Beyond 75 ~~30~~ feet from a habitable structure, grasses (annual and perennial), weeds, and thistles shall be treated such that heights do not exceed 18 inches, but it is recommended to cut grasses below 6 inches in height. Avoid removal to the mineral soil to minimize erosion."

Also in Section 9.1.2 of the Revised VMP, the third bullet point is revised, consistent with Chapter 49 (within Chapter 15.12) of the Oakland Fire Code, to state:

> "Cut grass may be left on the ground surface to protect soil as long as it lays down within 3 inches of the ground ~~does not exceed 6 inches in height~~."

Appendix K, *Stakeholder/Volunteer Groups in the Plan Area*, of the Revised VMP is updated as follows to show the contacts of the organization as of November 2023:

Park	Stakeholder/Volunteer Group	Contact	Email
Knowland Park	Friends of Knowland Park	Scott Wedge	swopw@xemaps.com
		~~Elise Bernstein~~	~~elisebernstein@gmail.com~~
		Beth Wurzburg	wurzburg.beth@gmail.com
		~~Laura Baker~~	~~lbake66@aol.com~~
		Karen Asbelle	karen.asbelle@gmail.com
		Barbara Kluger	bkluger@gmail.com
		Jim Hanson	conservation@ebcnps.org

Chapter 5
Report Preparation

The following presents the list of individuals who assisted in preparing and/or reviewing the FEIR.

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4.2 RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

In Chapter 2, *Project Description,* of the Recirculated DEIR, the last sentence in the paragraph under "Knowland Park and Arboretum – Current Vegetation Treatments" on page 2-60 is revised as follows:

> "~~Most~~ Portions of this property include~~s~~ lands within 100 and 300 feet from existing structures."

In Section 3.4, *Biological Resources,* of the Recirculated DEIR, Mitigation Measure BIO-7, "Protection of Alameda Whipsnake," is revised as follows on page 3.4-73:

5. The biological monitor shall inspect the treatment area for Alameda whipsnake each day before ~~work~~ all manual and mechanical work in suitable habitat areas begins and by checking debris piles, and also beneath vehicles/equipment before it is moved.

6. If erosion control is needed, plastic monofilament netting or similar material containing netting shall not be used, as Alameda whipsnake may become entangled in this material. Coconut coir matting or tackified hydroseeding compounds are acceptable alternatives.

7. If broadcasting of wood chips within suitable habitat areas, to the extent feasible avoid potential Alameda whipsnake refugia such as rocky outcrops and mammal burrows, in addition to limiting chip depth in suitable habitat to prevent disruption of Alameda whipsnake thermoregulation.

Chapter 6
References

Bartosh, H., L. Naumovich, and L. Baker. 2010. *A Guidebook to Botanical Priority Protection Areas of the East Bay*. East Bay Chapter of the California Native Plant Society.

Calflora. 2014. Calflora Plant Search [web application]. Berkeley, California. Available at: http://www.calflora.org/. Accessed on May 28, 2017.

California Department of Fish and Wildlife. 2017. California Natural Diversity Database. Biogeographic Data Branch. Sacramento, California. August 2017.

California Department of Fish and Wildlife. 2018. Sensitive Natural Communities List. Available at: http://www.dfg.ca.gov/biogeodata/vegcamp/ natural_communities.asp. Updated October 15, 2018.

California Department of Fish and Wildlife. 2020. Report to the Fish and Game Commission: Evaluation of A Petition From The Center For Biological Diversity and The Mountain Lion Foundation To List The Southern California/Central Coast Evolutionarily Significant Unit (ESU) Of Mountain Lions as Threatened Under The California Endangered Species Act. Prepared by California Department of Fish and Wildlife. January 2020.

California Native Plant Society. 2017. Inventory of Rare and Endangered Plants (online edition, v8-02). Sacramento, CA. Available at: at: http://www.rareplants.cnps.org. Accessed on February 28, 2017.

CDFW. *See* California Department of Fish and Wildlife.

City of Oakland. 2017. History of Fires in the Oakland Hills. Available at: http://www2.oaklandnet.com/oakca1/groups/fire/documents/webcontent/oak042168.pdf/. Accessed March 2017.

CNPS. *See* California Native Plant Society.

Dickson, B. G., and P. Beier. 2002. Home-range and habitat selection by adult cougars in Southern California. *Journal of Wildlife Management* 66(4): 1235–1245.

Dickson, B. G., J. S. Jennes, and P. Beier. 2005. Influence of Vegetation, Topography, and Roads on Cougar Movement in Southern California. *Journal of Wildlife Management* 69(1): 264–276. Available at: https://doi.org/10.2193/0022-541X(2005)0692.0.CO;2.

Clean Water Program Alameda County. 2023. Best Management Practices for Construction Sites. Available at: https://cleanwaterprogram.org/construction/.

Crockett, J. L., and A. L. Westerling. 2018. Greater Temperature and Precipitation Extremes Intensify Western U.S. Droughts, Wildfire Severity, and Sierra Nevada Tree Mortality. *Journal of Climate* 31(1):341-354.

eBird. 2017. eBird: An online database of bird distribution and abundance [web application]. eBird, Ithaca, New York. Available at: http://www.ebird.org. Accessed May 3, 2017.

Federal Emergency Management Agency. 2014. Final Hazardous Fire Risk Reduction Environmental Impact Statement.

FEMA. *See* Federal Emergency Management Agency.

Grinnell, J. 1914. Yuma cougar (*Felis oregonensis bro*wni, Merriam). *In* An account of the mammals and birds of the lower Colorado Valley with especial reference to the distributional problems presented; pages 251-253. University of California Publications in Zoology 12(4):51-294.

Grinnell, J., J. S. Dixon, and J. M. Linsdale. 1937. California Mountain Lion. *In* Furbearing Mammals of California, Their Natural History, Systematic Status, and Relations to Man, Volume II; pages 533-589. University of California Press, Berkeley, California, USA. 777 pp.

Jurjavcic, N., M. Keever, L. Baker, and T. Keeler-Wolf. 2015. Maritime Chaparral in the East Bay. California Native Plant Society Conservation Conference.

Kie, J. G. 1988. Urban. *In* A Guide to Wildlife Habitats of California. 1988. Mayer, K. E. and W. F. Laudenslayer, eds. State of California, Resources Agency, Department of Fish and Game, Sacramento, CA. Updated by CWHR staff, April 2005.

Kramer, G. 1988. Urban. *In* A Guide to Wildlife Habitats of California. 1988. Mayer, K. E. and W. F. Laudenslayer, eds. State of California, Resources Agency, Department of Fish and Game, Sacramento, CA.

Lake, D. 2017. Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties [web application]. East Bay Chapter of the California Native Plant Society.

Laurel Marcus and Associates, NewFields River Basin Services, and Hydrologic Systems Inc. 2010. Final Sausal Creek Watershed Enhancement Plan. Prepared for Friends of Sausal Creek. March 2010.

Lowe, M. 2000. The Upper Sausal Creek Watershed (Oakland, California): Historical and Contemporary Ecology, Watershed Assessment, and Recommendations for Ecosystem Restoration and Management. Sonoma State University.

LSA Associates, Inc. 2009a. East Bay Regional Park District Draft Wildfire Hazard Reduction and Resource Management Plan. July.

LSA Associates, Inc. 2009b. East Bay Regional Park District Wildfire Hazard Reduction and Resource Management Plan Environmental Impact Report. July.

Mayer, K. E., and W. F. Laudenslayer, eds. A Guide to Wildlife Habitats of California. 1988. State of California, Resources Agency, Department of Fish and Game, Sacramento, CA. Updated descriptions available at: https://www.wildlife.ca.gov/Data/CWHR/Wildlife-Habitats.

McBride, J. R., and H. F. Heady. 1968. Invasion of grassland by *Baccharis pilularis*. DC. *Journal of Range Management* 21(2): pp.106-108.

McBride, J. R., and C. Reid. 1988. Urban. *In* A Guide to Wildlife Habitats of California. 1988. Mayer, K. E., and W.,F. Laudenslayer, eds. State of California, Resources Agency, Department of Fish and Game, Sacramento, CA.

McClanahan, K. A., B. N. Duplisea, J. A. Dellinger, and M. W. Kenyon. 2017. Documentation of mountain lion occurrence and reproduction in the Sacramento Valley of California. *California Fish and Game* 103(1):7-14.

Nowak, D. L. 1993. Historical Vegetation Change in Oakland and Its Implications for Urban Forest Management. *Journal of Arboriculture* 19(5).

Oakland Wildland Stewards. 2017. Native Plants of the Oakland Hills City Parks.

OWLS. *See* Oakland Wildland Stewards.

Pearson, D. C. 1988. Eucalyptus. *In* A Guide to Wildlife Habitats of California. 1988. Mayer, K. E., and W. F. Laudenslayer, eds. State of California, Resources Agency, Department of Fish and Game, Sacramento, CA.

Placemakers. 2011. Amendment to Oakland Zoo Master Plan: Subsequent Mitigated Negative Declaration/Addendum. Prepared for the City of Oakland. February 2011.

Sanders, A. C., M. A. Elvin, and M. S. Brunell. 2017. *Monardella villosa* subsp. *Villosa. In* Jepson Flora Project (eds.) Jepson eFlora. Available at: http://ucjeps.berkeley.edu/eflora/eflora_display.php?tid=51631. Accessed June 6, 2017.

Sawyer, J. O., T. Keeler-Wolf, and J. Evens. 2009. A Manual of California Vegetation. Second edition. California Native Plant Society Press.

Simon, G. L. Vulnerability-in-Production: A Spatial History of Nature, Affluence, and Fire in Oakland, California. *Annals of the Association of American Geographers* 104(6).

Stromberg, M. R., and J.,R. Griffen. 1996. Long-Term Patterns in Coastal California Grasslands in Relation to Cultivation, Gophers, and Grazing. *Ecological Applications* 6(4).

Sugihara, N. G., J. W. Van Wagtendonk, K. E. Shaffer, J. Fites-Kaufman, and A. Thode, eds. 2006. Fire in California's Ecosystems. Chapter 14. University of California Press. Berkeley and Los Angeles, California.

URS. 2009. Strawberry Canyon Vegetation Mitigation letter. May 27.

U.S. Fish and Wildlife Service. 2009. Bay checkerspot butterfly (*Euphydryas editha bayensis*) 5-Year Review: Summary and Evaluation. August.

U.S. Fish and Wildlife Service. 2010. *Chorizanthe robusta* var. *robusta* (Robust Spineflower) 5-Year Review: Summary and Evaluation. February.

U.S. Fish and Wildlife Service. 2011. Alameda Whipsnake (*Masticophis lateralis euryxanthus*) 5-Year Review: Summary and Evaluation. September.

U.S. Fish and Wildlife Service. 2012. Programmatic Biological Opinion for U.S. Army Corps of Engineers (Corps) Permitted Projects Utilizing the East Alameda County Conservation Strategy that May Affect Federally Listed Species in East Alameda County, California (Corps File Number 2011-00230S). May.

U.S. Fish and Wildlife Service. 2014. *Holocarpha macradenia* (Santa Cruz tarplant) 5-Year Review: Summary and Evaluation.

USFWS. *See* U.S. Fish and Wildlife Service.

U.S. Geological Survey. 2016. USGS National Hydrography Dataset (NHD) Downloadable Data Collection - National Geospatial Data Asset (NGDA) National Hydrography Dataset (NHD): USGS - National Geospatial Technical Operations Center (NGTOC): Rolla, MO and Denver, CO.

USGS. *See* U.S. Geological Survey.

Western Monarch Count Resource Center. 2017. Find an Overwintering Site Near You. Available at: https://www.westernmonarchcount.org/find-an-overwintering-site- near-you/. Accessed September 28, 2017.

Whittemore, A. T. 2017. Juglans californica. *In* Jepson Flora Project (eds.), Jepson eFlora. Available at: http://ucjeps.berkeley.edu/cgi-bin/get_IJM.pl?tid=29566. Accessed February 28, 2017.

Williams, D. F. 1986. Yuma mountain lion (*Felis concolor browni*). *In* Mammal Species of Special Concern in California, pages 31-33. California Department of Fish and Game, Wildlife Management Division, Administrative Report 86-1. 112 pp.

WRA, Inc. 2013. Vegetation Management Implementation Plan: Chabot Space and Science Center. Prepared for City of Oakland. November.

Appendix A

Mitigation Monitoring and Reporting Plan

APPENDIX A.
MITIGATION MONITORING AND REPORTING PLAN

The following mitigation monitoring and reporting program (MMRP) summary table includes the mitigation measures identified in the City of Oakland Vegetation Management Plan Project Environmental Impact Report (EIR). For each mitigation measure, this table identifies monitoring and reporting actions that shall be carried out, the party responsible for implementing these actions, and the monitoring schedule. This table also includes a column where responsible parties can check off monitoring and reporting actions as they are completed. It is the responsibility of the Contractor to ensure that actions required for all of the mitigation measures listed herein are included in the project plans and specifications. It is the responsibility of the City to review and confirm that all of the mitigation measure actions described herein are in the project plans and specifications.

Acronyms and Abbreviations

ATCM	airborne toxic control measure
BAAQMD	Bay Area Air Quality Management District
BMP	best management practice
CARB	California Air Resources Board
CASQA	California Stormwater Quality Association
CDFW	California Department of Fish and Wildlife
CDPR	California Department of Public Resources
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CRLF	California red-legged frog
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CRHR	California Register of Historical Resources
CWA	Clean Water Act
dBA	A-weighted decibel
DBH	diameter at breast height
EIR	environmental impact report
ESA	Endangered Species Act
EIR	Environmental Impact Report
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
MLD	Most Likely Descendent
MM	mitigation measure
NAHC	Native American Heritage Commission
NOA	naturally occurring asbestos

NPPA	Native Plant Protection Act
NRHP	National Register of Historic Places
OFD	Oakland Fire Department
Pub. Res. Code	Public Resources Code
RWQCB	Regional Water Quality Control Board
SOD	sudden oak death
SR	State Route
TCR	tribal cultural resource
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Act
USFWS	United States Fish and Wildlife Service
VMP	Vegetation Management Plan
WPT	Western pond turtle

Aesthetics

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
AES-1 Conduct Visual Reconnaissance Prior to Implementing Tree Removal Activities to Determine if Vegetation Relocation or Thinning of Publicly Visible Treatment Areas is Necessary The City will conduct a visual reconnaissance of Revised Draft VMP treatment areas involving tree thinning and removal to observe the surrounding landscape and determine if vegetation management activities will have a significant effect on scenic vistas, public trails, or scenic routes that have views of the treatment area. If none are identified, treatments may be conducted without additional mitigation.	1. N/A 2. N/A 3. N/A	1. Conduct a visual reconnaissance of Revised Draft VMP treatment areas. 2. Identify opportunities to potentially modify the location of tree removal activities if public viewing points would be significantly affected. 3. Thin adjacent vegetation if no changes are feasible.	1. Prior to the start of construction 2. Prior to the start of construction 3. During construction, if necessary.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
If the City identifies that public viewing points such as public trails or recreation areas with extended views of a Revised Draft VMP treatment area would be significantly affected, prior to conducting vegetation treatment activities, the City will identify opportunities to potentially modify the location of tree removal activities to reduce the visibility of removed vegetation from public viewpoints. If no changes are feasible without compromising the intended vegetation management standards and goals described in the Revised Draft VMP, the City will thin adjacent vegetation to break up the linear edges of treatment areas and reduce the contrast between the treatment area and surrounding vegetation.				
AES-2 Staging (VMP BMP Gen-4) Staging will occur on access roads, surface streets, or other disturbed areas that are already compacted and support only ruderal vegetation. Similarly, all vegetation management equipment and materials will be contained within the existing service roads, paved roads, or other predetermined staging areas. Staging areas for equipment, personnel, vehicle parking, and material storage will be sited as far as possible from major roadways.	1. Comply with specified staging and equipment requirements.	1. Ensure contractor complies with staging and equipment requirements.	1. Prior to the start of construction and during construction.	

Air Quality

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
AQ-1 Fugitive Dust BMPs The City and its contractors will implement the following measures: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	1. Comply with items 1-8. 2. N/A 3. N/A	1. Ensure contractor compliance with items 1-8. 2. Retain a certified mechanic to comply with item 7. 3. Ensure appropriate city staff person is contacted if there are dust complaints, per item 8.	1. During construction 2. Prior to the start of construction. 3. During construction, if necessary.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California ATCM identified in 13 CCR Section 2485). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. 8. Post a publicly visible sign with the telephone number and name of the City staff person to contact regarding dust complaints. Following the review of any dust complaints, the City contact person shall respond and take corrective action within 48 hours. Assessments and responses to dust complaints will be conducted in compliance with the BAAQMD's applicable particulate matter rules and regulations, including but not limited to Regulation 6.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
AQ-2 Comply with Asbestos ATCM by Obtaining an Approved Asbestos Dust Mitigation Plan or Exemption Revised Draft VMP-related ground-disturbing activities greater than 1 acre within potential NOA-containing areas (specifically areas near SR 13, Joaquin Miller Road, Skyline Boulevard, and parcels near Lake Chabot) will be required to comply with CARB's ATCM for NOA. The City and its contractors will prepare and implement an asbestos dust mitigation plan in compliance with the State Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations with the BAAQMD's implementation requiring submission of an Asbestos Dust Mitigation Plan Application, which includes a checklist of BMPs that must be implemented. The plan will specify actions to be taken during Revised Draft VMP treatment activities to minimize NOA emissions. The plan will also address specific emission sources as identified by the BAAQMD to be: track-out onto the paved public road; active storage piles; inactive disturbed surface areas and storage piles; traffic on unpaved on-site roads; earthmoving activities; off-site transport of materials; and post-project stabilization of disturbed soil surfaces. Specific measures to be implemented will include but not be limited to removing visible track out, keeping active storage piles covered or wet, controlling	1. Prepare and implement an asbestos dust mitigation plan. 2. Submit the plan to the BAAQMD prior to the start of work.	1. Ensure the preparation and implementation of an asbestos dust mitigation plan. 2. Ensure the plan is submitted to the BAAQMD and that work does not start until it is approved.	1. Prior to the start of construction and during construction. 2. Prior to the start of construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
inactive areas or storage piles, maintain trucks and wet loads to prevent spillage, and limit vehicle speeds. The City and its contractors will submit the plan to BAAQMD for approval prior to implementation and will not proceed with Revised Draft VMP implementation until BAAQMD has approved the plan and proposed BMPs or an exemption is received.				
GEO-1 Minimize Area of Disturbance (Revised from VMP BMP GEN-2) (See Geology, Soils, and Seismicity)				
HAZ-1 Vehicle and Equipment Maintenance (VMP BMP GEN-8) (See Hazards and Hazardous Materials)				
HAZ-4 Measures to Avoid or Minimize Adverse Effects on People, Pets, or Other Non-Target Organisms from Use of Herbicides (See Hazards and Hazardous Materials)				
HAZ-5 Standard Herbicide Use Requirements (VMP BMP VEG-2) (See Hazards and Hazardous Materials)				

Biological Resources

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
BIO-1 Provide Biologist Review and Worker Training	1. Attend a biologist-led environmental training program.	1. Retain a qualified biologist to review the annual work plan each year and provide guidance regarding special-status species, sensitive habitats, and mitigation measures, and to provide an environmental training program.	1. Prior to the start of construction	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
The City shall retain a qualified biologist to review the annual work plan each year prior to conducting proposed Revised Draft VMP activities. The qualified biologist shall provide detailed guidance to staff regarding special status-species, sensitive habitats, and implementation of relevant mitigation measures described in this EIR. The qualified biologist shall also develop and present an environmental training program to all staff responsible for performing Revised Draft VMP treatment activities, including City contractors and volunteers. The training program shall be presented annually, at a minimum. Staff shall be trained to recognize special-status species and their habitats within the applicable Revised Draft VMP treatment areas. The training shall include maps and photos of known special-status species populations and location of riparian corridors or sensitive habitats. Staff shall also be trained to use protective measures, including those described in Mitigation Measures BIO-2a through BIO-5, BIO-13, BIO-14, GEO-1, and HAZ-4 and HAZ-5, to ensure that such species are not adversely impacted by Revised Draft VMP activities.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
BIO-2a Avoid Special-Status Plant Species (revised from VMP BMP BIO-3) The City and its contractors shall ensure that, before conducting treatment activities, Revised Draft VMP treatment areas shall be surveyed for special-status plants with the potential to occur in the Revised Draft VMP area. Avoidance of Presidio Clarkia is described in Mitigation Measure BIO-4. To avoid and/or minimize potential impacts on special-status plants, the following actions shall be taken: 1. A qualified botanist shall conduct protocol-level surveys for special-status plants within the treatment area following survey methods from CDFW's Protocols for Surveying and Evaluating Impacts on Special Status Native Plant Populations and Natural Communities (CDFW 2018), or most updated version. Surveys shall be conducted during the appropriate blooming period before commencement of work.	1. N/A 2. Provide the City with advance notice of construction schedule and anticipated start date. Support site access for qualified biologist. 3. N/A 4. Comply with biologist recommended measures. 5. N/A 6. Do not use herbicide within 100 feet of special-status plant populations. 7. N/A	1. Retain a qualified biologist to conduct protocol-level surveys for special-status plants within the treatment area. 2. Ensure qualified biologist conducts pre-construction surveys of construction work area according to CDFW protocol. 3. If special-status species are not found, ensure receipt of a report from the biologist documenting findings. 4. If special-status species are found, work with biologist to implement one or more of listed measures. 5. Ensure biologist conducts follow-up surveys, if needed.	1. Prior to the start of construction. 2. Prior to the start of construction. 3. Prior to the start of construction, if needed. 4. Prior to the start of construction, as needed. 5. Prior to the start of construction, if needed. 6. During construction, as needed. 7. During construction, as needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
2. If protocol-level surveys, consisting of at least two survey visits (e.g., early blooming season and later blooming season) during a normal weather year, have been completed in the 53 years before implementation of the Revised Draft VMP treatment project and no special-status plants were found, and no treatment activity occurred after the protocol-level survey, treatment may proceed in that area without additional plant surveys. 3. If special-status plants are not found, the botanist will document the findings in a report to the City and no further mitigation will be required. Botanical survey reports will be made available to the public upon request. 4. If special-status plant species are present at the treatment area based on the pre-treatment survey, the City's preferred approach is to avoid causing any impacts to the special-status species or its habitat, if feasible. In the event that complete avoidance is not possible, the qualified biologist shall minimize impacts on the species by implementing one or more of the following measures, as appropriate based upon the plant identified, the nature of the treatment, and the location:		6. Ensure contractor compliance with herbicide use restrictions. 7. Ensure biologist determines if the special-status plant population will benefit from treatment in the occupied habitat area If impacts to special-status plant populations cannot be completely avoided or minimized to a less than significant level.		

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
A. Flag or otherwise delineate in the field the special-status plant populations and/or sensitive natural community to be protected; B. Allow adequate (large enough to avoid direct or indirect impacts to the plants or habitat) buffers around plants or habitat; the location of the buffer zone shall be shown on the contract documents and marked in the field with stakes and/or flagging in such a way that exclusion zones are visible to personnel without excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing); and C. Schedule vegetation treatment or other activities to take place during dormant and/or non-critical life cycle period. 5. If special-status plant species are identified at the treatment area and treatment is not planned for two years, the qualified biologist will conduct a follow-up survey prior to treatment to determine if the boundaries of the population have shifted and to implement the measures outlined in step (4) above.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
6. Herbicides, if chosen as a Revised Draft VMP treatment method, shall not be used within 100 feet of special-status plant populations. 7. If impacts to special-status plant populations cannot be completely avoided or minimized to a less than significant level, the City shall implement the following measures:				

• The qualified botanist will determine if the special-status plant population will benefit from treatment in the occupied habitat area even though some of the individual plants may be adversely affected during treatment activities. If the qualified botanist determines that treatment activities will be beneficial to a special-status plant population, no compensatory mitigation will be required. For a treatment to be considered beneficial to special-status plants, the qualified botanist will demonstrate that habitat function is expected to improve with implementation of the treatment such that special-status plant populations would expand, regenerate, or display increased vigor after treatment implementation. This determination will consider and cite scientific studies demonstrating that the species or a similar species has benefitted from increased sunlight from canopy opening, eradication of invasive species, or otherwise reduced competition for resources. This determination will be documented in the survey results letter report. The City may consult with CDFW and/or USFWS for technical information regarding this determination. • If a qualified botanist determines that treatment activities will not be beneficial				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
to a special-status plant population, then Mitigation Measure BIO-2b shall be implemented.				
BIO-2b Provide Compensatory Mitigation for Special-Status Plant Species The City shall prepare a Compensatory Mitigation Plan and provide compensatory mitigation for impacts on special-status plant populations where such impacts are unavoidable, and a qualified botanist has determined that the treatment activity will not be beneficial to the special-status plant population The Compensatory Mitigation Plan will detail the compensatory mitigation strategy for unavoidable impacts on special-status plants. Compensation for unavoidable impacts on populations of special-status plants shall be provided by a combination of preservation and enhancement of those species' populations. For impacts on populations (including partial populations) of a specific special-status plant species, compensatory mitigation shall include preservation, enhancement, and management of lands that (a) already support equal or greater numbers (and health) of individuals of that species and (b) contain sufficient unoccupied habitat to allow for an increase in populations (at least equivalent to the number affected) through habitat enhancement and management.	1. N/A 2. N/A	1. Prepare and implement a Compensatory Mitigation Plan per measure specifications that is submitted to CDFW and/or USFWS (as appropriate) for review and comment. 2. Document the results in a mitigation monitoring report until the success criteria in the plan are met.	1. Prior to the start of construction. 2. During Mitigation, following construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
Compensatory mitigation may also include creating off-site populations on mitigation sites through seed collection or transplantation and/or restoring or creating suitable habitat. To determine the magnitude of the impact to the entire population of the species, the number of individuals affected will be determined by using the highest number of individuals known to be present in the impact area within the prior 10 years (if the impact area has undergone multiple surveys in recent years). If the special-status plant taxa impacted are listed under ESA, CESA, or NPPA, the Compensatory Mitigation Plan will be submitted to CDFW and/or USFWS (as appropriate) for review and comment. Success criteria for preserved and compensatory populations shall include: • The extent of occupied area and plant density (number of plants per unit area) in compensatory populations would be equal to or greater than the affected occupied habitat. • Compensatory and preserved populations would be self-producing. Populations would be considered self-producing when:				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
○ plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and ○ reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the treatment area vicinity. If off-site conservation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the Compensatory Mitigation Plan shall include details of these measures, including information on responsible parties for long-term management, conservation easement holders, long term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long -term viable populations.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
If relocation efforts are part of the Compensatory Mitigation Plan, the plan shall include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection, and management, monitoring and reporting requirements, success criteria such as those listed above, and remedial action responsibilities should the initial effort fail to meet long-term conservation requirements. After the Compensatory Mitigation Plan has been implemented, the City shall document the results in a mitigation monitoring report until the success criteria in the plan are met.				
BIO-3. Seeding with Native Species (VMP BMP BIO-10) To minimize the potential for invasive plant species to colonize exposed soils and subsequently spread into adjacent listed plant populations, the City and its contractors shall reseed exposed soil resulting from Revised Draft VMP activities as follows:	1. Reseed exposed soil per measure specifications.	2. Ensure that contractor reseeds exposed soil per measure specifications.	1. Following the completion of soil- disturbing VMP activities.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
1. Sites where vegetation management activities result in exposed soil shall be stabilized to prevent erosion. Disturbed areas shall be seeded with native seed as soon as is appropriate after vegetation management activities are completed. An erosion control seed mix may be applied to exposed soils, including down to the ordinary high-water mark on stream banks. 2. The erosion control seed mix shall consist of California native grasses (such as, but not limited to *Hordeum brachyantherum*, *Elymus glaucus*, *Stipa pulchra*, *Danthonia californica*, and *Festuca microstachys*) or annual, sterile seed. If feasible, the collection sources of native seeds will be from local or regional sources.				
BIO-4. Avoid Presidio Clarkia Sensitive Time Periods	1. Comply with listed measures if stated criteria are met.	1. Ensure contractor compliance with listed measures if stated criteria are met.	1. Prior to the start of construction and during construction, if needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
If Revised Draft VMP treatment activities, including mowing and weed eating, are planned within known habitat for Presidio clarkia (defined as the median strips and roadside along Skyline Boulevard and Chadbourne Way between Crestmont Drive and Redwood Road, roadsides along the north side of Kimberlin Heights Drive, Colgett Drive, the roadside of Crestmont Drive at the junction with Westfield Way, the roadside of Old Redwood Road, and the portion of Joaquin Miller Park located south of Skyline Boulevard near the junction with Joaquin Miller Road), the City and its contractors shall ensure that the following processes are followed: • Annually prior to the implementation of proposed Revised Draft VMP treatment activities within Presidio clarkia known habitat areas, a qualified botanist shall conduct a survey of Presidio clarkia distribution in areas where Revised Draft VMP treatments are proposed during the blooming period for this species (typically May and June). The botanist shall mark the limits of the Presidio clarkia distribution, and no work shall occur in these areas until a qualified botanist determines that the Presidio clarkia have released their seeds, which typically occurs in the late summer.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• If Revised Draft VMP treatments occur in areas adjacent to marked Presidio clarkia populations during the species growing season prior to Presidio clarkia seed release, a biological monitor shall be present during treatment implementation. The biological monitor shall monitor work crews to prevent accidental entry into the Presidio clarkia areas. • Herbicides, if chosen as a Revised Draft VMP treatment method, shall not be used within 100 feet of Presidio clarkia known habitat areas.				
BIO-5. Grazing (revised from VMP BMP BIO-6) 1. Livestock shall generally (in >80 percent of situations) be excluded from riparian areas where feasible, and shall be entirely (i.e., completely) excluded from streams with steep banks. Grazing contractors shall provide alternative water sources to avoid livestock reliance on natural water sources. Prior to conducting grazing on creekside properties (as defined in the Creek Protection Ordinance), the City shall obtain a Creek Protection Permit.	1. Comply with listed measures pertaining to grazing.	1. Ensure contractor compliance with listed measures pertaining to grazing.	1. Prior to the start of construction and during construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
2. If temporary fencing is used during grazing treatments, wildlife-friendly fencing design shall be used. The fencing shall minimize the chance of wildlife entanglement by avoiding barbed wire, loose or broken wires, or any material that could impale or snag a leaping animal. The fencing shall be highly visible to birds and mammals by using high-visibility tape or wire, flagging, or other markers. Fencing shall be constructed to allow wildlife to jump over easily without injury by installing the top wire low enough (no more than approximately 40 inches high on flat ground) to allow adult deer to jump over it. 3. Livestock shall be excluded from known locations of special-status plant species and mixed chaparral habitat. If a qualified botanist determines that grazing would be beneficial to a special-status plant species, grazing may occur within the special-status plant population under the direct supervision of a qualified botanist. 4. Livestock shall be monitored to ensure over-grazing of treatment areas does not occur. Grasslands should not be grazed to less than 4 inches.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
5. Livestock shall be excluded from areas treated with herbicide for, at a minimum, the post-treatment exclusion period included on the herbicide product label.				
BIO-6. Trash Removal (revised from VMP BMP BIO-7) The City and its contractors shall be required to keep all waste and contaminants contained and remove them daily from the work site. Wildlife-proof trash receptacles shall be used. Uneaten human food and trash attracts predators of the California red legged frog and Alameda whipsnake. A litter control program shall be instituted at each vegetation treatment site. All workers shall ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed trash containers. The trash containers shall be removed from the vegetation treatment site at the end of each working day.	1. Comply with listed trash removal measures.	1. Ensure contractor compliance with trash removal measures.	1. During construction.	
BIO-7. Protection of Alameda Whipsnake (revised from VMP BMP BIO-5) 1. Prior to implementing vegetation treatments in suitable Alameda whipsnake habitat (within 500 feet of core habitat), personnel involved in vegetation removal and earth-disturbing activities shall participate in an Environmental Awareness Training per	1. Attend an Environmental Awareness Training per Measure BIO-1. 2. N/A	1. Retain a qualified biologist to conduct an Environmental Awareness Training per Measure BIO-1.	1. Prior to the start of construction. 2. Prior to the start of construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
Mitigation Measure BIO-1. Workers shall be informed about Alameda whipsnake and their habitat, conservation goals, identification, and procedures to follow in the event of a possible sighting. 2. Any coastal scrub and chaparral habitat present within a vegetation treatment area shall be inspected by a qualified biologist prior to treatment to determine the presence or potential presence of Alameda whipsnakes. 3. To the maximum extent practicable, vegetation clearing activities in coastal scrub habitats shall be scheduled to avoid the breeding period for the Alameda whipsnake (March 15 through June 15). 4. A qualified biological monitor shall monitor vegetation removal and ground disturbance within Alameda whipsnake habitat, or other activities that may result in take of Alameda whipsnake. The biological monitor shall have the authority to stop any work that could result take of Alameda whipsnake. If an Alameda whipsnake is observed, the snake will be allowed to leave the area on its own volition.	3. Work with the City to schedule vegetation clearing activities in coastal scrub habitats outside of the Alameda Whipsnake breeding period, as feasible. 4. Listen to recommendations of biologist and stop work if needed. Resume work only if biologist says it's okay. 5. N/A 6. Do not use plastic monofilament netting of erosion occurs.	2. Ensure biologist inspects any coastal scrub or chaparral habitat prior to treatment. 3. Work with the contractor to schedule vegetation clearing activities in coastal scrub habitats outside of the Alameda Whipsnake breeding period, as feasible. 4. Ensure biologist monitors vegetation removal and ground-disturbing activities within Alameda Whipsnake Habitat. 5. Ensure biologist monitors treatment area for Alameda Whipsnake prior to the start of work and checks equipment and debris piles before they are moved.	3. Prior to the start of construction. 4. During construction. 5. During construction. 6. During construction, if needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
5. The biological monitor shall inspect the treatment area for Alameda whipsnake each day before work begins by checking debris piles, and also beneath vehicles/equipment before it is moved. 6. If erosion control is needed, plastic monofilament netting or similar material containing netting shall not be used, as Alameda whipsnake may become entangled in this material. Coconut coir matting or tackified hydroseeding compounds are acceptable alternatives.		6. N/A		
BIO-8: Protection of California Red-legged Frogs and Western Pond Turtles (based on VMP BMP BIO-4) If vegetation treatment areas are planned within 100 feet of aquatic habitat, the City and its contractors shall implement the following measures. 1. A qualified biologist shall conduct one daytime survey for California red-legged frog and western pond turtle within 48 hours before commencement of vegetation management activities.	1. Communicate with the City regarding planned construction start dates to support biologist surveys. 2. Comply with all biologist measures and recommendations. 3. N/A 4. Comply with biologist buffer for WPT.	1. Retain a qualified biologist to conduct a daytime survey for CRLF and WPT within 48 hours before start of construction, if needed. 2. Ensure biologist implements the listed measures, if applicable.	1. Prior to the start of construction. 2. Prior to the start of construction and during construction. 3. Prior to the start of construction. 4. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
2. If no California red-legged frogs or western pond turtles are found within the activity area during the survey, the work may proceed. 3. If a California red-legged frog or western pond turtle, or the eggs or hatchlings of western pond turtle, are found within the activity area during the survey or during VMP activities, the qualified biologist shall implement the following measures: A. For vegetation management activities that will take less than 1 day, conduct a survey for red-legged frogs and western pond turtles on the morning of and before the scheduled work. I. If no California red-legged frogs, western pond turtles, or turtle nests are found, the work may proceed.	5. Resume work in buffer area only when biologist suggests it is okay. 6. N/A	3. For work that will take more than one day, ensure biologist a survey for California red-legged frogs and western pond turtles each morning before the scheduled work commences. 4. If WPT nest is found, ensure biologist implements a 100-foot buffer zone around the nest shall be established and maintained during the breeding and nesting season. 5. Provide notice to the contractor when work can resume, with recommendation of the biologist.	5. During construction, if needed. 6. During construction, if needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
II. If eggs or larvae of either species are found, a 100-foot no-disturbance buffer zone shall be established around the location of the eggs. Work may proceed outside of the buffer zone; however, work within the buffer zone shall be postponed until the eggs have hatched and young turtles have moved outside of the work area. The monitoring biologist shall determine the buffer size based on the specific site conditions and type of vegetation management. III. If an active western pond turtle nest is detected within the treatment area, a 100-foot buffer zone around the nest shall be maintained during the breeding and nesting season (April 1-August 31). The buffer zone shall remain in place until the young have left the nest and moved outside of the work area, as determined by a qualified biologist. IV. If adult or juvenile California red-legged frogs or western pond turtles are found, the qualified biologist shall implement one of the following two procedures:		6. If WPT or CRLF are found, ensure individual(s) are captured and relocated by a qualified biologist (with USFWS and/or CDFW approval).		

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
a.) If, in the opinion of the qualified biologist, the individual(s) are likely to leave the work area on their own, and work can be feasibly rescheduled, a buffer zone shall be established around the location of the individual(s). Work may proceed outside of the buffer zone. Work within the buffer zone shall be postponed until the individual(s) have left the area, as determined by the qualified biologist. The monitoring biologist shall determine the buffer size based on the specific site conditions and type of vegetation management.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
b.) If, in the opinion of the qualified biologist, capture and removal of the individual(s) to a safe location outside of the work area is less likely to result in adverse effects than leaving the individual(s) in place and rescheduling the work (e.g., if the individual[s] could potentially hide and be missed during a follow-up survey), the individual(s) shall be captured and relocated by a qualified biologist (with USFWS and/or CDFW approval, depending on the listing status of the species in question), and work may proceed. B. For vegetation management that will take more than 1 day, the qualified biologist shall conduct a survey for California red-legged frogs and western pond turtles each morning before the scheduled work commences.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
I. If an active western pond turtle nest is detected within the treatment area, a 100-foot buffer zone around the nest shall be established and maintained during the breeding and nesting season (April 1-August 31). The buffer zone shall remain in place until the young have left the nest and moved outside of the work area, as determined by a qualified biologist. II. If adult or juvenile California red-legged frogs or western pond turtles are found, the individual(s) shall be captured and relocated by a qualified biologist (with USFWS and/or CDFW approval, depending on the listing status of the species in question), and work may proceed.				
BIO-9: Protection of California Red-legged Frogs from Herbicide Use (VMP BMP BIO-2) • In accordance with Mitigation Measure HAZ-5, only herbicides approved for use by USEPA and registered for use by CDPR shall be used for vegetation management, and approved herbicides shall be applied in accordance with federal, state, and local regulations.	1. Comply with all measures related to the protection of California red-legged frogs.	1. Ensure contractor compliance with relevant measures.	1. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• In accordance with Mitigation Measure HAZ-5, no herbicides shall be applied in open water or within 60 feet of streams. • In project areas identified as providing suitable habitat for the California red legged frog, the City shall ensure that any applications of sprayable formulations of herbicides shall: 1. be applied only when the air is calm or moving away from red-legged frog habitat; 2. begin in the portion of the work area nearest the suitable habitat and proceed away from the habitat; and 3. not be conducted within 40 yards upwind of suitable habitat when air currents are moving toward the habitat.				
BIO-10: Minimize Impacts to Nesting Birds via Site Assessments and Avoidance Measures (revised from VMP BMP BIO-1) • When feasible, tree and shrub removal shall be conducted outside of the typical bird nesting season (February 1 and August 31).				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• For activities occurring between February 1 and August 31, project areas shall be surveyed by a qualified biologist for nesting birds within 2 weeks prior to starting work. If a lapse in project-related work of 2 weeks or longer occurs, the treatment area shall be resurveyed before project work can be reinitiated. • If nesting birds are found, a buffer shall be established around the nest and maintained until the young have fledged. Appropriate buffer widths are 250 feet for raptors, herons, and egrets; 25 feet for ground-nesting non-raptors; and 50 feet for non-raptors nesting on trees, shrubs, and structures. A qualified biologist may identify an alternative buffer based on a site-specific evaluation. No work shall occur within the buffer without written approval from a qualified biologist, for as long as the nest is active. • The boundary of each buffer zone shall be marked with fencing, flagging, or other easily identifiable marking if work will occur immediately outside the buffer zone. • All protective buffer zones shall be maintained until the nest becomes inactive, as determined by a qualified biologist.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• If monitoring shows that disturbance to actively nesting birds is occurring, buffer widths shall be increased until monitoring shows that disturbance is no longer occurring. If this is not possible, work shall cease in the area until young have fledged and the nest is no longer active.				
BIO-11: Protection of Bat Colonies (VMP BMP BIO-8) To minimize impacts on special-status bats (e.g., pallid bat, western mastiff bat, and western red bat) and large colonies of CEQA-relevant bats, the City and its contractors shall implement the following practices during tree trimming and removal activities:	1. Comply with all listed measures.	1. Ensure contractor compliance.	1. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
1. If high-quality habitat for roosting bats (i.e., large trees with cavities of sufficient size to support roosting bats, as determined by a qualified bat biologist) is present, a qualified bat biologist shall conduct a survey for evidence of bat use within 2 weeks before the commencement of work activities. If bat-use evidence is observed, or if high-quality roost sites are present in areas where evidence of bat use might not be detectable (such as a tree cavity), the biologist shall conduct an evening survey and/or nocturnal acoustic survey (as necessary) to determine if a bat colony is present and to identify the specific location of the bat colony. 2. If no active maternity colony or non-breeding bat roost is located, work can continue as planned. 3. If an active maternity colony or non-breeding bat roost is located, work shall be redesigned/rescheduled to avoid disturbance of the roosts, if feasible.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
4. If an active maternity colony is located and work cannot be redesigned to avoid removal or disturbance of the occupied tree or structure, disturbance shall take place outside the maternity roost season (March 15–July 31), and a disturbance free buffer zone (determined by a qualified bat biologist based on the roost situation and species' sensitivity) shall be observed during this period. 5. If an active non-breeding bat roost is located and work cannot be redesigned to avoid removal or disturbance of the occupied tree or structure, the individuals shall be safely evicted between August 1 and October 15 or from February 15 to March 14. Bats may be evicted through exclusion after notifying CDFW. Trees with roosts that need to be removed shall first be disturbed at dusk, just before removal that same evening, to allow bats to escape during the darker hours.				
BIO-12: Protection of Dusky-footed Woodrats (VMP BMP BIO-9)	1. Communicate with the City regarding planned construction start dates to support biologist surveys.	1. Retain a qualified biologist to conduct a focused survey for woodrat houses. 2. Preserve any woodrat stick houses found, as feasible.	1. Prior to the start of construction. 2. During construction, as needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
1. If woodland, forest, or scrub habitat is present in a treatment area, a qualified biologist shall conduct a focused survey for woodrat stick houses within the treatment area, access routes, and staging areas within seven days of the commencement of treatment activities. 2. If a woodrat stick house is identified in a work area, the City shall attempt to preserve the nest and maintain an intact dispersal corridor between the stick house and undisturbed habitat. Retained woodrat stick houses shall be marked with high visibility construction fencing or flagging to avoid accidental encroachment on the stick house.	2. Work with City to preserve and avoid woodrat houses. 3. N/A	3. Ensure the biologist deconstructs the woodrat house if it cannot be avoided and relocates it to the nearest undisturbed suitable habitat	3. During construction, as needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
3. If the woodrat stick house cannot be avoided, a qualified biologist shall deconstruct the stick house by hand in a phased approach and relocate the stick house materials to the nearest undisturbed suitable habitat. In the phased dismantling process, each house will be partially dismantled on the first day, and the remainder will be dismantled the next day, to encourage dispersal of any woodrats present. If the biologist observes that young are present, dismantling shall cease. Dismantling shall resume when the biologist determines that the young have left or are old enough to vacate under their own volition.				
BIO-13: Avoid Monarch Butterfly Host Plants and Overwintering Sites • A qualified biologist or biological monitor working under a qualified biologist shall conduct pre-construction surveys for milkweed (Asclepias spp.). Detected milkweeds shall be inspected for evidence of monarch butterfly eggs, larvae, or pupae.	1. Communicate with the City regarding planned construction start dates to support biologist surveys. 2. Follow biologist recommendations.	1. Retain a qualified biologist to conduct pre-construction surveys for milkweed. 2. Ensure biologist recommends appropriate buffers, if needed. 3. Ensure herbicide requirements are followed.	1. Prior to the start of construction. 2. Prior to the start of construction, if needed. 3. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• Milkweeds found containing eggs, larvae, or pupae of monarch butterflies shall be avoided and protected with an appropriately-sized buffer as determined by a qualified biologist (at least 10 feet). The biologist shall consider plant species characteristics and the nature of the proposed treatment when establishing the buffer. • No herbicides shall be applied within 60 feet of milkweed occupied by any life stage of monarch butterfly. • Vegetation treatment may proceed if a qualified biologist determines that the milkweeds (1) are not occupied by monarchs, and (2) may benefit from treatment (such as if the host plants have already set seed and post-treatment conditions would favor them over non-native weed species). • Prior to Revised Draft VMP activities in tree groves comprised primarily or entirely of pine, cypress, or eucalyptus, a qualified biologist or biological monitor working under a qualified biologist shall survey the grove for aggregations of monarch butterflies during the overwintering season (November 1 – March 1).	3. Do not spray herbicide within 60 feet of occupied monarch habitat. 4. Only continue vegetation treatments if biologist determines it is okay to do so. 5. N/A 6. Follow biologist recommendations and timeline.	4. N/A 5. Ensure biologist monitors work in applicable tree groves during the overwintering season. 6. Ensure biologist makes appropriate recommendations per measure specifications.	4. During construction, if needed. 5. During construction. 6. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• If no monarch overwintering aggregations are observed, Revised Draft VMP activities may proceed if they occur prior to November 1. If Program activities are delayed beyond November 1, then the grove shall be re-surveyed. • If a monarch overwintering aggregation of any size is detected, then no Revised Draft VMP activities may take place inside the tree canopy within 200 feet of the aggregation. Activities outside of the canopy line but within 200 feet (e.g., treatment of low-growing vegetation outside of the tree grove) may proceed if a qualified biologist or monitor determines that the activity does not pose a threat to the monarch aggregation. (i) Once the aggregation disperses (typically by March), treatment of vegetation within 200 feet of trees where monarch aggregations were observed may proceed if, as determined by a qualified biologist or monitor, it would not result in significant adverse impacts to monarch overwintering habitat.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
(ii) Standing dead trees generally do not contribute to monarch overwintering habitat (Xerces Society 2017) and may be removed within the grove, outside of the overwintering period, as determined appropriate by a qualified biologist or monitor.				
BIO-14: Avoid Crotch Bumble Bee Nests • Prior to ground-disturbing activities in grassland or coastal scrub habitat, a qualified biologist shall conduct a pre-construction survey for nesting Crotch bumble bees. Surveys shall focus on burrows and, when feasible, shall be conducted during the period of highest detection probability (April through August) for this species. • If no state-listed bumble bee nests are detected during the survey, Revised Draft VMP activities may proceed. • If state-listed bumble bee nests are detected, the qualified biologist shall establish a non-disturbance buffer around the nest (at least 10 feet) and no ground-disturbing activities shall occur within the buffer until the qualified biologist determines that the nest is no longer active.	1. Communicate with the City regarding planned construction start dates to support biologist surveys. 2. Comply with biologist recommendations.	1. Retain a qualified biologist to conduct pre-construction surveys for nesting Crotch bumble bees. 2. Ensure biologist establishes an appropriate disturbance buffer around nest, if needed.	1. Prior to the start of construction. 2. Prior to the start of construction, as needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
BIO-15: Avoid Riparian Habitat and Develop and Implement a Plan to Replace Affected Riparian Habitat The City's preferred approach is to avoid causing any impacts to riparian areas, if feasible. Before implementation of treatment activities, the City, under the direction of a qualified biologist, shall flag or fence riparian areas to be avoided with brightly visible construction flagging and/or fencing. For unavoidable impacts to riparian habitat, the City shall develop and implement a plan to replace riparian habitat affected by VMP activities. For replacement of riparian habitat, native riparian trees 4-6 inches dbh removed for the Revised Draft VMP shall be replaced at a 2:1 ratio; native riparian trees larger than 6 inches dbh shall be replaced at a 3:1 ratio. These replacement trees shall be planted within riparian zones in the Revised Draft VMP area. Planted trees shall be monitored annually for 5 years to assess the effectiveness of replacement efforts, and results shall be reported to CDFW. The performance standard for success of the mitigation shall be 65 percent survival of planted trees after 5 years.	1. Communicate with the City regarding planned construction start dates to support biologist surveys. 2. Comply with the City's plan to replace riparian habitat affected by VMP activities. Per measure specifications.	1. Retain a qualified biologist to flag or fence riparian areas to be avoided. 2. Develop and implement a plan to replace riparian habitat affected by VMP activities, per measure specifications.	1. Prior to the start of construction. 2. Prior to the start of construction and during construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
Alternatively, the City may preserve existing riparian habitat of equal or better value to the affected riparian habitat through a conservation easement at a sufficient ratio to offset the loss of riparian habitat function.				
BIO-16: Prevent the Spread of Invasive Plants and Plant Pathogens To minimize the spread of plant pathogens, the City and its contractors shall require that all equipment (including personal gear such as boots) shall be cleaned of soil, seeds, and plant material prior to arriving on a treatment site. All soil and organic material (e.g., roots, sap) shall be removed from the surfaces of equipment and clothing. If necessary, a detergent solution and brush shall be used to scrub surface contaminants at a utility sink.	1. Comply with all listed measures.	1. Ensure contractor compliance with listed measures.	1. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
Tools and machinery used to prune, cut, or chip trees infected with pitch canker disease shall be cleaned and sterilized before being used on uninfected trees or in uninfested areas. Tools and machinery used to prune, cut, or chip trees or shrubs in areas of known SOD infestation (currently Garber Park, Shepherd Canyon, Dimond Canyon Park, Joaquin Miller Park, Leona Heights Park, Knowland Park, Sheffield Village, and roadside areas of Skyline Boulevard) shall be cleaned and sterilized before being used in a new treatment area. Tools and machinery will be cleaned and sterilized prior to being used in proximity to known pallid manzanita populations. Ethyl or isopropyl alcohol (70-90%), 10% solution of bleach (1 part household bleach in 9 parts water), or a quaternary ammonium disinfectant (such as Lysol®) may be used. Proper use of ethyl or isopropyl alcohol involves spraying to thoroughly wet the surface and allowing to air dry before use. For freshly diluted bleach solution, exposure for a minimum of 1 minute is required. As bleach solutions degrade quickly, bleach solutions dispensed by spray bottles must be made fresh daily. Due to corrosivity, bleach solutions are not advised for steel or other materials that could be damaged by corrosion. Proper use of quaternary ammonium disinfectant involves use according to manufacturer recommendations.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
Limbs and small pieces of wood from diseased trees may be chipped and the mulch deposited on site. Any material, including logs, that is removed from the site should be tightly covered with a tarp during transit and taken to the nearest landfill or designated disposal facility for prompt burial, chipping, and composting, or burning. Diseased wood shall not be transported beyond Alameda or Contra Costa County.				
BIO-17: Avoid Impacts on Federally Protected and State-Protected Wetlands and Waters, as Feasible To the extent feasible, Revised Draft VMP activities shall avoid federally protected and state-protected wetlands and waters. If Revised Draft VMP treatments are planned to occur within or immediately adjacent to wetlands or waters, the City and its contractors shall restore surface topography and drainage to pre-implementation conditions. Where appropriate, revegetation shall be implemented with site-adapted native species.	1. Avoid federally protected and state-protected wetlands and waters during construction, to the extent feasible. 2. Work with the City to restore surface topography and drainage to pre-implementation conditions and to revegetate, when necessary.	1. Ensure contractor avoids federally protected and state-protected wetlands and waters during construction, to the extent feasible. 2. Work with the contractor to restore surface topography and drainage to pre-implementation conditions and to revegetate, when necessary.	1. During construction. 2. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
BIO-18: Provide Compensatory Mitigation for Unavoidable Impacts on Waters of the United States and the State	1. N/A 2. N/A	1. Obtain necessary permits to work in Waters of the U.S. and of the State. 2. Comply with related mitigation in areas where permanent loss would result, as needed, consistent with CWA Section 404 permit, the Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (73 Code of Federal Regulations [CFR] 19594), and the Regional Compensatory Mitigation and Monitoring Guidelines for the South Pacific Division (U.S. Army Corps of Engineers [USACE] 2015, or current version).	1. Prior to the start of construction. 2. During construction and following the completion of construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
Work within areas defined as waters of the U.S. that includes placement of fill will require a Clean Water Act (CWA) Section 404 permit and Section 401 Water Quality Certification. All work proposed in jurisdictional waters of the U.S. must be authorized under these permits, and the work must comply with the general and regional conditions of the permits. In areas where permanent loss of jurisdictional waters or wetlands would result, the City shall ensure that mitigation is implemented such that no net loss would occur for permanent impacts, consistent with the terms of the CWA Section 404 permit, the Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (73 Code of Federal Regulations [CFR] 19594), and the Regional Compensatory Mitigation and Monitoring Guidelines for the South Pacific Division (U.S. Army Corps of Engineers [USACE] 2015, or current version). Compensatory mitigation may include purchase of credits from an approved mitigation bank or in-lieu fee program, or creation, reestablishment, or enhancement of wetlands in the Revised Draft VMP area or at an off-site location. At a minimum, mitigation shall be provided at a ratio that ensures no net loss of the functions and values associated with the affected resources.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
GEO-1: Minimize Area of Disturbance (Revised from VMP BMP GEN-2) (See Geology, Soils, and Seismicity)				
GEO-2: Erosion and Sediment Control Measures (VMP BMP GEN-3) (See Geology, Soils, and Seismicity)				
HAZ-1: Vehicle and Equipment Maintenance (VMP BMP GEN-8) (See Hazards and Hazardous Materials)				
HAZ-2: Vehicle and Equipment Fueling (VMP BMP GEN-9) (See Hazards and Hazardous Materials)				
HAZ-3: On-Site Hazardous Materials Management (VMP BMP GEN-5) (See Hazards and Hazardous Materials)				
HAZ-4: Measures to Avoid or Minimize Adverse Effects on People, Pets, or Other Non-Target Organisms from Use of Herbicides (See Hazards and Hazardous Materials)				
HAZ-5: Standard Herbicide Use Requirements (VMP BMP VEG-2) (See Hazards and Hazardous Materials)				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
HAZ-6: Spill Prevention and Response (VMP BMP GEN-7) (See Hazards and Hazardous Materials)				
HAZ-8: Existing Hazardous Materials (VMP BMP GEN-6) (See Hazards and Hazardous Materials)				
HYD/WQ-1: Work Windows (VMP BMP GEN-1) (See Hydrology and Water Quality)				

Cultural Resources

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
CUL-1: Provide Sensitivity Training, Assess Archaeological Sensitivity, and Survey Areas of High or Highest Sensitivity	1. N/A 2. N/A 3. N/A 4. N/A	1. Ensure that City workers receive informal training to educate them about archaeological resources. 2. Work with a qualified archaeologist to prepare adequate training materials.	1. Prior to the start of construction. 2. Prior to the start of construction. 3. Prior to the start of construction. 4. Prior to the start of construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
Although vegetation management activities can occur all year round, the City will ensure that City workers and members of stewardship groups who assist with implementing the VMP will receive informal training in the form of a brochure to educate them about the need to avoid and protect significant archaeological resources. The material will be developed by a qualified archaeologist meeting the U.S. Secretary of the Interior's guidelines for professional archaeologists. The material will include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating state laws and regulations. The material will also describe appropriate avoidance and minimization measures for resources that could be discovered and will outline what to do and whom to contact if potential archaeological resources or artifacts are encountered. The requirement for confidentiality and culturally appropriate treatment of any finds of significance to Native Americans, consistent with Native American tribal values, will be underscored. During development of the VMP annual work plan, the maps that depict the archaeological sensitivity of each treatment area will be reviewed by OFD and compared to the proposed VMP treatment activities. If the work plan includes ground-disturbing techniques in areas		3. Ensure OFD reviews archaeological sensitivity maps for each treatment area during development of the VMP annual work plan. 4. If ground-disturbing techniques are set to occur in areas with high sensitivity, modify the work plan to include non-ground-disturbing techniques, or, retain a qualified archaeologist to survey prior to the start of work.		

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
identified as having high or highest sensitivity, either the work plan will be modified to use non-ground-disturbing techniques, or the treatment area will be surveyed by a qualified archaeologist. If archaeological resources are identified, Mitigation Measure CUL-2 will be implemented.				
CUL-2: Avoid Use of Techniques that Cause Ground Disturbance within Known Archaeological Historical Resources	1. Either avoid areas that have been identified as archaeological sites, or work with the City to conduct an evaluation study. 2. If a site is evaluated and found to be eligible for listing, preserve the site in place, as feasible.	1. Either avoid areas that have been identified as archaeological sites, or work with the contractor to conduct an evaluation study. 2. If a site is evaluated and found to be eligible for listing, preserve the site in place, as feasible.	1. Prior to the start of construction and during construction. 2. During construction, as needed. 3. During construction, as needed. 4. During construction, as needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
One known archaeological site (Skyline Ranch) that appears eligible for listing in the CRHR/NRHP exists within the VMP area, and four previously recorded sites in the VMP area have not been evaluated for eligibility. Additionally, other sites may be identified in the future during VMP-related activities or through cultural resources studies for other City projects. Archaeological sites that have been identified but not evaluated can be treated by avoidance or by conducting an evaluation study. If a site is evaluated and determined not to be eligible for listing in the CRHR/NRHP, future avoidance of any kind is not required. If a site is found to be eligible, preservation in place is the preferred treatment under Section 15126.4(b)(3) of the CEQA Guidelines. As such, grazing and mechanical techniques, along with hand labor activities that cause ground disturbance, would not be implemented within the site boundaries and a 10-foot buffer. Alternatively, though not preferred, data recovery studies of eligible sites could take place, and the OFD would then be able to use any VMP method deemed appropriate.	3. Halt grazing, mechanical treatments, or ground-disturbing hand labor activities occur within ten feet of a site that is found eligible for listing. 4. If preservation in place of a site that is listed for eligibility is not feasible, work with City and OFD to set-up data recovery studies of all eligible sites and evaluate which VMP methods are appropriate.	3. Ensure no grazing, mechanical treatments, or ground-disturbing hand labor activities occur within ten feet of a site that is found eligible for listing. 4. If preservation in place of a site that is listed for eligibility is not feasible, set-up data recovery studies of all eligible sites and work with OFD to evaluate which VMP methods are appropriate.		

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
CUL-3: Response Measures for Potential Unknown Archaeological Resources and Tribal Cultural Resources If evidence of any subsurface archaeological features or deposits (e.g., lithic scatters, midden soils, historic era mining, farming, or construction materials) is discovered during VMP treatment activities, all ground-disturbing activity in the area of the discovery shall be halted within 50 feet of the find until a qualified archaeologist can assess the significance of the find and make recommendations. If the finds are of Native American origin, a Native American representative from a traditionally and culturally affiliated tribe will be notified and invited to assess the significance of the find and make recommendations in collaboration with the archaeologist. If the site can be protected in place and avoided, no further action is necessary. Further evaluation for CRHR eligibility and treatment will be required if the resource cannot be protected and avoided. Such evaluations shall be conducted by a qualified archaeologist and, if the site is of Native American origin, in consultation with a Native American representative from a tribe with a traditional and cultural affiliation with the project area. If, after evaluation, a resource is considered significant, or is considered a tribal cultural	1. Halt work within 50 feet if any evidence of subsurface archaeological features or deposits are found. 2. Do not resume work until qualified archaeologist states it is okay. 3. Follow all archaeologist recommendations. 4. N/A 5. N/A	1. Ensure that work is halted within 50 feet of any archaeological discoveries. 2. Retain a qualified archaeologist to assess the finding of the resource(s) and make recommendations about the significance and appropriate timeline to resume work activities. 3. Ensure contractor compliance with archaeologist recommendations. 4. Ensure proper CEQA process is followed, if needed.	1. During construction, if needed. 2. During construction, if needed. 3. During construction, if needed. 4. During construction, if needed. 5. During construction, if needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
resource, all preservation options shall be considered as required by CEQA (see Pub. Res. Code Section 21084.3), including avoidance of the resource, possible capping, data recovery, and/or mapping. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or soil. If artifacts are recovered from significant prehistoric archaeological resources or tribal cultural resources, the first option shall be to transfer the artifacts to an appropriate tribal representative. If possible, accommodations shall be made to re-inter the artifacts near the site. If no other options are available, recovered prehistoric archeological material will be housed at a qualified curation facility. The results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries shall be presented in a professional-quality report that details all methods and findings, evaluates the nature and significance of the resources, analyzes, and interprets the results, and distributes this information to the public.		5. Ensure appropriate handling and transfer of artifacts.		

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
CUL-4: Stop Work if Human Remains Are Unearthed during Project Activities	1. Halt work within 50 feet if any evidence of human remains is found and contact County Coroner. 2. N/A	1. Ensure work is halted within 50 feet if any evidence of human remains is found and County Coroner is contacted. 2. If remains are found to be of Native American descent, City will work with MLD and County Coroner to determine proper treatment of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed	1. During construction, if needed 2. During construction, if needed.	

California law protects Native American human burials, skeletal remains, cremated remains, and items associated with Native American burials from vandalism and inadvertent destruction. Consistent with the California Health and Safety Code Sections 7050.5 and 7052 and the California Native American Historical, Cultural, and Sacred Sites Act, if suspected human remains are found during treatment activities, potentially damaging ground-disturbing activities within 50 feet of the remains will be halted immediately, and the Alameda County Coroner shall be notified immediately to determine the nature of the remains. The Coroner shall examine all discoveries of suspected human remains within 48 hours of receiving notice of a discovery (Health and Safety Code Section 7050.5[b]). If the remains are determined to be those of a Native American, the Coroner shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050.5[c]). The NAHC shall then assign a most likely descendant (MLD) to serve as the main point of Native American contact and consultation. Following the coroner's findings, the MLD, in consultation with the City, shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
are identified in the California Native American Historical, Cultural, and Sacred Sites Act.				

Geology, Soils, and Seismicity

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
GEO-1: Minimize Soil Disturbance (Revised from VMP BMP GEN-2) To reduce the potential for erosion and loss of topsoil, the City and its contractors shall implement the following measures during ground-disturbing activities: • To minimize impacts to natural resources, the City and its contractors shall limit the area of ground disturbance to the minimum footprint necessary to meet the goals and objectives of the vegetation management activity. • This will be accomplished by determining a perimeter of work activity around the vegetation treatment site that will not exceed 25 feet from the treated vegetation. Entry and exit points to the treatment will be clearly defined.	1. Determine a perimeter of work activity that will not exceed 25 feet from the treated vegetation and define all entry and exit points.	1. Ensure the determination and implementation of an appropriate perimeter of work activity that will not exceed 25 feet from the treated vegetation and define all entry and exit points. 2. Ensure that disturbing activities are halted when soils are saturated, or, within one week following one or more inches of rain if needed, as determined by field inspection.	1. During construction 2. During construction, if needed. 3. During construction. 4. During construction. 5. During construction. 6. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• Ground-disturbing activities will not occur when soils are saturated, or within one week following an inch or more of rain, unless the ground is consistently firm and can support the weight of machinery or livestock (during grazing) without creating ruts, as determined by soil field inspection. • The City and its contractors shall leave stumps from removed trees and shrubs intact, with stump heights not exceeding 6 inches, as measured from the uphill side. • When heavy equipment is used, the City and its contractors shall utilize low ground pressure equipment, to the extent feasible. • The City and its contractors shall not use heavy equipment on unstable slope areas, slopes with gradients exceeding 65%, slopes with gradients between 50% and 65% where the erosion hazard rating is high or extreme, or slopes with gradients over 50% that lead without flattening to sufficiently dissipate water flow and trap sediment before reaching a stream or other water resource.	2. Halt ground-disturbing activities when soils are saturated, or, within one week following one or more inches of rain if needed, as determined by field inspection. 3. Leave stumps from removed trees and shrubs intact, per measure specifications. 4. Utilize low ground pressure equipment, as feasible.	3. Ensure that stumps or shrubs are left intact, per measure specifications. 4. Ensure the use of low ground pressure equipment, as feasible. 5. Ensure that the listed requirements are followed for heavy equipment on slopes. 6. Ensure that the contractor regrades of recontours areas subject to soil disturbance from heavy equipment, as needed.		

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• The City and its contractors shall regrade or recontour any areas subject to soil disturbance from heavy equipment, including dragging or skidding of trees or other material.	5. Follow listed requirements for the use of heavy equipment on slopes. 6. Regrade or recontour areas subject to soil disturbance from heavy equipment, as needed.			
GEO-2: Erosion and Sediment Control Measures (VMP BMP GEN-3) The City and its contractors shall implement the following measures: • Upland soils exposed by maintenance activities shall be seeded and stabilized using erosion control fabric or hydroseeding.	1. Comply with all listed measures.	1. Ensure contractor compliance with listed measures.	1. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• Erosion control fabrics shall consist of natural fibers that biodegrade over time. No plastic or other non-porous material shall be used as part of a permanent erosion control approach. Plastic sheeting may be used to protect a slope from runoff temporarily, but only if there are no indications that special-status species would be affected by the application, as determined by a qualified biologist. • Erosion control materials shall be absent of monofilament material or netting that can entrap wildlife. • Erosion control measures shall be installed according to manufacturer's specifications. • Appropriate measures include, but are not limited to, the following: o silt fences o straw bale barriers o brush or rock filters o storm drain inlet protection o sediment traps o sediment basins o erosion control blankets and mats o soil stabilization (e.g., tackified straw with seed, jute, or geotextile blankets, broadcast and hydroseeding)				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• All temporary construction-related erosion control methods (e.g., silt fences) shall be removed at the completion of the project. • The City and its contractors shall comply with California Stormwater Quality Association (CASQA) Construction BMPs guidance and specifications on implementation of the erosion control measures listed above (see also www.casqa.org/resources/bmp-handbooks/construction): o SC-3. Sediment Basins o SC-4. Straw or Sand Bag Barriers o SC-5. Sediment Traps o SC-6. Silt Fences o SS-1. Erosion Control Blankets, Mats, and Geotextiles o VR-1. Brush or Rock Filters o VR-4a. Temporary Outlet Protection o VR-4b. Storm Drain Inlet Protection o WD-1. Earth Dike o WD-1. Slope Drain o WD-3. Temporary Drains and Swales				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
GEO-3: Geotechnical Evaluation City staff shall determine on a case-by-case basis whether to retain a qualified professional (e.g., engineering geologist or geotechnical engineer) to conduct a geotechnical reconnaissance to evaluate the potential impacts of Revised Draft VMP treatment activities on future landslide potential if: • Habitable structures are located within 100 feet of the toe of the slope downhill of the treatment area and • The prescribed treatment would include the use of heavy equipment or machinery and substantial ground-disturbing activities (i.e., this measure would not apply to methods such as hand treatment, weed eating, or herbicide treatment), and one or more of the following conditions is identified: o The treatment area is listed as "unstable," "many landslides" on applicable slope stability mapping; or o The average slope steepness of the treatment area is greater than 10 degrees (about 18 percent); or	1. N/A	1. Retain a qualified engineering geologist or geotechnical engineer to conduct a geotechnical reconnaissance if the following situations apply.	1. Prior to the start of construction	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
○ There is visible evidence of landslide activity (e.g., scarps, crooked trees, landslide-generated debris piles) within the treatment area, as documented by a field reconnaissance visit.				
GEO-4: Stop Work if Paleontological Resources Are Unearthed during VMP Treatment Activities If evidence of any paleontological resources (e.g., fossilized remains of plants and animals) is discovered during Revised Draft VMP treatment activities, the City and its contractors shall halt all ground-disturbing activity within 20 feet of the find until a qualified professional paleontologist can assess the significance of the find and make recommendations. If the site can be protected in place and avoided, no further action is necessary. Further evaluation and treatment shall be required if the resource cannot be protected and avoided. Such evaluations shall be conducted by a qualified paleontologist. Treatment may include preparation and recovery of fossil materials for an appropriate museum or university collection and may include preparation of a report describing the finds. The City shall be responsible for ensuring that the consulting paleontologist's recommendations for treatment are implemented.	1. Halt ground-disturbing activities within 20 feet of all paleontological findings, if needed. 2. Comply with City and qualified paleontologist.	1. Ensure that ground-disturbing activities within 20 feet of all paleontological findings is halted, if needed. 2. Provide a qualified paleontologist to evaluate any findings, if needed and comply with all paleontologist recommendations.	1. During construction, if needed. 2. During construction, if needed.	
BIO-5: Grazing (revised from VMP BMP BIO-6) (See Biological Resources)				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
AES-2: Staging (VMP BMP GEN-4) (See Aesthetics)				
HYD/WQ-1: Work Windows (VMP BMP GEN-1) (See Hydrology and Water Quality)				

Greenhouse Gas Emissions

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
AQ-1: Fugitive Dust BMPs (See Air Quality)				

Hazards and Hazardous Materials

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
HAZ-1. Vehicle and Equipment Maintenance (VMP BMP GEN-8) The City and its contractors shall implement the following measures: • All vehicles and equipment shall be kept clean. Excessive buildup of oil and grease shall be prevented.	1. Comply with all listed measures.	1. Ensure contractor compliance with all listed measures.	1. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• Incoming vehicles and equipment (including delivery trucks and employee and subcontractor vehicles) shall be checked for leaking oil and fluids. Leaking vehicles or equipment shall not be allowed on-site. • No heavy equipment shall operate in a running stream. • No equipment shall be serviced in the creek channel or immediate floodplain. • If necessary, servicing of equipment at the job site shall be conducted in a designated, protected area to reduce threats to water quality from vehicle fluid spills. Designated service areas shall not connect directly to the ground, surface water, or storm drain system. The service area shall be clearly designated with berms, sandbags, or other barriers. Secondary containment, such as a drain pan, shall be used to catch spills or leaks when removing or changing fluids. Fluids shall be stored in appropriate containers with covers and recycled or disposed of properly off-site. • If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location shall be conducted in the channel or floodplain.				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• Equipment shall be cleaned of any sediment or vegetation before being transferred and used in a different watershed, to avoid spreading sediment, pathogens, or exotic/invasive species. • Vehicle and equipment washing can take place on-site only as needed to prevent the spread of sediment, pathogens, or exotic/invasive species. No runoff from vehicle or equipment washing shall be allowed to enter water bodies, including creek channels and storm drains, without being subjected to adequate filtration (e.g., vegetated buffers, hay wattles or bales, and silt screens). The discharge of decant water from any on-site wash area to water bodies or areas outside of the active project site is prohibited.				
HAZ-2. Vehicle and Equipment Fueling (VMP BMP GEN-9) The City and its contractors shall implement the following measures: • No fueling shall be done in stream channels (top-of-bank to top-of-bank) or immediate floodplain.	1. Comply with all listed measures.	1. Ensure contractor compliance with all listed measures.	1. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• All off-site fueling sites (i.e., on access roads above the top-of-bank) shall be equipped with secondary containment and avoid a direct connection to soil, surface water, or the storm drainage system. • For stationary equipment that must be fueled on-site, secondary containment, such as a drain pan or drop cloth, shall be used to prevent accidental spills of fuels from reaching soil, surface water, or the storm drain system.				
HAZ-3: On-Site Hazardous Materials Management (VMP BMP GEN-5) The City and its contractors shall implement the following measures: • An inventory of all hazardous materials used (and/or expected to be used) at the work site and the end products that are produced (and/or expected to be produced) after their use shall be maintained by the worksite manager. • As appropriate, containers shall be properly labeled with a "Hazardous Waste "label and hazardous waste shall be recycled or disposed of properly off-site at an appropriate hazardous waste facility.	1. Comply with all listed measures.	1. Ensure contractor compliance with all listed measures.	1. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• Contact of chemicals with precipitation shall be minimized by storing chemicals in watertight containers or in a storage shed (completely enclosed), with appropriate secondary containment to prevent any spillage or leakage. • Petroleum products, chemicals, cement, fuels, lubricants, non-storm-drainage water, and water contaminated with the aforementioned materials shall not contact soil and shall not be allowed to enter surface waters or the storm drainage system. • All toxic materials, including waste disposal containers, shall be covered when not in use and located as far as possible from any direct connection to the storm drainage system or surface water. • All trash that is brought to a project site during maintenance activities (e.g., plastic water bottles, lunch bags or other trash) shall be removed from the site daily.				
HAZ-4: Measures to Avoid or Minimize Adverse Effects on People, Pets, or Other Non-Target Organisms from Use of Herbicides	1. Post signs for herbicides with no intervals listed, if needed.	1. Ensure signs are posted for herbicides with no listed intervals, if needed.	1. During construction, if needed. 2. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
The City of Oakland or its contractors shall implement the following measures to avoid or minimize effects on non-target entities from application of herbicides for the VMP: • Reentry intervals included on the product label shall be followed and enforced for workers and the public. In instances where a reentry interval is not provided on the herbicide product label, a reentry interval of at least 48 hours shall be implemented. Signs shall be installed on all sides of the treatment area clearly stating the date of treatment and reentry interval and describing potential hazards to people and pets from entering the area prior to the close of the reentry interval. • Where herbicides are applied in public parks or publicly accessible areas or in open space areas within 30 feet of public-use trails, or in any other situations where it is reasonably possible that people or pets could enter treated areas, fencing or other material preventing entry shall be temporarily installed around the treated area for the duration of the reentry interval to prevent access. • Spray application methods shall not be used when wind velocities are greater than 7 miles per hour. Spray application methods	2. Implement barrier fencing to protect from public herbicide use, where needed. 3. Halt the spray of herbicides when winds reach seven miles per hour and avoid spraying within 100 feet of residences and public areas.	2. Ensure contractor implements herbicide barrier fencing, where needed. 3. Ensure herbicide spray is halted when winds are seven miles per hour or greater and that no herbicide is sprayed within 100 feet of residences or public areas.	3. During construction, if needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
shall not be used within 100feet of any residences or public use areas.				
HAZ-5: Standard Herbicide Use Requirements (VMP BMP VEG-2) The City and its contractors shall implement the following measures: • Herbicides shall not be used in areas within 0.25 mile of schools. Only hand or mechanical vegetation removal shall be used within 0.25 mile of schools. • Herbicides (if selected as a vegetation management technique) shall be applied only if hand or mechanical vegetation removal is not feasible, and at no times within 0.25 mile of schools as described above. • Only herbicides and surfactants that have been approved for use by the U.S. Environmental Protection Agency (USEPA) and are registered for use by the California Department of Pesticide Regulation (CDPR) shall be used for vegetation control activities.	1. Only use approved herbicides and do not spray within 0.25 miles of a school. 2. Halt the spray of herbicide within 48 hours of predicted rain. 3. Use the lowest rate of herbicides possible to complete project objectives.	1. Ensure contractor complies with herbicide application requirements. 2. Ensure the spray of herbicide is halted within 48 hours of predicted rain. 3. Ensure the lowest rate of herbicide is used to complete project objectives.	1. During construction. 2. During construction, as needed. 3. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• Herbicide application shall be consistent with Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) label instructions and use conditions issued by USEPA, CDPR, and the Alameda County Agricultural Commissioner. • Herbicides shall not be applied within 48 hours of predicted rainfall. • The lowest recommended rates of herbicides and surfactants that achieve project objectives shall be utilized to achieve desired control. Cut-and-daub application of herbicides shall be used where feasible to reduce the amount of herbicide used. This is anticipated to be on the stumps of removed eucalyptus and acacia trees. • An indicator dye may be added to the tank mix to help the applicator identify areas that have been treated and to better monitor the overall application**.** • Herbicides shall not be applied in open water or within 60 feet of streams.				
HAZ-6: Spill Prevention and Response (VMP BMP GEN-7)	1. N/A 2. N/A 3. N/A 4. N/A	1. Provide adequate training for new city field personnel.	1. Prior to the start of construction. 2. Prior to the start of	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
City personnel shall prevent the accidental release of chemicals, fuels, lubricants, and non-storm-drainage water into channels by following these measures: 1. New City field personnel shall be trained appropriately in spill prevention, hazardous material control, and cleanup of accidental spills. 2. Equipment and materials for cleanup of spills shall be available on site at all times, and spills and leaks shall be cleaned up immediately and disposed of at a hazardous waste facility. 3. City field personnel shall ensure that hazardous materials are handled properly, and natural resources are protected by all reasonable means. 4. Spill prevention kits shall always be in close proximity when City personnel are using hazardous materials (e.g., at crew trucks and other reasonable locations). All City field personnel shall be advised of these locations.	5. N/A	2. Ensure the availability of spill kits and other materials for spills on site. 3. Ensure hazardous materials are handled properly throughout the duration of project activities. 4. Provide routine inspections of all work sites, vehicles, and equipment for proper hazardous material handling. 5. Report significant spills, if needed.	construction and during construction. 3. During construction. 4. During construction. 5. During construction, if needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
5. City personnel shall routinely inspect the work site, vehicles, and equipment to verify that spill prevention and response measures are implemented and maintained properly. All leaks shall be repaired promptly. Drip pans shall be used to catch leaks until repairs are made. • For small spills on impervious surfaces, absorbent materials shall be used to remove the spill, rather than hosing it down with water. For small spills on pervious surfaces such as soil, the spill area shall be excavated and properly disposed of rather than being buried. Absorbent materials shall be collected and disposed of properly and promptly. • All significant spills of hazardous materials, including oil, shall be reported immediately. To report a spill: (1) Dial 911 or your local emergency response number; and (2) Call the Governor's Office of Emergency Services Warning Center, (800) 852-7550 (24 hours).				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
HAZ-7: Review Proximity of Proposed Treatment Sites to Known Hazardous Materials Clean-up Sites and Implement Safety Measures The City of Oakland and/or its contractors shall evaluate the proximity of proposed treatment sites to known hazardous material cleanup sites. This review shall include examination of the planned treatment activity footprint in relation to records of hazardous materials sites in the State Water Resources Control Board's GeoTracker database and the Department of Toxic Substances Control's EnviroStor database. If the proposed treatment activity is located on or within 100 feet of a documented hazardous material contamination site, for which cleanup activities have not been completed or successful, the City of Oakland and/or its contractors shall commission a Phase I Environmental Site Assessment to more full characterize the past land uses and potential for soil and/or groundwater contamination to occur at or in close proximity to the site. If the Phase I Environmental Site Assessment demonstrates a reasonable likelihood that contamination remains within the proposed treatment activity's area of disturbance, the City of Oakland and/or its contractors shall commission a Phase II Environmental Site Assessment, including soils testing, to characterize the extent of the contamination	1. With the City, evaluate the proximity of proposed hazardous material cleanup sites to treatment areas. 2. Commission a Phase 1 Environmental Site Assessment, if needed. 3. Commission a Phase II Environmental Site Assessment and follow all relevant recommendations, if needed.	1. With the Contractor, evaluate the proximity of proposed hazardous material cleanup sites to treatment areas. 2. Commission a Phase 1 Environmental Site Assessment, if needed. 3. Commission a Phase II Environmental Site Assessment and follow all relevant recommendations, if needed.	1. Prior to the start of construction. 2. Prior to the start of construction. 3. Prior to the start of construction and during construction, if needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
and develop ways to avoid the contaminated areas during treatment activities. Alternatively, if the Phase I Environmental Site Assessment demonstrates no potential for soil vapor off-gassing of hazardous gases, then non-ground-disturbing treatment methods may be used on the site. The City of Oakland shall follow all recommendations of the Phase II Environmental Site Assessment and conduct the proposed treatment to avoid areas of contamination, to the extent feasible. In the event that it is not feasible to avoid all areas of contamination, the City of Oakland and/or its contractors shall follow all applicable laws regarding management of hazardous materials and wastes. This includes proper disposal of any contaminated soil in a hazardous waste landfill and ensuring that workers are provided with adequate personal protective equipment to prevent unsafe exposure.				
HAZ-8: Existing Hazardous Materials (VMP BMP GEN-6) The City and its contractors shall implement the following measures:	1. Dispose of previously unknown hazardous contaminants at an appropriate facility.	1. Ensure proper disposal of hazardous contaminants. 2. Contact the Alameda County Public Health Department, if needed.	1. During construction, if needed. 2. During construction, if needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• **I**f previously unknown hazardous contaminants, including oil, batteries, or paint cans, are encountered during vegetation management work, City personnel will carefully remove and dispose of hazardous materials at an appropriate hazardous waste disposal facility. In the event that hazardous contaminates are discovered that are beyond the means of the City's disposal capabilities, then the City will contact Alameda County Public Health Department to determine what measures need to be implemented to address the hazardous materials and ensure that the work site is safe for people and the environment. • City personnel will wear proper protective gear when handling hazardous materials. All contaminated materials will be stored in appropriate hazardous waste containers for transport and disposal at a permitted hazardous waste facility.	2. Coordinate with the City if hazardous contaminates are found that are beyond the City's means of disposal. 3. Wear proper protective apparel when handling hazardous materials.	3. Wear proper protective apparel when handling hazardous materials.	3. During construction, as needed.	
HAZ-9: Proper Handling and Disposal of Contaminated Soil and Groundwater Prior to initiating ground-disturbing activities (e.g., disking, grading, etc.), the City of Oakland or its contractors will inspect the soil or groundwater (if readily observable) for the presence of possible contamination. If indicators of contamination (e.g., foul odor,	1. With the City, inspect the soil or groundwater for the presence of possible contamination.	1. With the contractor, inspect the soil or groundwater for the presence of possible contamination.	1. Prior to the start of construction 2. Prior to the start of	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
staining or sheen, etc.) are found, the City of Oakland or its contractors will then test the soil or groundwater. If the lab results confirm contamination is present, the soil or groundwater will be treated as hazardous, and any contaminated materials will be disposed of at an approved hazardous waste disposal facility. In removing potentially contaminated soil or groundwater, workers will wear protective clothing and equipment to limit their exposure.	2. If found, coordinate with the City so proper testing can occur. 3. If testing confirms contamination, materials should be treated and disposed of as hazardous and proper protection should be worn.	2. If found, coordinate with the contractor so proper testing can occur. 3. If testing confirms contamination, materials should be treated and disposed of as hazardous and proper protection should be worn.	construction, if needed. 3. Prior to the start of construction, if needed.	
TRA-1: Maintain Traffic Flow (See Transportation)				
TRA-2: Traffic Control and Public Safety (See Transportation)				

Hydrology and Water Quality

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
HYD/WQ-1: Work Windows (VMP BMP GEN-1) The City and its contractors shall implement the following measures: • Hand pruning and hand removal of vegetation may occur year-round, except when wheeled or tracked equipment needs to access a site by	1. Comply with listed measures.	1. Ensure contractor compliance with listed measures.	1. During construction, as needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
crossing a creek, ponded area, or secondary channel. • When wheeled or tracked equipment needs to access the site by crossing a creek, ponded area, or secondary channel, this shall occur only when the appropriate permits have been obtained from the City, CDFW, and the RWQCB and only when there is no flow in the creek, or when the width of the wet creek is less than 3 feet (typically June 1 – October 15). • Vegetation treatment shall not occur within 48 hours of significant rainfall (0.25-inch of rain within a 12-hour period or greater). • Herbicide applications (if selected as a vegetation management technique) shall only occur between June 15 and November 15, with an extension through December 31 or until the first occurrence of local rainfall greater than 0.5 inch is forecasted within a 24-hour period following planned application events. • Work shall occur during daylight hours, except in the case of emergency.				
GEO-1: Minimize Soil Disturbance (Revised from VMP BMP GEN-2) (See Geology, Soils, and Seismicity)				
GEO-2: Erosion and Sediment Control Measures (VMP BMP GEN-3)				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
(See Geology, Soils, and Seismicity)				
HAZ-1: Vehicle and Equipment Maintenance (VMP BMP GEN-8) (See Hazards and Hazardous Materials				
HAZ-2: Vehicle and Equipment Fueling (VMP BMP GEN-9) (See Hazards and Hazardous Materials)				
HAZ-3: On-Site Hazardous Materials Management (VMP BMP GEN-5) (See Hazards and Hazardous Materials)				
HAZ-5: Standard Herbicide Use Requirements (VMP BMP VEG-2) (See Hazards and Hazardous Materials)				
HAZ-6: Spill Prevention and Response (VMP BMP GEN-7) (See Hazards and Hazardous Materials)				
HAZ-8: Existing Hazardous Materials (VMP BMP GEN-6) (See Hazards and Hazardous Materials)				
BIO-5: Grazing (revised from VMP BMP BIO-6) (See Biological Resources)				

Minerals

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
None required				

Noise

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
NOI-1: Limit Work Near Sensitive Receptors To reduce noise levels below the City's 80 dBA weekday daytime threshold, in areas within 90 feet of sensitive receptors, minimize the frequency and duration of chainsaw use during hand labor treatment activities. In areas within 130 feet of sensitive receptors, minimize the use of mechanical treatments (excavator, chipper).	1. Minimize the use of chainsaws during hand labor treatments within 90 feet of sensitive receptors, and of excavators and chippers within 130 feet of sensitive receptors.	1. Ensure that contractor complies with minimizing the use of stated equipment within sensitive receptor thresholds.	1. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
NOI-2: Notify Sensitive Receptors Near Treatment Areas Notify sensitive receptors located within 150 feet of treatment areas at least one week prior to commencement of treatment work.	1. N/A	1. Ensure sensitive receptors within 150 feet of treatments are notified one week prior to start of work.	1. Prior to the start of construction.	

Recreation

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
REC-1: Provide Notification of Temporary Trail Closures If a treatment project requires temporary trail closures, the City and its contractors will implement the following measures: • Provide signage at trailheads at least one week prior to temporary trail closure indicating the location and period of closure as well as any trail detours. Notification of treatment activity and trail closure will also be posted on the City's website. All signage will be removed once work is complete. • Provide road guards to usher recreationalists around hazardous areas where activities impede on a road or trail.	1. Comply with listed measures, as needed.	1. Comply with listed measures, as needed.	1. Prior to the start of construction and during construction, as needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
• Provide fencing around the active work area to protect recreationalists, as necessary.				
HAZ-4: Measures to Avoid or Minimize Adverse Effects on People, Pets, or Other Non-Target Organisms from Use of Herbicides (See Hazards and Hazardous Materials)				

Transportation

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
TRA-1: Maintain Traffic Flow The City and its contractors will implement the following measures: • To the extent feasible, work will be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site. • Heavy equipment and haul traffic will be avoided in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the hours of 8 a.m. to 5:30 p.m., Monday through Friday. • If heavy equipment or hauling is required beyond the hours above, the City or its contractor will provide notice to adjacent	1. Comply with listed staging requirements to maintain traffic flow. 2. Restrict the use of heavy equipment and haul traffic to stated hours. 3. Work with City to notify property owners if heavy equipment or hauling is	1. Ensure contractor compliance with staging requirements for traffic flow. 2. Ensure contractor compliance with stated hours for heavy equipment and haul traffic. 3. Work with contractor to notify property owners if heavy equipment or	1. Prior to the start of construction and during construction. 2. During construction. 3. During construction, if needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
property owners 48 hours in advance of such activities.	needed beyond stated hours.	hauling is needed beyond stated hours.		
TRA-2: Traffic Control and Public Safety The City and its contractors will implement the following measures: • In the event that work activities require the temporary closure of any traffic lanes, the City will implement measures to guide traffic (such as signage and flaggers), safeguard construction workers, provide safe passage of vehicles, and minimize traffic impacts through the duration of work activities. The City also will notify local emergency service providers regarding any planned lane closures. • For any other work within or near the roadway that could pose a hazard to the public, the City will install/implement appropriate measures, such as fences, barriers, flagging, guards, and/or signs, to give adequate warning and provide protection from the potentially dangerous condition. • For work activities along or near roadways with sidewalks and bike routes/lanes, the City will implement measures to ensure the safe passage of pedestrians and bicyclists around the work site. • Public transit access and routes will be maintained in the vicinity of the work site. If public transit will be affected by temporary	1. N/A 2. N/A 3. N/A	1. Guide traffic, protect crews, minimize impacts, and notify local emergency service providers if traffic lanes must be closed. 2. Install and implement appropriate road, sidewalk, and bike lane measures if needed. 3. Consult transit authorities if public transit will be impacted by project activities.	1. During construction, if needed. 2. During construction, if needed. 3. During construction, if needed.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
road closures and require detours, the City will consult affected transit authorities and keep them informed of project activities.				

Tribal Cultural Resources

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
CUL-1: Provide Sensitivity Training, Assess Archaeological Sensitivity, and Survey Areas of High or Highest Sensitivity (See Cultural Resources)				
CUL-2: Avoid Use of Techniques that Cause Ground Disturbance within Known Archaeological Historical Resources (See Cultural Resources)				
CUL-3: Response Measures for Potential Unknown Archaeological Resources and Tribal Cultural Resources (See Cultural Resources)				
CUL-4: Stop Work if Human Remains Are Unearthed during Project Activities (See Cultural Resources)				

Utilities

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
None required				

Wildfire

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
WLD-1: Fire Prevention The City and its contractors shall implement the following measures: • All vegetation management and portable equipment with internal combustion engines shall be equipped with spark arrestors. • Work crews shall not conduct vegetation treatment activities during Red Flag Day and Fire Weather Watch warnings, except in the case of emergency. • During the high fire danger period (April 1–December 1), work crews shall: o Have appropriate fire suppression equipment available at the work site. o Keep flammable materials, including flammable vegetation slash, at least 10 feet away from any equipment that could produce a spark, fire, or flame.	1. Use spark arrestors for all equipment with internal combustion engines. 2. Stop work during Red Flag and Fire Watch warnings, unless an applicable emergency occurs.	1. Ensure the use of spark arrestors. 2. Ensure no work occurs during Red Flag and Fire Watch warning days. In case of emergency, communicate with contractor and allow work to continue. 3. Ensure contractor compliance with listed measures during high fire danger period.	1. During construction 2. During construction, if necessary. 3. During construction.	

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
○ Not use portable tools powered by gasoline-fueled internal combustion engines within 25 feet of any flammable materials unless a round-point shovel or fire extinguisher is within immediate reach of the work crew (no more 25 feet away from the work area).	3. Comply with applicable measures during the high fire danger period.			
HAZ-1: Vehicle and Equipment Maintenance (VMP BMP GEN-8) (See Hazards and Hazardous Materials)				
GEO-1: Minimize Soil Disturbance (Revised from VMP BMP GEN-2) (See Geology, Soils, and Seismicity)				
GEO-2: Erosion and Sediment Control Measures (VMP BMP GEN-3) (See Geology, Soils, and Seismicity)				
GEO-3: Geotechnical Evaluation (See Geology, Soils, and Seismicity)				

Cumulative Impacts

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
BIO-1 through BIO-16 (See Biological Resources)				

Mitigation Measures	Contractor Responsibility	City Responsibility	Monitoring Schedule	Completion Date and Initials
NOI-1 and NOI-2 (See Noise)				