

Scoping Report

Hazardous Fire Risk Reduction Environmental Impact Statement

East Bay Hills, California

November 2010



FEMA

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Contract No. HSFEHQ-09-D-1130
Task Order HSFEHQ-10-J-0012

15702512.120UO

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Acronyms

Cal EMA	California Emergency Management Agency
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWA	Clean Water Act
EBRPD	East Bay Regional Park District
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
HMGP	Hazard Mitigation Grant Program
NEPA	National Environmental Policy Act of 1969
NOI	Notice of Intent
PDM	Pre-Disaster Mitigation Program
UC	University of California
UCB	University of California, Berkeley

1 Introduction

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is preparing an Environmental Impact Statement (EIS) for Hazardous Fire Risk Reduction in East Bay Hills, California. The EIS is being prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S. Code §§ 4321–4327) and in accordance with the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA (40 Code of Federal Regulations [CFR] Parts 1500–1508), and FEMA's NEPA implementing regulations (44 CFR Part 10), Environmental Considerations.

The scoping process is an integral part of NEPA compliance and is intended to ensure that the full range of environmental issues and alternatives for the proposed action are evaluated in the EIS. The primary purpose of scoping is to evaluate the comments that are received and make decisions about which issues will be studied in detail in the EIS. The scoping process is described in more detail in Section 6 of this report.

The Scoping Report is the tool by which the Federal agency that is preparing the EIS makes the public aware of the decisions that have been made regarding which issues will be studied as part of the EIS process. This Scoping Report provides background on the proposed action, a description of the scoping process to date, a summary of the key issues identified by members of the public during the scoping comment period, the proposed EIS schedule, and a draft outline for the EIS. The Scoping Report provides a summary of the input that FEMA has received regarding the proposed action, alternatives, and scope of the EIS analysis.

2 Proposed Action

FEMA has concluded that a need exists to reduce hazardous fire risk to the built environment in Applicant-identified areas of the East Bay Hills, based on the wildfire hazard characteristics of the East Bay Hills. The purpose of the proposed Federal action is to address the identified need by providing Federal financial assistance to the Applicant through the Pre-Disaster Mitigation (PDM) Program and the Hazard Mitigation Grant Program (HMGP) for long-term, cost-effective actions to reduce or eliminate the risk of damage and loss of life from wildfire, through fuel reduction, to previously identified vulnerable structures.

3 Proposed Action: Funding Grant Applications for Hazardous Fire Risk Reduction to the Built Environment as Submitted to FEMA

The region informally known as the East Bay Hills is generally defined as the area east of San Francisco Bay that consists of topographic features with elevations ranging from 1,000 feet to 3,000 feet above mean sea level. The geographic names of the topographic features include San Pablo Ridge, Gudde Ridge, Berkeley Hills, and San Leandro Hills. The East Bay Hills comprises portions of Alameda and Contra Costa counties and includes the cities of Berkeley, El Cerrito,

Oakland, and San Leandro, among others. Much of the East Bay Hills is covered by densely built residential neighborhoods of mostly single-family homes, but the region also includes large tracts of open space and wildlands that are operated and managed by the University of California, Berkeley (UCB); East Bay Regional Park District (EBRPD); and East Bay Municipal Utilities District.

UCB, the City of Oakland, and the EBRPD have submitted grant applications to FEMA, through the State of California Emergency Management Agency (Cal EMA), requesting funding under the HMGP and the PDM Program to reduce hazardous fire risk to the built environment in Applicant-identified areas of the East Bay Hills. The proposed action involves a total of approximately 980 acres of wildland-urban interface.

Hazardous fire risk reduction is defined in FEMA's Mitigation Policy MRR-2-08-1, *Wildfire Mitigation Policy for the Hazard Mitigation Grant Program (HMGP) and Pre-Disaster Mitigation (PDM) Program* (FEMA, 2008), which describes long-term, cost-effective actions taken to reduce or eliminate damage to vulnerable structures and associated loss of life from future wildfire. However, the specific requirements and eligibility criteria of the mitigation policy apply only to projects for which the application period was open on or after September 8, 2008.

4 Alternatives

There are three alternatives, in addition to the proposed action (see Section 3), which are being studied in detail in the EIS. The alternatives, listed below, are based on the comments that were received during scoping.

- No action, which involves denying the grant applications
- Funding grant applications for hazardous fire risk reduction to the built environment with environmental conditions or methodologies that are different from the proposed action
- Partially funding grant applications for hazardous fire risk reduction to the built environment, including funding some and denying others

5 Cooperating Agencies

FEMA is the lead agency in conducting the NEPA activities associated with the hazardous fire risk reduction (proposed action). Other Federal, State, and local agencies may be involved in the NEPA process because of special expertise with respect to any environmental issue, jurisdiction by law, or need to approve or finance a portion of the proposal. FEMA has invited the U.S. Forest Service, the National Park Service, the U.S. Fish and Wildlife Service, Cal EMA, UCB, EBRPD, and the City of Oakland to be Cooperating Agencies, and all have accepted. FEMA and the Cooperating Agencies have executed a Memorandum of Understanding to govern the working relationship for the preparation of the EIS.

On October 15, 2010, FEMA invited the National Marine Fisheries Service to be a Cooperating Agency for this EIS and is awaiting their acceptance.

6 Scoping Process

The public scoping process is required by NEPA regulations and is an integral part of NEPA compliance. The scoping process is an early and open process for determining the scope of issues to be addressed in the EIS. During the scoping period, also referred to as the public comment period, the lead Federal agency, in this case FEMA, describes the proposed action and possible alternatives and then seeks input from the general public, local businesses, community associations, stakeholders, affected governmental agencies, and other interested parties. The objectives of scoping are to identify the affected public and agency issues of concern; facilitate an efficient EIS preparation process through the assistance of Cooperating Agencies; and define issues and alternatives that will be examined in detail in the EIS.

Comments could be submitted by mail, e-mail, fax, through the project website or the *Federal Register* website, or in person during public scoping meetings.

6.1 Notice of Intent

The scoping process begins with the publication of the Notice of Intent (NOI) to prepare an EIS. The NOI for the Hazardous Fire Risk Reduction EIS was published in the *Federal Register* on June 10, 2010 (75 Fed. Reg. 32,960–32,961). The ending date in the NOI was given as July 12, 2010, but the comment period was later extended to October 1, 2010, and a revision to the NOI was published in the *Federal Register* on July 28, 2010 (75 Fed. Reg. 44,275–44,276). The NOI and its revision are included in Appendix A.

6.2 Public Scoping Meetings

The purpose of the public scoping meeting is to engage the general public, local businesses, community associations, stakeholders, affected governmental agencies, and other interested parties in the NEPA process and to solicit input regarding the scope and the significant issues to be analyzed in the EIS.

6.2.1 Meeting Notifications

A scoping meeting announcement requesting comments regarding the scope of the EIS was advertised in the *Oakland Tribune* on August 12, 2010. Federal, State, and local agencies and groups and individuals listed in the stakeholder database were notified of the meetings by mail (a postcard was mailed on August 12, 2010) and by e-mail (a message with the announcement was e-mailed on August 20, 2010). A media advisory/press release announcing the two scoping meetings was provided to media outlets on August 17, 2010. The advertisement, postcard, e-mail announcement, and press release are included in Appendix B.

The stakeholder database, including mailing addresses and e-mail addresses, was developed from information available from a previous similar study and from the Cooperating Agencies. After the scoping meetings, the database was updated using information provided by meeting participants and will continue to be updated throughout the EIS process.

6.2.2 Date and Location of Public Scoping Meetings

Two public scoping meetings were held on Thursday, August 26, 2010, at the Trudeau Center, 15500 Skyline Drive, Oakland, California.

6.2.3 Informational Materials

At the scoping meeting, attendees were greeted and asked to register. They were given the following informational materials:

- Comment cards
- NOI and revised NOI
- Understanding NEPA Fact Sheet
- FEMA Project Fact Sheet
- EIS Flowchart
- Hazardous Fire Risk Reduction EIS Milestones
- Map showing all proposed projects in study area (cumulative projects)
- Maps showing the locations of the proposed action

The informational materials, except for the comment card, NOI, and revised NOI, were also presented on posters at stations staffed by project team members and representatives of the agencies that have applied for funding. The meeting sign-in sheets are included in Appendix C. All of the informational materials are included in Appendix D, except the NOI and revised NOI, which are in Appendix A.

6.2.4 Meeting Format

The agendas for the meetings were:

Afternoon Meeting

2:00 – 3:00 p.m. Open House
3:00 – 3:30 p.m. Presentations
3:30 – 4:30 p.m. Open Forum for Comments

Evening Meeting

6:30 – 7:30 p.m. Open House
7:30 – 8:00 p.m. Presentations
8:00 – 9:00 p.m. Open Forum for Comments

The open house period provided attendees with an opportunity to visit the stations described in Section 6.2.3.

A professional facilitator led the presentation and comment portions of the meetings.

FEMA's Region IX Hazard Mitigation Project Manager presented an overview of FEMA's Hazard Mitigation Assistance Program and the East Bay Hills hazardous fire risk reduction grant applications. FEMA's Region IX Environmental Officer then described the NEPA process.

During the open forum for comment, attendees were given the opportunity to provide oral comments, which were recorded by a certified court reporter. This portion of each meeting continued until no further scoping comments were offered. At the end of the meeting, attendees were reminded that they could submit written comments on the comment cards at any time during the public comment period.

7 Scoping Comments

During the public scoping process, comments were submitted:

- On comment cards during the public scoping meetings
- As oral comments, which were recorded, during the public scoping meetings
- By fax
- By letter
- By e-mail through the project website (<http://ebheisforca.ursdcmetro.com>)
- By e-mail through the *Federal Register* website (<http://www.regulations.gov>)

Every submission has been given a number that correlates to the method of submission and the date of receipt.

The comments are summarized in this section. A transcript of the oral comments is provided in Appendix E, and the written comments are provided in Appendix F.

More than 60 people attended the two public scoping meetings, and 28 expressed comments orally. A total of 114 comments, including the 28 oral comments, were received. Eight were duplicates, leaving 106 discrete submissions. All submissions were read and analyzed for substantive comments. Comments are defined as discrete concepts that are conveyed in the submissions. Substantive comments fell into a number of topics that were grouped as regulatory compliance; purpose and need; proposed action, alternatives, and mitigation; affected environment or environmental consequences; and general comments. Table 1 contains the number of comments in each topic category and a summary of the comments.

Pursuant to CEQ regulations and scoping guidance, the issues relevant to the proposed action that are addressed in the comments will be considered in the EIS and are summarized in Table 2. The resource specialists involved with preparing the EIS will review and address the comments to ensure that the EIS benefits from the full import of the comments that were received.

Table 1. Group, Topics, Number of Commenters and Comments, and Issues in the Comments

Group	Topic	Number of Commenters	Number of Comments	Issues in the Comments
Regulatory Compliance	EIS Process	24	28	EIS process, general analysis, and relationship to pending EBRPD litigation
	Scoping Process	13	14	Compliance with the NEPA process for public scoping, including the scoping process, comment period extension, confirmation that e-mails were received, groups or agencies that may want to be involved, requests for coordination, information about previous coordination, and requests to be added to mailing lists
Purpose and Need	Fire Hazard/Behavior	55	144	Fire behavior, fire models, fuels, fire hazards, and relative fire risks (also see “Fire Hazard/Behavior” under “Affected Environment”)
	Program	18	64	Consistency of applications to program or policy requirements, program eligibility, FEMA funding and application process, and funding
Proposed Action, Alternatives, and Mitigation Measures	Alternatives	44	78	Proposed alternatives, other alternatives to consider including alternative treatments and methods, and information that may inform alternative development
	Debris/Chips	10	11	Debris, chip characteristics, chip decomposition, chip placement (also see “Fire Hazard/Behavior” under “Affected Environment” for comments about fire hazard associated with debris/chips)
	Tree removal	13	13	Tree removal (also see “Climate Change” and “Forestry” under “Affected Environment” and “Alternatives” under “Proposed Action”)
	Maintenance, Monitoring, and Management	8	17	Ongoing maintenance activities (both current and under the alternatives), monitoring of results, and post-project vegetation management

Table 1. Group, Topics, Number of Commenters and Comments, and Issues in the Comments

Group	Topic	Number of Commenters	Number of Comments	Issues in the Comments
Affected Environment: Resource or Area of Concern OR Environmental Consequences: Potential Direct, Indirect and Cumulative Impacts	Aesthetics	18	27	Visual resources and general enjoyment of the area
	Air Quality	8	8	Air quality (also see “Climate Change” under “Affected Environment”)
	Biology	29	56	Impacts to species, habitat, and wildlife
	Climate Change	18	27	Carbon release, impacts to and impacts of global warming, and large-scale climate change
	Climate Change: Microclimate	16	21	Local changes to wind, humidity, fog drip, and temperature changes
	Cultural Resources	1	1	Cultural resources, including historic landscape
	Fire Hazard/Behavior	55	144	Fire hazard/behavior, relative fire hazard, and information about fire hazards and behavior
	Forestry	17	31	Forestry, vegetation mapping, and vegetation types, characteristics, and successions
	Geology	11	16	Mudslides and landslides (also see “Soil/Erosion” under “Affected Environment”)
	Herbicide/Pesticide	37	54	Use, sensitivity to, opposition, and support for use
	Herbicide/Pesticide: Biology	3	8	Impact to wildlife and habitat from use
	Herbicide/Pesticide: Fire Hazard/Behavior	4	4	Alteration of fire hazard/behavior from use and flammability of products
	Herbicide/Pesticide: Forestry	1	2	Vegetation succession and health associated with use
	Herbicide/Pesticide: Human Health and Safety	16	31	Health and safety impacts to humans from use
	Herbicide/Pesticide: Recreation and Open Space	4	4	Impacts to recreation/open space from use

Table 1. Group, Topics, Number of Commenters and Comments, and Issues in the Comments

Group	Topic	Number of Commenters	Number of Comments	Issues in the Comments
Affected Environment: Resource or Area of Concern OR Environmental Consequences: Potential Direct, Indirect and Cumulative Impacts	Herbicide/Pesticide: Soil	6	8	Impact to soil from use
	Herbicide/Pesticide: Water	15	17	Impact to water from use
	Human Health and Safety	3	3	Potential impacts to human health and safety not associated with fire or herbicide (also see “Fire Hazard/Behavior,” “Geology,” and “Herbicide/Pesticide” under “Affected Environment”)
	Invasive Species	19	26	Spread of invasive species (also see “Fire Hazard/Behavior,” “Forestry,” and “Revegetation” under “Affected Environment” and “Maintenance, Monitoring, and Management” under “Proposed Action”)
	Land Use/Induced Growth	9	9	Induced growth, subsequent development (also see “Herbicide/Pesticide: Recreation and Open Space” under “Affected Environment”)
	Noise	2	2	Changes in noise levels
	Recreation/Open Space	7	7	Recreational use and open space
	Revegetation Process	10	12	Revegetation after project implementation (also see “Maintenance, Monitoring, and Management” under “Proposed Action”)
	Sensitive areas	3	3	Identification of sensitive, critical areas
	Soil/Erosion	19	28	Soil, soil nutrients, and erosion (also see “Geology” under “Affected Environment”)
	Water	16	24	Impacts to ground water and surface water
	General Impact Assessment	5	5	Construction impacts and requests to document beneficial impacts
	Cumulative	15	24	Cumulative impact assessment and identification of other projects

Table 1. Group, Topics, Number of Commenters and Comments, and Issues in the Comments

Group	Topic	Number of Commenters	Number of Comments	Issues in the Comments
General	Non-topic-specific Comment	13	13	Submissions without substantive comments, and comments stating general support or opposition to project without providing details
	Duplicate Comment	7	8	Submissions that were submitted by the same comments in multiple formats or methods (e.g., letters submitted via e-mail and by mail), or commenters who referred to or expressed support for other submitters comments
	Reference/Background Information	14	52	Recommended information, references, studies and reports for FEMA to review, consider, and/or be included in the administrative record
	Schedule	5	6	Comments about the process taking too long or that it should not be done too fast

EBRPD = East Bay Regional Park District

FEMA = Federal Emergency Management Agency

NEPA = National Environmental Policy Act

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Regulatory Compliance	EIS Process	28	<ul style="list-style-type: none"> • Support of the EIS process or FEMA’s decision to undertake an EIS (9) • Request that the EIS analysis be based on physical study of the site, verifiable scientific data, substantiated data, verifiable science, or expert opinions (6) • Projects will not survive the EIS process (3) • EIS process should not be undertaken until the EBRPD lawsuit is resolved (2) • Concern about the consultant (2) • Requesting that the EIS analysis be based on the precautionary principal (1) • EIS should address other UC projects (1) • Request UC not be included in the EIS process(1) • Question about the analysis year for the impacts in the EIS (1) • EIS would be redundant to the EBRPD Environmental Impact Review (1) • Inquiry about the status of the EIS (1)
	Scoping Process	14	<ul style="list-style-type: none"> • Request for confirmation of receipt of comments, inquiry about how to submit comments, or report of problems with document downloads (5) • Identification of agencies or organizations to coordinate with (Golden Gate Audubon Society, Sierra Club, Friends of Sausal Creek, Claremont Canyon Conservancy, Hills Emergency Forum member agencies, National Park Service, California Native Plant Society) (4) • Request to be placed on the mailing list or Draft EIS distribution list (4) • Request to extend the comment period (1)
Purpose and Need	Fire Hazard/Behavior	144	<ul style="list-style-type: none"> • The proposed action will increase vulnerability of the area to wildfire (28) • Questions or statements regarding whether non-native vegetation species are less fire-prone than native (25) • Concern about removal of the tall vegetation that serves as a wind break (3)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Purpose and Need (cont.)	Fire Hazard/Behavior (cont.)		<ul style="list-style-type: none"> • Removing the trees will result in the project area becoming dryer (see microclimate issues) and thus more fire-prone (7) • Converting to grasslands is dangerous because most fires begin in grassland (26) • Issue of Sudden Oak Death (7) • Information for comparing non-native species to an Oak/Bay community with regards to fire hazard (26) • Proposed projects will not reduce fire risk (5) • Support for the proposed action as a fire risk reduction (3) • Concern that spreading chips is a fire hazard (13) • Blue-green eucalyptus is fire resistant (1)
	Program	64	<ul style="list-style-type: none"> • Questioning the eligibility of some or all of the applications based on language from the applications when compared to MRR-2-08-1 (i.e., clear cutting, native plant restoration, prescribed burn, long-term, cost-effective) (48) • Support for the concept of creating defensible space (8) • Problem is a result of the subapplicants; not maintaining their properties following similar prior projects (3) • Allegations of fraud (2) • Program requirements for maintenance and monitoring and required plans (2) • Reference to a flammability study (1)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Proposed Action, Alternatives, and Mitigation Measures	Alternatives	78	<ul style="list-style-type: none"> • Periodic grass cutting, cutting small diameter trees, clearing brush, maintaining spacing between trees, limbing trees, species neutral selective cutting, and inspections should be used (26) • Defensible space should be the focus (11) • Selective cutting is preferred (13) • Alternate method of controlling sprouts should be used, although many more expressed concern about the use of herbicides; see “Herbicides/Pesticides” below (4) • Building codes should be created and enforced (3) • No one treatment should be forced on all the applicants (4) • Applicants should be able to select their own methods (1) • Suggestion for the use of goats (1) • Do not like goats because they are non-selective (1) • Focus on roadway widening, construction of a second access route and/or evacuation planning (3) • Use chips for biomass to generate electricity (1) • Suggestion to use methods similar to East Bay Municipal Utility District (1) • Request for an herbicide-free area (1) • Put power lines below ground (1) • Solutions/ recommendations should be based on peer reviewed science (2) • Suggestions for more effective strategies for fighting Diablo wind driven wildfires (2) • Use locally specific fire attribute studies and models (1) • EPA suggested that “...the EIS evaluate a range of alternatives, including an alternative that minimizes adverse impacts to water quality, cumulative watershed effects, aquatic resources, and air quality” (1) • EPA also recommends removing only non-native species but leave trees over a certain diameter at breast height (1)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Proposed Action, Alternatives, and Mitigation Measures (cont.)	Debris/Chips	11	<ul style="list-style-type: none"> • Leaving chipped debris increases fire risk (4) • Eucalyptus chips are slow to decompose, toxic to other plants, and leaving them onsite would be contrary to long-term goals (2) • Chips will decompose quickly (2) • Projects would need to be in compliance with City of Oakland ordinances regarding chips (1) • Request that chipping activities avoid streams and flood-prone areas (1) • General opposition to leaving chips onsite (1)
	Tree Removal	13	<ul style="list-style-type: none"> • General concern/opposition to tree removal (7) • General opposition about wholesale/extensive tree removal (4) • Opposition to removal of native trees (1) • Request to minimize cutting large trees (1)
	Maintenance, Monitoring, and Management	17	<ul style="list-style-type: none"> • Applications do not provide adequate maintenance or management plans or requesting such plans (4) • Analysis should evaluate plans for vegetation management or long-term maintenance at each site (4) • Request that FEMA require monitoring requirements including annual reports (available to public) (4) • Request or inquiry about management and/or monitoring (2) • Concern that applications not include follow-up treatment besides herbicides (i.e., revegetation) (1) • Replacement plants should be native (1) • Suggestion that a Technical Advisory Committee be formed and consulted during follow-up monitoring (1)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Affected Environment: Resource or Area of Concern OR Environmental Consequences: Potential Direct, Indirect and Cumulative Impacts	Aesthetics	27	<ul style="list-style-type: none"> • List of characteristics of the existing conditions or identification of key landscape features (9) • General detrimental impact to visual quality (6) • Preference for trees over grass or shrub land (7) • Concerning about the removal of shade (2) • Trees provide a visual "screen" that would be removed (3) • Discussion of the long-term impact to visual resources (1)
	Air Quality	8	<ul style="list-style-type: none"> • Comment about how trees improve air quality (3) • Concern about poisoning the air and increasing pollution (3) • Vegetation is an air quality buffer (1) • Concern about impacts to air quality (1)
	Biology	56	<ul style="list-style-type: none"> • Concern about impacts to wildlife and habitat (15) • Trees provide shelter, shade, food storage, nesting cover, or moisture for wildlife (7) • Concerned that chips/debris would impact ground species (e.g., native bees, snakes) (7) • Trees provide habitat for birds (e.g., great horned owls, red-shouldered hawk, raptors) (7) • Identification of habitat for or presence of specific species (Alameda whipsnake, Pallid Manzanita, Pallid Bat; red-legged frog; raptors, rare plants, native rainbow trout, Presedio clarkia; western pond turtle) (6) • Identification of vegetation types and related biological values or biological concerns (4) • Requests for data to be presented in the EIS (acres of habitat type affected and what would replace it, complete evaluation of species, mitigation including restoration of native habitat, and consideration that entire ecological community focus not only on individual species) (3) • Concern for impacts to monarch butterflies (2) • Native species are dependent on non-native habitat (2)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Affected Environment: Resource or Area of Concern OR Environmental Consequences: Potential Direct, Indirect and Cumulative Impacts	Biology (cont.)		<ul style="list-style-type: none"> • Dispute of literature that eucalyptus gum is detrimental to short-beaked birds and that the trees create sinks for birds and butterflies (2) • Certain species require fire (Pallid manzanita and Alameda whipsnake) (1)
	Climate Change	27	<ul style="list-style-type: none"> • Carbon sequestration of trees and the release of carbon as a result of tree removal (14) • Removing trees/vegetation would cause climate change (4) • Identification of climate change as a context in which to evaluate the project (4) • EIS should quantify net carbon release and greenhouse gas emissions from the project (3) • Comments regarding global warming (2)
	Climate Change: Microclimate	21	<ul style="list-style-type: none"> • Wind (e.g., existing trees provide a windbreak tree removal would change wind patterns and/or wind velocity) (6) • Trees provide moisture and shade, which would be affected by tree removal (5) • Trees precipitate fog or result in “fog drip” (3) • Tree removal would increase temperatures (1) • Comments combining concerns mentioned above (i.e., impacts to wind, moisture, shade, fog, and temperature) (5) • Request that the affected environment analysis measure or otherwise document moisture through data on average daily, weekly, monthly dew, dewfall, and dew point and through use of a hygrometer (1)
	Cultural Resources	1	<ul style="list-style-type: none"> • Support for retention of a historic tree grove (1)
	Fire Hazard/Behavior	—	<ul style="list-style-type: none"> • See “Fire Hazard/Behavior” under “Purpose and Need”

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Affected Environment: (cont.)	Forestry	31	<ul style="list-style-type: none"> • Descriptions and characteristics of vegetation communities within the study area (9) • Lack of management of existing forested areas is contributing to problems and fire risk (6) • Exotic trees are resistant to disease that natives are not (2) • EIS should describe the effects of an increase in wind throw of existing trees from removal of other trees (1) • Young trees rely on downed trees for survival (1) • Removal of non-native trees harms native trees (1) • Claims that eucalyptus are fire-prone and harmful to wildlife are false (1) • Project would destroy characteristics of old sylvan trees (1) • Vegetation should be mapped to the standards of the <i>Manual of California Vegetation – Second Edition</i> (1) • Question about whether the EIS will include descriptions of scenarios to existing vegetation communities 1, 5, and 10 years following treatment (1) • Plans to integrate fire science and natural resources science should be conceived (1) • Updated mapping systems that identify plant communities and type and density of vegetation intermixed with home landscapes are needed (1) • Fire codes need stricter enforcement (2) • EIS should not focus on general discussions but instead on site-specific discussions and base recommendations on them (1) • Trees are being saved by thinning groves and title forest should be managed in a way that will focus on preventing fires (1) • Removing blue gum trees will create additional problems (1)
	Geology	16	<ul style="list-style-type: none"> • Tree removal and/or clear cutting would increase the potential for erosion and landslides on hillsides (16)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Affected Environment: (cont.)	Herbicide/Pesticide: General	54	<ul style="list-style-type: none"> • Herbicides release toxic vapors in the event of fire (1) • Request to find out which herbicides would be used (2) • Support for designating an “herbicide czar” to track and monitor herbicide use (2) • Project would result in the widespread and long-term use of herbicides (5) • Opposition to the use of pesticides/herbicides (4) • Supporting for the use of the <i>Annual Report of the President’s Cancer Panel</i> and precautionary principle (2) • Clear hazards of pesticide/herbicide use on people and the environment (8) • Urging the exploration of alternatives and support for reduction and/or elimination of pesticide/herbicide use (6) • Some herbicide use is needed to control regrowth (2) • Experience with Garlon without negative effects (1) • Question about whether UCB is indifferent to the widespread use of herbicides (1) • Money should be spent on workers and not chemicals (1) • Concern about the project because of herbicide involvement and/or urging FEMA not to fund the project because of involvement of pesticides (3) • Inert ingredients of herbicides (2) • “Clear cutting” will leave behind poisoned stumps (2) • Long-term productivity resulting from workers sickened by herbicides is not accounted for (1) • People would likely object to application of herbicides if they knew the details (2) • Translocation of pesticides and effects on other species (2)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Affected Environment: (cont.)	Herbicide/Pesticide: General (cont.)		<ul style="list-style-type: none"> • Manufacture and purveyor profit to the detriment of ecosystems (1) • Existing spraying by UCB (3) • Request use of a University of Missouri study about herbicides (1) • Questioning whether it has been proven that sprouts need to be sprayed on all trees (1) • General concerns about the use of herbicide and effects on the environment (2)
	Herbicide/Pesticide: Biology	8	<ul style="list-style-type: none"> • Toxic effect of different herbicides/pesticides on terrestrial and aquatic wildlife species, including their growth, behavior, and food sources (plants) (7) • Effects on oak seedlings (1)
	Herbicide/Pesticide: Fire Hazard/Behavior	4	<ul style="list-style-type: none"> • Increased risk of fire resulting from plants killed by herbicides and left in place (2) • Above issue as well as the increased risk resulting from the killing of greener and more fire-resistant native plants (2)
	Herbicide/Pesticide: Forestry	2	<ul style="list-style-type: none"> • Effects of triclopyr on nitrogen cycling and growth of beneficial micorrhizal fungi that aids nutrient uptake and diversity of mosses and lichens (1) • Effects of glyphosate on beneficial micorrhizal fungi, seed quality, and plant health (1)
	Herbicide/Pesticide: Human Health and Safety	31	<ul style="list-style-type: none"> • Personal health effects of the commenter (2) • Health problem resulting from specific herbicides/ pesticides (Triclopr, glyphosate, Imazapyr, Clopyralid, Dicamba, polyethoxylated tallowamine [POEA]) (8) • No use of herbicides/pesticides is safe (3) • Description of a variety of health risks from herbicides/pesticides (5) • Reactions to pesticides/herbicides can be delayed, and doctors are not equipped to recognize symptoms of pesticide/herbicide poisoning (1) • People who are using plants within the treated areas medicinally may be sickened by herbicide/pesticide treatments (1) • Chemicals can accumulate in our systems and may be passed on to the next generation (1)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Affected Environment: (cont.)	Herbicide/Pesticide: Human Health and Safety (cont.)		<ul style="list-style-type: none"> • Exposure of people already compromised by chemicals to additional chemicals would create more problems (1) • Since sports fields are used by children and adults and dogs, it is important to avoid use of pesticides in this area (1) • Physical removal should be favored over herbicides to minimize health risks to people (1) • Effects of inert ingredients of herbicides should be looked at as part of studies (1) • Herbicides should be used only if other options are exhausted (2) • Chemicals should be used only if necessary and use should be posted/public informed (1) • Pesticides/ herbicides should not be used, even if there are no other options (2) • Herbicides are not the main risk of the project (1)
	Herbicide/Pesticide: Recreation and Open Space	4	<ul style="list-style-type: none"> • Obstacles to open space access from the use of herbicides (4)
	Herbicide/Pesticide: Soil	8	<ul style="list-style-type: none"> • Hazards of Triclopyr and its high mobility in soils (2) • Glyphosate's availability to soils (1) • Imazapyr is very mobile and persistent in soil (1) • Clopyralid is persistent in soil (1) • Characteristics of Dicamba (1) • Characteristics of Garlon 4 Ultra (1) • How herbicides would affect soil (1)
	Herbicide/Pesticide: Water	17	<ul style="list-style-type: none"> • Known water contamination from different herbicides (Garlon-4 Ultra, Imazapyr, Clopyralid, Dicamba) (5) • Existing impairment of headwater streams (3)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Affected Environment: (cont.)			<ul style="list-style-type: none"> • Toxic effects of herbicides get worse during rains or with watering (1) • Herbicide will become runoff and contaminate surrounding waterways and groundwater (5) • Request that studies be done to identify existing toxicity of waters and implement measures to ensure herbicides do not enter waterways (2) • Request for studies of watershed contamination for tree removal in riparian areas (1)
	Human Health and Safety	3	<ul style="list-style-type: none"> • Resulting land conversion from the proposed action would endanger firefighters and the general public (1) • Facilities exist below the ridge of Strawberry Canyon that contain materials that could be hazardous to human health. Earth movement from landslides or fault activity could affect these facilities; therefore, careful risk assessment should be required for any proposal that requires clear-cutting trees. (1) • Concern that the loss of predator species would result in an increase in mice and rats (1)
	Invasive Species	26	<ul style="list-style-type: none"> • Removal of non-native vegetation is important to reducing fire hazard potential (9) • Some species now labeled as native were historically non-native (4) • Tree removal would result in an influx of fire-prone non-native species (3) • Invasive species tend to populate areas that have been disturbed by human activity (4) • Request for information on what types of species are expected to populate areas where eucalyptus is removed (1) • Eucalyptus reduces fire danger by intercepting and precipitating fog drip (1) • Request for information on a post-treatment plan for invasive species (1) • Request for information on affected habitat types and a description of what type of habitat would replace it (1) • Request that vegetation mapping be completed and reported as stated in <i>Manual of California Vegetation – Second Edition</i> (1) • EIS should analyze the increase in invasive species from the proposed action and outline best management practices that will be used to control their spread (1)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Affected Environment: (cont.)	Land Use/Induced growth	9	<ul style="list-style-type: none"> • Tree removal may be a means to facilitate expansion of housing or the UCB Lawrence Berkeley Lab (7) • Urbanization of land above UCB is irresponsible (1) • Inconsistencies in land use among jurisdictions in the region leads to increased fire hazard (1)
	Noise	2	<ul style="list-style-type: none"> • Questioning what sound effects will be incurred by neighborhoods that rely on trees as wind/sound breaks (1) • Eucalyptus function as a sound break (1)
	Recreation/Open Space	7	<ul style="list-style-type: none"> • Proposed action will have detrimental effects on parklands (3) • Proposed action will have detrimental effects on hikers (1) • An Olmstead Brothers report from 1930 mentions that the ridges above Strawberry and Blackberry canyons is important as a great public, scenic, and natural resource (1) • Open space management has suffered from economic cutbacks (1) • Efforts should be made to thin and maintain eucalyptus groves as a canopy for recreational areas (1)
	Revegetation Process	12	<ul style="list-style-type: none"> • A plan is needed to increase the number of existing trees through replanting (1) • Erosion and landslides will be catastrophic after tree removal unless there is a revegetation plan (3) • Adding wood chips to the ground after tree removal will increase the fire hazard (1) • Proposed action does not include a revegetation plan (1) • Areas should be revegetated and not left to naturally revegetate (1) • Plants cannot regeminate under a layer of wood chips (1) • Revegetation plans should depend on site conditions and existing plant communities present (1)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Affected Environment: (cont.)			<ul style="list-style-type: none"> • Thinning young eucalyptus woodlands of suckers and sprouts for temporary management is undesirable and the goal should be to convert to native vegetation (1) • There is existing ample natural seed bank and revegetation is unnecessary (1) • Chip mulch will reduce the propagation of non-native plants (1)
	Sensitive Areas	3	<ul style="list-style-type: none"> • UC designated the area as an Ecological Study Area, thus reappraisal of its landscape and ecological value is warranted (1) • Strawberry Canyon is a sensitive area and should be protected (1) • Description of an "ecotone" and stating that ecotones occur throughout the area (1)
	Soil/Erosion	28	<ul style="list-style-type: none"> • General concern about soil erosion, stabilization, and sedimentation (14) • Concern about landslides (10) • Soil health and poisoning soils with herbicides (3) • Soil compaction (1)
	Water	24	<ul style="list-style-type: none"> • Concern about deteriorating water quality from erosion/ sedimentation and herbicide/pesticide use (10) • Questioning how removing vegetation might affect water flow and the potential for flooding (4) • Concern that removal of vegetation will cause the area to become very dry (3) • There will be a loss of the trees precipitating water from fog (1) • Concern that ephemeral creeks will be used as haul roads (1) • Reference to an Oakland Creek Protection Ordinance (1) • Identification of upland wetlands as a landscape resource (1) • Water consumption of eucalyptus (1) • The EPA stated that placing chips in streams may require a permit (1) • EPA stated that the Draft EIS should address CWA Section 303(d) impaired waters (1)

Table 2. Summary of Comments by Group and Topic

Group	Topic	Number of Comments	Summary of Comments
Affected Environment: (cont.)	General Impact Assessment	5	<ul style="list-style-type: none"> • Projects would have, or FEMA should document, beneficial impacts (3) • There would be impacts associated with use of heavy equipment (2)
	Cumulative	24	<ul style="list-style-type: none"> • Comments relating to cumulative impacts (6) • Projects would contribute to cumulative impacts of carbon release or climate change (4) • Herbicide/pesticide may be small doses, but cumulative exposure is an issue in dosage (3) • Cumulative impacts cannot be identified until the lawsuit for EBRPD is resolved (3) • Identification of other past, present, or reasonably foreseeable future projects (2) • Suggested approaches to the analysis (2) • Because other parks in the region use herbicide, there is a cumulative impact to recreation (1) • There would be a cumulative significant impact to human health (no other specifics) (1) • Cumulative impact of various herbicides/pesticides can result in a synergistic impact (1) • There would be a cumulative significant impact to habitat (1)
General	Non-topic Specific Comment	13	Submissions without substantive comments, comments stating general support or opposition to project without providing details
	Duplicate Submissions	8	Submitted by the same entity in multiple formats or methods (e.g., letters submitted via e-mail and by mail), or commenters who referred to or expressed support for other submitters' comments
	Information/References	52	Recommendations for information, references, studies, and reports for FEMA to review, consider, and/or to be included in the administrative record
	Schedule	6	Comments about the process taking too long or that it should not be done too fast

CWA = Clean Water Act

EBRPD = East Bay Regional Park District

EIS = Environmental Impact Statement

EPA = Environmental Protection Agency

FEMA = Federal Emergency Management Agency

NEPA = National Environmental Policy Act

UC = University of California

UCB = University of California, Berkeley

7.1 Summary of Public Scoping Comments

All comments received during the public scoping period were assigned to topic categories, as noted above. Table 2 contains a summary of the comments. The topics with the most comments were fire hazard/behavior, alternatives, FEMA's Mitigation Program, and herbicides/pesticides. However, a broad set of issues was identified, including biology, potential impacts to aesthetics, climate change/microclimate, invasive species, soil/erosion, and water. Several submissions included extremely detailed information and references to various studies and reports.

8 Environmental Impact Statement Outline

FEMA has developed a draft EIS outline that takes into consideration the comments received during the scoping process. The outline is in compliance with CEQ regulations (40 CFR 1500) and FEMA regulations for environmental considerations (44 CFR Part 10). The draft outline is provided in Appendix G.

9 Proposed Schedule

The proposed schedule for conducting and documenting the EIS is provided in Appendix H.

10 References

FEMA (Federal Emergency Management Agency), 2008, *Wildfire Mitigation Policy for the Hazard Mitigation Grant Program (HMGP) and Pre-Disaster Mitigation (PDM) Program*, Mitigation Policy MRR-2-08-1.