



CALIFORNIA  
NATIVE PLANT SOCIETY

East Bay Chapter, [www.ebcnps.org](http://www.ebcnps.org)  
PO Box 5597, Elmwood Station, Berkeley, CA 94705

August 1, 2016 (August 5, 2016)

Catherine Payne, Planner IV  
City of Oakland, Department of Planning and Building  
Bureau of Planning  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA. 94612  
510-238-6168

Submitted via email to: [cpayne@oaknet.com](mailto:cpayne@oaknet.com)

**RE: Draft Environmental Impact Report for the Mountain View Cemetery Expansion Project**

Dear Ms. Payne:

The California Native Plant Society's East Bay Chapter (EBCNPS) appreciates the opportunity to comment on the 2016 *Draft Environmental Impact Report (DEIR) for the Mountain View Cemetery Expansion Project*. The California Native Plant Society (CNPS) is a statewide non-profit organization that works to protect California's native plant heritage and preserve it for future generations. The Society's mission is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat. We promote native plant appreciation, research, education, and conservation through our 5 statewide programs and 34 regional chapters in California. The East Bay Chapter covers Alameda and Contra Costa Counties and represents some 1000 local members.

Pursuant to the mission of protecting California's native plant species and habitats, CNPS submits the following comments and recommendations for the DEIR:

*Protecting California's native flora since 1965*

## General Considerations:

Representatives of our organization have read the DEIR, and noted areas of inadequacy and confusing references that should be modified, before a Final EIR is considered for approval. These conflicting points present a muddled picture of total project impact, making an accurate public assessment of the project impossible and the DEIR inadequate in current form.

We request that the City Council, the Planning Commission and City staff direct the Cemetery Applicants to revise the proposed expansion project, specifically in order to avoid impacts to many more oaks. A total of 190 (possibly more) coast live oak trees (from 2 arborist reports) are being proposed for removal in the latest version of the cemetery's plan. This number includes 113 trees with diameters at breast height (DBH) greater than 12 inches--some much larger. These trees provide rich habitat for many creatures, including over 40 species of migratory songs birds and other insect eating birds (see TABLE B, attached).

We request an alternative landscape plan that incorporates existing live oak trees into the proposed design, particularly retaining large swaths/groves of trees, and certain large individuals. We support permanent protections for these clusters, groves and individual trees. We request that this revised grading and landscape plan clearly show where existing oaks will be retained, along with new trees to be added. Further, we request that an independent biological monitor be present on site during grading, to insure the protection of the oaks, including generous margins of protection around root zones, and careful grading to insure ongoing lawn irrigation does not overwater established oak tree root zones.

A recent informal meeting (July, 2016) between some of our members and the cemetery's CEO and his landscape architect (Joe Runco) reveal a reluctance on the part of the cemetery to guarantee preservation of any oak trees in the new areas, in their long term planning. Mr. Runco said that they were applying for permits to remove all 222 trees mentioned in the first arborist report (and he said that during the construction grading, perhaps a few trees may be saved here and there). However, no trees are specified to be saved at this point, before work has started. This viewpoint conflicts directly with a recent presentation given by City Planner Catherine Payne, at a Planning Commission meeting, where Ms. Payne characterized tree removal permits and plans showing the total number of oak trees removed from the cemetery expansion area, as a "worst case scenario." Between these two professional opinions, there is quite a lot of latitude, with potential for unnecessary loss of too many of these important, beautiful trees. Additionally, if there is no long term plan to retain many of these oak trees permanently, then it will be all too easy to remove more over time, in a piecemeal fashion, without consideration of total impacts. In summary, exactly what actions would occur should this project be approved tomorrow, is unclear from the documents provided. Our organization recommends an improved communication between planners and the City of Oakland, specifically minimizing the gap of knowledge between what will occur and what is allowed to occur in proposed project actions related to tree removals. Clarifying this information more broadly to the public is also essential in order for actual impacts to be evaluated.

*Protecting California's native flora since 1965*

Our native oak trees of Oakland add much to the experience of being in the cemetery. As declared in the DEIR documents, the cemetery is utilized extensively for strolling and enjoyment, as well as for remembrance and solitude. The public enjoys the park-like atmosphere which includes large, healthy oak trees. Their presence was specifically called out to be included in the design and vision of the cemetery by its famous landscape architect, Frederick Law Olmsted. Olmsted understood the critical importance of our amazing graceful native oak trees, and the cemetery is a much richer place for them.

We strongly emphasize the ecological value of oak groves (as well as individual oak trees), as part of a remnant Oak Woodland local plant community, part of our native plant heritage of Oakland. It is not just a matter of a few trees in the way of new graves sites. What remains in the upper areas of the Mountain View Cemetery is a very important ecological web of life, special and significant to the Oakland area.

### **Other concerns:**

#### **CEQA, DEIR inadequacies, and arborist report inconsistencies**

The DEIR in its current form inadequately discusses possible impacts on the physical environment; also, alternatives to the project are inadequately covered. This DEIR should not be approved as it does not meet its purpose, which is to provide useful and accurate information to the public on sum potential adverse effects of the proposed project.

We recommend that a revised landscape plan avoid impacts to several groves and stands of oaks. Changes of just a few meters of grading in some places could drastically reduce impacts to existing trees. The landscape plans and accompanying DEIR could be revised to allow for both building more graves sites as desired, **and** retaining swaths of native trees, (as well as large individual oak trees) that are on the periphery of proposed areas of development. As it is presented, the grading plan allows for removal of some very large healthy trees. We recommend avoidance, first and foremost. Before considering removal (and 'mitigation' via planting young trees or even transplanting existing trees), let us first strive to retain all the existing oaks that we can. On a related issue, we find mitigation plans taking the form of planting redwoods and other species in the place of large established oaks, to be unacceptable. The removal of huge trees approaching 100-200 years in age can hardly be considered to be fairly traded off (mitigated) by replacing them with young nursery trees, and of entirely different species, with unknown and questionable habitat values for the wildlife in the cemetery now.

In this time of climate change, more droughts are expected as the new norm. With water restrictions inevitable, and ever more loss of our native plant communities and heritage trees, and with more and more chunks and bits of Oakland's open spaces being developed, it just makes sense to conserve these established groves. With some alterations of plans, these trees can be retained. Conversely, removing 200 established oak trees, (more or less, depending upon which

*Protecting California's native flora since 1965*

report and which interpretation), and planting young replacement trees now, (or in the next 5-15 years?) means this resource will not be fully replaced for generations. **Generations.**

How many migrating songbirds will we lose, because of casual destruction to another chunk of their overwintering grounds? How many more deer will be running through the surrounding neighborhoods, displaced by the destruction of their habitat?

We recommend avoidance of impacts to trees, instead of inadequate mitigation measures such as those covered in the staff reports, etc..

We request that revised drawings of the proposed plan include all nearby oaks that are intended to be retained. Incorporating trees that are intended for (at least) attempted preservation into drawings implies a good faith effort at saving these trees. By not including these trees in plans and drawings, the public may conclude that actually no trees are planned for preservation, or that the plans as presented were incomplete or intended to be vague and confounding. The architect indicated he would like to save several oaks on the western edge of the panhandle, however they did not show up on the simulated drawings, in the staff summary report from July 20<sup>th</sup>, 2016.

The DEIR has several references to the first arborist's report, however, fails to mention the second arborist's report and the status of the oak trees therein. It fails to mention which of the numbered trees in the second report are recommended for removal. Another confusion between the two arborist's reports is that a different numbering system was used for each report. On top of that, some individual trees have numbers on them from **both** of the arborist's reports, creating more confusion; the two reports contain different totals for numbers of trees inventoried, proposed for removal, and proposed for preservation; and, we observe that some trees on the property are not numbered at all, for example the approximately 41 oak trees untagged around a cluster of oak tree numbered 131 through 135, which seemingly randomly, have been tagged. We would like to see all the oaks in this grove/cluster preserved, including #'s 131-135.

Accuracy of the first arborist report summary (HortScience, 2015) on the oak diameters is questionable. The Draft EIR uses this questionable information in its justification and proposal to remove oaks on the project site. In some cases, this inconsistent and questionable information was copied directly from the one arborist report and used in staff reports and DEIR summaries. In table 3 of the first arborist's report, the trunk diameters are not added up, (as they are in the second arborist's report), so we do not see the total trunk diameters at breast height, only a collection of diameters of each individual trunk or branch at breast height. So we have a significant number of large, multi-trunked trees, of magnificent stature, that appear statistically as many small trees.

Since the first arborist report summary incorrectly fails to add up these branch and trunk diameters;, it mistakenly states that: 101 oak trees are less than 12 inches in diameter, 45 are between 12 and 24 inches in diameter, and only 7 are 25--36 inches in diameter. Actually, (when the multiple trunks in one tree at DBH are added together), only 48 of 153 trees are less than 12" in diameter, while impressively, 112 oak trees, the majority, are larger than 12", and up to 36" in diameter. Please see Table A, below.

*Protecting California's native flora since 1965*

TABLE A. Number of trees at a given range of Diameter at Breast Height (in inches), when using the inaccurate info: compared with using a standardized approach added using the standard

Tree DBH range	summary of inconsistent and questionable methodology from arborist report and quoted widely in the DEIR	Actual number of trees at this DBH, if arborist report #1 were to use same method as arborist report #2:
<12" in diameter	101	48
12" to 24" in diameter	45	64
25" to 36" in diameter	7	41

Another issue with the first arborist report is that it rates the condition of the oaks after 4 years of drought as mostly in fair and poor condition. In fair or poor condition were 95 oak trees, with only 58 in good condition, and none in excellent condition, according to the report. In contrast, our recent observations showed mostly healthy, vibrant oak trees. Perhaps this is due to increased rainfall this past winter, after a prolonged period of drought. We recommend an independent arborist reevaluate the current health and vitality of these oak trees, which incidentally, are cleverly and well able to adapt to repeated, periodic drought conditions.

Additionally, we note that the DEIR briefly mentions existence of young oak trees bountiful throughout the cemetery. However, we observe today that young oak trees (less than 4" DBH) are wholly absent. We recognize that removal of oaks less than 4" DBH has been legal and allowed, and that in fact, all of these trees **have already been removed**. Unfortunately, wholesale removal of these smaller trees implies that protection of oaks is not a priority. On the other hand, by referencing the continued existence of these small oaks (that no longer exist), and by referencing the inaccurate diameter of "protected" trees, the impact summary presents a skewed picture of this project. Comparing potential impacts to this faulty baseline is misleading; the state of health, the size, and the existence of currently living oaks needs to be explicitly considered in establishing an accurate baseline of comparison.

On a separate but related note, we request a long term plan for the cemetery that takes into account past actions unreported to the public (tree removals, wholesale clearing of native shrublands, maintenance practices, watering regimens, treatment of old grave sites, herbicide use, etc), anticipated future actions, and the specific goals the cemetery hopes to achieve. We hope the Mountain View Cemetery considers the value of such a plan, and that the City Planning Commission recognizes that the guidance provided by such a plan is essential for proposed project accountability to the public.

*Protecting California's native flora since 1965*

Without such a plan, it is very possible that no oaks will be supported or survive past 10, 20, 30 years from now. This could become an Oak land cemetery without oaks, but containing young and various native and non-native trees, many with high-water demands.

### **Importance of vegetation alliances, especially Oak Woodlands**

All of these oaks in the project area coalesce into vegetation alliances, which need to be considered in the DEIR as mandated by CEQA, especially if potentially rare vegetation alliances exist. We encourage use of the field standard, MCV-II (Manual of California Vegetation, 2nd edition, 2015), which, when used appropriately, can accurately identify rare (as well as important, if not rare) natural communities as defined by CDFW (listed on the List of California Terrestrial Natural Communities, CDFG, 2010).

*Quercus agrifolia* alliances are not usually considered rare, but they are still valuable and deserving of recognition as increasingly locally rare in the City of Oakland. These alliances are precious in the hills of the cemetery and this is a significant acreage. Was the potential existence of rare *Umbellularia californica* alliances, such as California bay forest, considered during surveying? Consideration is not yielded in the DEIR. Stating that a general woodland exists, is not sufficient consideration of the value of this varied vegetation.

Under the category of "pure stands" of *Quercus agrifolia*, we have these combinations listed in MCVII (that also exist at Mountain View Cemetery in the to-be-developed areas):

- *Quercus agrifolia* with *Toxicodendron diversilobum* and "grass" (unspecified), (this makes up one specific and recognized local vegetation alliance)
- *Q. agrifolia* with *T. diversilobum* (another recognized vegetation alliance)
- *Q. agrifolia* and *Heteromeles arbutifolia*- *T. diversilobum* (also a recognized vegetation alliance that exists in the development plan areas)
- Small stand of actual "Oak Woodland" with big leaf maple and elderberry, exist now in the Stark Knoll area, below the adjacent private homes.

The DEIR does describe one area of the proposed development site as "oak woodland," but does not take opportunity to further characterize this vegetation alliance. In section 4.3, Biological Resources, page 4.3-2 under Vegetation and Wildlife Habitat, the DEIR states, "scattered native coast live oak (*Quercus agrifolia*) occur throughout the site and, together with the other native tree species, form a dense woodland cover on the former quarry slopes at the eastern edge of the Project site." The report also states, "only the stand of primary coast live oaks in the eastern portion of the Project site, on the former quarry slopes, forms a continuous tree cover that could be considered oak woodlands." A closer analysis of this Stark Knoll slope area reveals a rich community of native toyons, native blackberries, elderberries, big leaf maples, silver and bicolor lupines, poison oak and madias growing there. The DEIR appears to be stating an incomplete consideration of oak woodlands as defined by MCVII, which is not a valid consideration of potential vegetation alliances. This needs to be remedied in the Final EIR.

*Protecting California's native flora since 1965*

## Addressing long term plans for the cemetery

The Draft EIR proposes a tree replacement plan on page 4.3-31 that does not follow the tree list above under City of Oakland Ordinance 12.36. The proposed list seemingly created just for this project includes live oaks, buckeye, redwoods and also 6 other oak species: Canyon live oak, Mesa oak, Island oak, Oregon white oak, California black oak, Blue oak and Valley oak that are not indigenous to this particular area, whatever positive qualities these trees may possess. They may include some good choices for certain areas being re-landscaped; however, they ought to be **in addition to** the existing native oaks, not replacing them. We recommend that any trees planned for removal and replacement in the proposed project (which include coastal live oaks (*Quercus agrifolia*), elderberries (*Sambucus nigra*), and big leaf maples, be replaced using local genetic stock, if possible, and of these same species.

We do also request a consideration of commitment to care for the new replanted trees beyond one year, as is currently the minimum requirement under Ordinance 12.36. We recognize the law currently requires keeping these new trees alive for one year only, after which no obligation exists to replace any trees should their health deteriorate. We ask the cemetery to consider the viability of maintaining native-to-Oakland trees for current and future generations to enjoy. The current DEIR and publicly declared plans put forward by the cemetery still leave room for the possibility of 223 acres of Oakland open space sadly lacking local native oak trees, of large as well as smaller stature. The gigantic oaks at the bottom of the cemetery are dying, primarily from overwatering. These century (plus) oaks are unlikely to be replaced. And now this new plan calls for removal of many more mature (as well as younger) oaks, in the upper areas of the cemetery. Please consider the aesthetic and ecosystem importance of large, healthy oak trees to any environment, including at the Mountain View Cemetery.

Finally, in the DEIR chapter on erosion, the cemetery requests modification of the Conditional Use Permit in order to "build out the project over 15 years to perpetuity." The meaning of this statement is unclear. By default, the Conditional Use Permit is usually approved for 2 years. Is the cemetery requesting special permission to extend their permit to a 15 year span only, at which time this proposed expansion project should be complete as anticipated and scheduled in the DEIR? Or, is the cemetery requesting an infinitely flexible permit, "to perpetuity," which may allow for enormous revisions to currently proposed plans without benefit of public notification or approval? Constructing area 98 and the panhandle may have revisions, according to the DEIR as currently written. Why is it necessary to extend the permit beyond the typical 2 years? Every 2 years, a regular update of plan revisions could be presented and available to the public. If reapplying for the permit every 2 years is not feasible, why does the permit need to extend to 15 years, or the ambiguous, "to perpetuity" time frame? Allowing a standard permit request period allows for public review and knowledge of a project, that may otherwise never be presented to the public for feedback (beyond this short draft environmental review period). Leaving options open for drastically changing the project from a final approved EIR, along with leaving options open for possible and likely further expansion not currently addressed in the

*Protecting California's native flora since 1965*

DEIR, leaves the public with an unacceptable level of non-transparency. The DEIR must be revised to address every impact currently anticipated or planned for.

### **Planned use of herbicides**

During the planned delayed phases of the project, (after large trees will have been removed, no new trees replaced, and hundreds of yards of soil deposited,) growth of invasive plants in area 98 and the panhandle is inevitable. What is the cemetery's plan to address potential weedy invasions, including those that grow through any 'hydroseeded' areas? Does the cemetery plan to use glyphosate (Roundup) to control weeds for the next 5 to 15 years as project phases wait to be completed? Glyphosate or any treatment protocol addressing easily anticipated effects such as invasive plant growth, is not mentioned in the DEIR. A long term plan for use of herbicides needs to be addressed in the Final EIR (and preferably in a revised Draft EIR). Ideally, this revision would describe a method for a public notification. As an organization, EBCNPS recognizes that selective herbicide use can be deemed necessary on a case-by-case basis. However, we also urge the cemetery to consider whether herbicide use is absolutely necessary in each case, and would support tightly targeted applications rather than broad applications (over many year). Additionally, we recommend that attention be given to protecting existing native plant populations from herbicide and pesticide damage.

What is the cemetery's current policy for dealing with invasive plants? The Appendix includes a letter, dated 2011, from concerned neighbor Thomas Bachand, where he addresses his concerns on the use of Roundup in the unmaintained graves opposite Saint Theresa School on Clarewood Road. We notice, as he did, that this location is close to an elementary school. Any anticipated future herbicide use should be part of long term planning for the cemetery, and needs to be communicated to the public. Disclosure and proper usage is mandatory. As related to the Mountain View Cemetery proposed expansion project, we strongly recommend following standard protocols for timing and dilutions as well as including public notice and signage.

### **Inappropriate water demands imposed by removals and new plantings, during a drought**

We deduce from the cemetery expansion project proposal that irrigation water use will increase along with the size of the developed portions of the cemetery. The impact of increased water around the native trees, such as the oaks, is not accounted for in the DEIR. None of these already established trees are accustomed to receiving regular irrigation water, and exposing them to irrigation also increases vulnerability to poor health and disease. City Ordinance 12.36 contains clear guidance for careful tree treatment in regards to minimizing nearby watering, pruning, and construction impacts. We highly encourage that maximum numbers of existing oak trees be not only retained in the plans, but be carefully dealt with during construction operations, and carefully considered in working out grading details, so that existing groves are not then subject to summer inundation from watering of nearby new turf areas. Please evaluate, in the Final EIR, how changing nearby watering regimens may impact oaks that will be retained.

*Protecting California's native flora since 1965*

It appears that water usage has been excessively high around many existing oaks in the older, lower elevation parts of the cemetery, endangering their health. We understand that cemetery staff has been reducing water usage in many places, and we commend their efforts. The plan of removing trees that do not have existing water demands beyond what nature provides, and replacing with young trees, is a steep commitment to yet higher water usage. All young landscape trees have high water demands during early establishment, and many of the trees not indigenous to south facing slopes of the Oakland Hills will continue to have high demands in perpetuity. The irony of the cemetery is that old established oaks lower down are slowly dying from overwatering, while healthy existing oaks higher up, that require no summer water in these so-far-undeveloped areas, are slated to be ripped out, rather than retained as self-contained, beautiful life forms, intelligently integrated into a forward thinking plan. We request a re-envisioning of this plan, in order to incorporate healthy existing native oak trees, and to keep them healthy.

### **High potential for erosion**

We would like to bring attention to the that aspect of the project which would require cut and fill of 115,000 cubic yards of soil from area 82 and its transfer to area 98 and the panhandle, all to occur together, according to the DEIR. If this alternative is allowed, (or any alternative that includes hydroseeding), we request that planned hydroseeding utilize only or primarily local native grass and wildflower species seed mixes.

The proposed DEIR plan to remove or bury many trees on a steep hillside, in the Stark Knoll slope area, (below several homes above the cemetery), includes destroying trees whose removal would likely contribute to undermining the stability of the slope. The idea to then regrade and compact the ground will make it difficult for existing remaining trees to thrive, and for newly planted trees to thrive as well. This particular patch of oak woodland habitat has other native species on it as well, such as toyons, big leaf maples, and elderberries, in addition to the oaks. Parts of the slope are almost vertical, but visits by our volunteers yielded observations that the trees in this woodland area seem healthy, lush, and robust. Is the best solution really to remove these trees, at significant expense to the cemetery, and at great loss to that swath of the environment? We request these trees be preserved, not removed and/or buried under fill. Preserving this stand of mixed oak woodland will greatly benefit the native habitat values in this immediate vicinity, and is a way to reduce numbers of impacted oak trees and native vegetation, in the Final Cemetery Development Plans.

*Protecting California's native flora since 1965*

## Conclusions:

### Specific points in the DEIR that we support

- **DEIR, pg. 2-7 table 2.1 re: plot 82:**

We support items a. and b. that call for adjustments to grading, so as to preserve 13 native oak trees. (#180, 184, 185; also #197--206). Additionally, regarding trees that are on the edge of an existing grove: all of the trees in this grove ought to be preserved as a unit, and the grading plans ought to be revised, so as to avoid summer irrigation run-off into this grove, where historically, summer watering has been minimal or non-existent.

- **DEIR, pg. 2-7, 2-8 table 2.1, plot 98 and panhandle:**

We support items d. and e. Further, we suggest adding item f.: that all trees in the green fence vicinity between areas 76, 77 and 98 be surveyed and evaluated. The grade in 1 of the areas drops abruptly to a much lower elevation than in area 76 and 77; therefore we recommend not adding any new fill to these areas, keeping the elevation low (as it is), so as to preserve oaks in the vicinity. Also add item g: the turnaround adjacent to the Stark Knoll area can be relocated away from the slope several feet, so as to retain a number of very large oak trees at the bottom of that slope. This idea was suggested by Joe Runco, and we agree with his suggestion, and request that these changes be included in amended engineering/design plans.

### Permanent Protections Requested

We ask that secure preservation consideration be given to existing groves and certain individual oak trees in these ‘to-be-developed’ areas. As previously mentioned, the cemetery currently does not commit itself to permanent preservation of any of its oaks. In fact, current cultural practices, and new development plans as they stand almost guarantee a huge reduction in the oak population at Mountain View Cemetery. As for newly planted trees, they are only required to live one year. Of course we (and cemetery staff) would hope they will become established, and gradually replace lost trees. However, considering the cemetery’s requested flexibility for permit issuance (which would extend to significant project alterations, over an undefined “15 years to perpetuity” time period), even trees not currently planned for destruction may sooner or later be on the chopping block. Saving some oaks forever and not developing the area later, is not under consideration at all. We encourage the cemetery to take some initiative here and be forward thinking and conscientious to protect existing oaks, and also to guarantee newly-planted oaks, over a longer period of time than just one year. We hold as an ideal compromise the preservation, in perpetuity, of many more oaks on the property, in exchange for the cemetery being allowed to develop many more acres of lawn covered grave sites, an outdoor mausoleum, etc., (on tax free land, initially set aside by bonds issued by the City of Oakland, no less). We suggest that re-envisioning the plan in order to preserve more swaths, groves, and individual

*Protecting California's native flora since 1965*

native live oak trees falls well within capabilities of planners and feasibility for the project goals, throughout the proposed project site.

In summation, conflicts between source documents are confusing and make assessments of project impacts extremely difficult. Oaks proposed for preservation status as declared in the DEIR, are then not shown in drawing renderings. The location of these oaks are uncertain in the maps presented with numbered trees, given the two differing arborist reports and associated tables plus maps. These errors must be addressed in the Final EIR.

Furthermore, we see the need for on-site supervision for active construction of the proposed project. Specifically, on-site presence of an independent arborist and or biological monitor could greatly assist the landscape architect and geotechnical engineer when making decisions translating technical drawings to grading and construction. These representatives on-site can help make preservation decisions in favor of oaks. Please do not leave any potential decision for saving oak trees solely in the hands of contractors whose only obligation is to follow engineering drawing specifications. If the engineering company follows the grading plan exactly, (as it seems to be now), the largest oaks on the project site could easily be cut down. Drawings do not currently allow for saving many, or any, oaks, depending on interpretation. It is a dangerous assumption to leave any anticipated impacts such as these unexplored or very loosely spelled out.

Seemingly, no oak is respected for its inherent protected status as granted by the City of Oakland. EBCNPS encourages the cemetery and the City Planning Commission to reconsider permission for wholesale removal of so many large and mature and beautiful native trees, which support much biodiversity now, every winter, and all year long.

Tangent to our preservation requests, we wish to address the idea of transplanting and moving large mature oak trees, discussed by commissioners at the public meeting (July 20, 2016). CNPS does not support transplantation as an appropriate mitigation method, since most efforts at transplanting large oak trees fail. The success rate for 5 years out is very low, and doing this transplanting requires tremendous expense and exceptional expertise and the very best methods, plus the proper habitat in which to place transplanted trees. Even with all that, the failure rate for large native oaks is very high. They can't just be dug up and stuck somewhere.

In contrast, healthy well-established trees, planted by nature, grow where they do because that is the optimal place for them. Should the transplanting of large oak trees be seriously considered as a mitigation measure, we would appreciate the opportunity to provide literature citations and brief consultation on the success/failure of these methods.

### **Use of other tree species as mitigation for native oak tree removal**

Planting young redwood trees as so-called mitigation for removing large, established oaks, is not real mitigation, therefore there are indeed unmitigated biological impacts. Preserving and retaining naturally occurring flora and fauna, planning for *reducing* future water demands, and

*Protecting California's native flora since 1965*

maintaining Oak land heritage trees for future generations, are principles that should more powerfully guide the Mountain View Cemetery in making positive, preservation-minded changes in the Final EIR. We strongly promote avoidance of impact over mitigation of impacts. Our East Bay Chapter of the California Native Plant Society requests that more oaks be protected in the proposed cemetery expansion project. The inadequacies and inconsistencies of the staff report and DEIR documents, need to be remedied and an updated supplemental EIR (or revised DEIR) document needs to be released so that the impacts of this project can be properly understood and planned for.

Thank you for your consideration of the above comments. Please do not hesitate to contact East Bay California Native Plant Society by email [conservation@ebcnps.org](mailto:conservation@ebcnps.org) or phone 510-734-0335, with any questions or concerns.

Sincerely,

*Karen Whitestone*

Karen Whitestone  
Conservation Analyst  
California Native Plant Society  
East Bay Chapter

*Jean Robertson*

Jean Robertson  
Conservation Committee Chair  
California Native Plant Society  
East Bay Chapter

*Protecting California's native flora since 1965*

ATTACHMENTS:

TABLE B. Bird counts logged at Mountain View Cemetery, various dates 2012-2015 (ebird.org) (note: more observational record details, such as age, sex, etc. can be found at ebird.org)

The below tables demonstrate consistent, heavy usage of cemetery by approximately 50 species of birds, with especially high bird counts in winter months. Mountain View Cemetery is a reputedly rich location for regular bird counts. Although wildlife is not our area of expertise, EBCNPS presents this information as it serves to illustrate further justification for requesting a higher value placed on local native trees, oak trees, and oak woodland alliances, due to their intrinsic value and for the exceptional wildlife habitat they supply. Additional years of data through current time (2016), demonstrating a long-term trend regarding the bird data, can be found available to the public at ebird.org.

(B-1): Date seen, identified, and logged on E-Bird program: January 29, 2012 (Winter)

Number of birds (115 individuals total)	Bird species (common name) (24 species total)
4	Mallard
1	Common Goldeneye
1	Pied-billed Grebe
1	Great Egret
1	Snowy Egret
5	American Coot
1	Anna's Hummingbird
1	Nuttall's Woodpecker
2	Black Phoebe
1	Steller's Jay
1	Western Scrub-Jay
42	American Crow
2	Chestnut-backed Chickadee
1	Brown Creeper
1	Ruby-crowned Kinglet
7	American Robin
21	European Starling
8	Cedar Waxwing
2	Yellow-rumped Warbler
1	Townsend's Warbler

*Protecting California's native flora since 1965*

1	Dark-eyed Junco
2	White-crowned Sparrow
2	Song Sparrow
6	California Towhee

(B-2): Date seen, identified, and logged on E-Bird program: February 10, 2013 (Winter)

Number of birds (46 individuals total)	Bird species (common name) (19 species total)
4	Common Goldeneye
3	American Coot
1	Rock Pigeon (Feral Pigeon)
1	Anna's Hummingbird
1	Northern Flicker, red-shafted var.
1	Black Phoebe
1	Steller's Jay
1	Western Scrub-Jay
2	American Crow
1	Chestnut-backed Chickadee
1	Bushtit
1	Red-breasted Nuthatch
1	Western Bluebird
5	American Robin
13	European Starling
3	Yellow-rumped Warbler
2	California Towhee
2	House Finch
2	Lesser Goldfinch

(B-3): Date seen, identified, and logged on E-Bird program: February 17, 2014 (Winter)

*Protecting California's native flora since 1965*

Number of birds (77 individuals total)	Bird species (common name) (26 species total)
2	Mallard
3	Common Goldeneye
1	Cooper's Hawk
1	Red-tailed Hawk
1	Anna's Hummingbird
1	Red-breasted Sapsucker
1	Nuttall's Woodpecker
1	Black Phoebe
2	Steller's Jay
1	Western Scrub-Jay
10	American Crow
6	Common Raven
2	Chestnut-backed Chickadee
1	Oak Titmouse
5	Bushtit
1	Red-breasted Nuthatch
1	Ruby-crowned Kinglet
2	Western Bluebird
2	American Robin
20	Cedar Waxwing
4	Yellow-rumped Warbler
1	Dark-eyed Junco
2	Song Sparrow
1	California Towhee
2	House Finch
3	Lesser Goldfinch

(B-4): Date seen, identified, and logged on E-Bird program: September 10, 2014 (Fall)

Number of birds (23 individuals total)	Bird species (common name) (9 species total)
---	---

*Protecting California's native flora since 1965*

1	Anna's Hummingbird
1	Black Phoebe
2	Steller's Jay
1	Western Scrub-Jay
1	Oak Titmouse
4	Bushtit
2	Western Bluebird
3	California Towhee
8	House Finch

(B-5): Date seen, identified, and logged on E-Bird program: December 24, 2014 (Winter)

Number of birds (486 individuals total)	Bird species (common name) (47 species total)
2	Mallard
13	Wild Turkey
2	Double-crested Cormorant
1	Turkey Vulture
1	Northern Harrier
1	Sharp-shinned Hawk
1	Red-shouldered Hawk
2	Red-tailed Hawk
2	American Coot
4	Gull sp.
2	Rock Pigeon (Feral Pigeon)
1	Mourning Dove
18	Anna's Hummingbird
7	Acorn Woodpecker
1	Nuttall's Woodpecker
10	Northern Flicker, red-shafted var.
7	Black Phoebe
12	Western Scrub-Jay
2	Hutton's Vireo
10	Steller's Jay

*Protecting California's native flora since 1965*

51	American Crow
3	Common Raven
2	Chestnut-backed Chickadee
3	Oak Titmouse
26	Bushtit
1	Brown Creeper
1	Marsh Wren
2	Bewick's Wren
17	Ruby-crowned Kinglet
11	Western Bluebird
4	Hermit Thrush
20	American Robin
1	Thrush sp.
27	European Starling
70	Yellow-rumped Warbler
19	Dark-eyed Junco
14	White-crowned Sparrow
44	Golden-crowned Sparrow
3	Song Sparrow
1	Lincoln's Sparrow
28	California Towhee
4	Spotted Towhee
19	House Finch
5	Lesser Goldfinch
1	House Sparrow

*Protecting California's native flora since 1965*