

## Responses to comments on the March 2016 Hill Campus Fire Risk Reduction Addendum

**Introduction to the Response to Comments**

The University published the Hill Campus Fire Risk Reduction (HCFRR) Addendum to the UC Berkeley 2020 Long Range Development Plan EIR on March 1, 2016 on the campus website, announced the publication to its CEQA email lists, and requested comments be received by March 22, 2016.

Comment letters reflected support or opposition to the project. The majority of opposition letters utilized consistent messaging, apparently responding to outreach by the Hills Conservation Network ([hillsconservationnetwork.org](http://hillsconservationnetwork.org)). This response to comments therefore provides detailed response to the letter from HCN Attorney Wilensky; provides a thematic response to “The Next Major Fire In the East Bay Hills” by Dave Maloney, published on the HCN website and cited by many opposition writers (see page 37 below); and includes a detailed response to the opposition letter from Feral, who also uses HCN points and references the Maloney article in detail. Following the Feral letter is a table of commenters, summarized comments, and brief responses; these frequently reference the University response to Wilensky or the Maloney thematic response. Complete letters are reprinted at the end of this document, and incorporated into the Addendum; the entire document will be presented to the Chancellor for consideration prior to project approval.

Some opposition writers requested the name of someone responsible for the proposed project. The University is an institution with processes in place to consider and guide its actions, even when staffing cannot be consistent over time. For example, the Berkeley campus Fire Mitigation Committee has consistently convened over many years, always with a faculty chairperson and with representation from the campus fire marshal, LBNL, University departments or units housed in the Hill Campus, EH&S, the campus landscape architect, and campus planning. The committee reviews

fire risk reduction work to be performed and discusses need and methods.

The University has the responsibility to manage its properties effectively, with limited financial resources, to the best outcome. Over the long period since the work in the hill campus was first proposed for funding to FEMA, the University has consistently described its intention to remove hazardous fire fuel from the Hill Campus. All work plans have been proposed with expert support.

HCN has stated its position and goals. “We don’t like to see any healthy tree destroyed” ([milliontrees.me](http://milliontrees.me) blog, cover page downloaded April 2016). See also the video “Tree Removal Plans for the East Bay Hills explored, June 12, 2013,” posted by “TeaParty Television” at <https://www.youtube.com/watch?v=eCQwAqABQjQ>. At 1:16:15, HCN Founder Dan Grasseti states “We are very confident that if we have the funding to sustain legal options as long as necessary, they will capitulate. I feel very confident in that. ....we’ve had great success so far, and we will prevail here as well...” and in fact, public agencies, including both the University and the federal government, have spent innumerable hours and multiple hundreds of thousands of public dollars in an effort to address expressed environmental concerns. The organization would prefer that public properties be stewarded in the manner it prescribes, or not at all; but HCN does not have that responsibility.

Letters of support for the proposed project received during the comment period came from individuals; from Chief Derek Witmer on behalf of the Hills Emergency Forum; from the North Hills Community Association; from the Claremont Canyon Conservancy; and from Fire Marshal Kathy Leonard of the Moraga-Orinda Fire District.

**HILLS CONSERVATION NETWORK COMMENTS RE: HCFRR ADDENDUM BY MEREDITH WILENSKY, LOZEAU DRURY LLP**

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<p>W-1  Wilensky page 1</p>	<p>HCN believes that the UC’s use of an addendum to the 2020 LRDP EIR as a means of addressing the environmental impacts of the HCFRR proposed in the Addendum (hereinafter “project”) underestimates the severity of the project impacts on the environment and fails to recognize the substantial inconsistencies between the 2020 LRDP EIR and the HCFRR. The HCFRR Project proposes cutting down all non-native trees within the Project parcels, including all eucalyptus, Monterey pine and acacia. In large eucalyptus groves, this amounts to cutting down all of the trees. Eucalyptus would be chipped and spread on up to 20% of the project areas to a maximum of 24 inches.</p> <p>As described, herbicides would have to be widely applied to all stumps and sprouts twice annually to prevent recolonization of eucalyptus. The project does not account at all for the additional herbicide applications that will be necessary to control other invasive species, such as French broom. The use of an addendum to gloss over the dramatic changes to the landscape, potentially drastic impacts on the health of the affected ecosystems, and the risks presented by the implementation of questionable fire safety management practices is unacceptable and contrary to the fundamental purposes of CEQA. In order to give the Project’s environmental impacts the consideration which they are due under CEQA, HCN urges the UC to conduct a tiered EIR.</p>	<p>Comment W-1 presents the writer’s description of the project and the writer’s opinion about the adequacy of an Addendum to analyze the project’s potential environmental impacts.</p> <p>All comments received will be provided to the University’s decision-makers reviewing the Addendum.</p> <p>The project is described in detail in the HCFRR Addendum, especially page 10 and 11 and referenced attachments. The project reflects the University’s responsibility to manage its properties effectively, with limited financial resources, to the best outcome. All work plans have been proposed with expert support.</p> <p>With regard to the use of an addendum, CEQA Guidelines section 15164(a) authorizes the use of an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions in Guidelines section 15162 have occurred. As further described in response to comment W-3 below, the project is substantially similar to the vegetative removal and management work discussed in the 2020 LRDP EIR. Over this long period the University has consistently described its intention to remove hazardous fire fuel from the Hill Campus.</p> <p>Moreover, the environmental impacts of the project as described in the Addendum were analyzed in great detail in the East Bay Hills Hazardous Fire Risk Reduction Project Environmental Impact Statement (EBH EIS) prepared by the Federal Emergency Management Agency (FEMA). The selection of topics addressed in the EIS was based on concerns raised during public scoping (see EBH EIS, p. ES-5) and the final EIS included responses to all public comment (see EBH EIS, Appendix Q). Analyses included consideration of the changes to the landscape and ecosystem (see</p>

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		<p>for example EBH EIS beginning at p Q-225, p Q-253), to use of herbicides (see for example EBH EIS beginning at p Q-196 and Q-205, and discussion of French Broom for example in the Biological Opinion in Appendix Q and reprinted in the HCFRR Addendum), to the use of the fire safety management practices (see for example discussion of Issue 10 at p Q- 226) referenced in the comment.</p> <p>The environmental impacts of the use of herbicides for the project were specifically analyzed in the EBH EIS, as stated on page 16 of the Addendum. Herbicide application is part of the project, and has long been part of University practice in managing hill campus open spaces – see for example discussion of herbicide use in the HAFFM, or the UC Fire Mitigation Program 2005 Annual Report.</p> <p>As set forth in the Addendum, and further described in the response to more specific comments below, there are no substantial changes to the project, or other significant new information, that would warrant preparation of a tiered EIR as requested by the commenter.</p>
<p>W-2 Wilensky pages 2-4</p>	<p>II. LEGAL STANDARDS ...[see full text in letter reproduced below]</p>	<p>This comment describes various provisions of CEQA and its implementing Guidelines, as well as related case law. The comment does not identify any specific issues regarding the project; accordingly, no response is required.</p>
<p>W-3 Wilensky page 4</p>	<p>III. A TIERED EIR MUST BE DEVELOPED FOR THE HCFRR PROPOSAL BECAUSE IT IS A NEW PROJECT WITH NEW ENVIRONMENTAL IMPACTS NOT EXAMINED IN THE 2020 LRDP EIR.</p> <p>a. BECAUSE THE PROJECT IS NOT WITHIN THE SCOPE OF THE LANDSCAPE MANAGEMENT POLICIES DESCRIBED IN THE 2020 LRDP EIR, IT IS A NEW ACTIVITY AND UC MUST DEVELOP A TIERED EIR.</p>	<p>The comment asserts that the HCFRR project represents “a new activity” “not examined in the 2020 LRDP EIR”. However, the HCFRR Addendum details, with citations, the discussion of the proposed hill campus activity in both the 2020 LRDP and the 2020 LRDP EIR.</p> <p>As noted on the first page of the HCFRR, page 1, the University submitted applications to FEMA for funding the project in 2005 and 2006. The 2020 LRDP EIR was certified and the 2020 LRDP</p>

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	<p>The project is a new activity under CEQA and thus, must be analyzed under a new EIR. Drafted in 2005, the 2020 LRDP was intended to create a “strategic framework” to guide future projects and “provide a framework for the subsequent review of individual projects as they occur.” (2020 LRDP EIR 1-2 &amp; 1-3.) The 2020 LRDP lays out a number of goals and projections for the year 2020 and creates a plan surrounding those estimations. Now, over one decade into the 15 year plan, UC has proposed the HCFRR to manage fire risks in subsections of the Hill Campus. However, the HCFRR is a 10 year project that will run well beyond 2020. If the clearcutting began immediately after the comment period ends, the project would still run well into 2026. A PEIR that explicitly addressed impacts with projected estimates only through 2020 is incapable of fully considering and addressing all environmental impacts of a project running through 2026. The HCFRR is a new project extending well beyond the scope of the 2020 LRDP and, thus, requires a new EIR under CEQA.</p>	<p>was adopted by the Regents of the University in 2005. The University thus proposed the HCFRR shortly after completing the 2020 LRDP.</p> <p>The writer’s understanding of the implication of “2020” in the name of the LRDP and EIR is inaccurate. “The 2020 LRDP provides a policy framework to guide <b>land use and capital investment decisions</b> at UC Berkeley through the year 2020” states the LRDP (emphasis added). The EIR “supports the 2020 LRDP by assessing the potential impacts of full implementation of the 2020 LRDP” (2020 LRDP EIR, Vol I, page I-2). The LRDP and LRDP EIR establish no time limit for the efficacy of the environmental analysis in the 2020 LRDP EIR. As noted above, the HCFRR work was proposed in 2005 and 2006. The 2020 LRDP EIR provides fully sufficient support for the work proposed.</p> <p>The writer implies that because the work considered in the HCFRR may “run well beyond 2020” the existing LRDP EIR cannot address “all environmental impacts of a project running through 2026.” As noted in the University Facilities Manual (see <a href="http://www.ucop.edu/construction-services/facilities-manual/volume-2/vol-2-chapter-3.html">http://www.ucop.edu/construction-services/facilities-manual/volume-2/vol-2-chapter-3.html</a>) , “There are no University requirements for the content, organization, or longevity of a LRDP.” An LRDP remains the campus plan until a new one is approved by The UC Regents. The University constructs buildings under the 2020 LRDP with a lifespan beyond 2020, and the project is no different.</p> <p>The comment’s use of the term “clearcutting” to describe the project is inaccurate. Clearcutting is not proposed under the HCFRR. The US Forest Service Glossary defines “clearcutting” as “The harvesting in one cut of all merchantable trees on an area for the purpose of creating a new, even-aged stand. The area harvested may be a patch, strip, or stand large enough to be</p>

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		<p>mapped or recorded as a separate class in planning for sustained yield. Advanced regeneration may or may not be removed, depending on its condition and management objectives.”</p> <p><a href="https://fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5260382.pdf">https://fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5260382.pdf</a></p>
<p>W-4 Wilensky p. 4-5</p>	<p>Not only is the HCFRR’s timeline incompatible with the 2020 LRDP, but the content is also inconsistent. While the 2020 LRDP contains little specific information pertaining to fire risk management practices in the Hills Campus, the information provided conflicts with the HCFRR Project. With the caveat that “treatment used in a given area must be customized to address its specific conditions,” the EIR establishes three goals for fire fuel management in the Hill Campus: (1) “reducing fuel load by removing dead material, reducing plant density, and favoring species with lower fuel content;” (2) “reducing horizontal spread by reducing fine fuel material and by separating dense clusters of vegetation with areas of lower fuel load”; and (3) “reducing vertical fire spread by increasing separation of understory and crown fuels.” The description states that “[w]henver feasible, future fuel management practices should include the selective replacement of high-hazard introduced species with native species: for example, . . . the replacement of aged Monterey pines and second-growth eucalyptus.” (2020 LRDP 3.1-57.)<sup>1</sup> This general description of project goals is at odds with the HCFRR Project proposal. The HCFRR does not emphasize removing dead material, reducing plant density or increased separation of understory or crown fuels, but instead focuses singularly on removing all eucalyptus and Monterey pines, regardless of their health, density or the</p>	<p>For the University’s description of the project it would implement, please see the HCFRR Addendum, especially page 10 and 11 and referenced attachments.</p> <p>The work proposed in the HCFRR Addendum is fully consistent with the work described in the 2020 LRDP and 2020 LRDP EIR, including, for example, Continuing Best Practices BIO-1-c, reprinted at page 9 of the HCFRR Addendum, which states in relevant part: “Vegetation in the Hill Campus requires continuing management for fire safety, habitat enhancement, and other objectives. This may include removal of mature trees such as native live oaks and non-native plantings of eucalyptus and pine.”</p> <p>The work areas for the project are all second growth eucalyptus as described on page 73 of the HAFFM. “Second-growth eucalyptus” refers to the fact that “a freeze in 1972 killed mature eucalyptus trees throughout the region.” (2020 Hill Area Fire Fuel Management Plan (HAFFM), p. 10; see also page 27 of the same document.)</p>

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	<p>understory fuels that surround them. Furthermore, the HCFRR’s blanket approach targeting all eucalyptus and Monterey pine directly contradicts the EIR’s focus on aged Monterey pines and second-growth eucalyptus.</p>	
<p>W-5 Wilensky, bottom of page 5</p>	<p>The 2020 LRDP EIR adopts the Hill Area Fire Fuel Management (“HAFFM”) program as a continuing best practice. (2020 LRDP EIR p. 4.11-12.) The HAFFM, which was drafted in 2003, provides for a number of practices that are inconsistent with the HCFRR. To begin with, the HAFFM explicitly precludes the clearcutting of all eucalyptus and Monterey pine proposed by the HCFRR: “Immediate full-scale conversions to other vegetation types are not proposed in any of the Fuel Management Zones. Over the long-term, the Campus may choose a series of actions to manage vegetation fuels that lead to vegetation conversion...replacement of old aged Monterey pine or second growth eucalyptus. Decisions for long-term conversion should work towards fulfilling other goals in addition to fire hazard mitigation.” (2020 Hill Area Fire Fuel Management Program (October 2003) p.21.) It is clear from this language that while long-term conversion may be on the horizon, further consideration and deliberation would be required.</p>	<p>For the University’s description of the project it would implement, please see the HCFRR Addendum, especially page 10 and 11 and referenced attachments. As noted in response to comment W-3 above, the project does not include clearcutting.</p> <p>The vegetative removal work proposed in the project is consistent with the practices described in the HAFFM. For example, page 75 of the HAFFM, which states under Desired Fire Hazard Reduction Results, “Where feasible eliminate vegetation type. Remove specimens on ridgetops or near urban interface to reduce fire spread through spotting. Convert to more fire safe vegetation type.”</p> <p>In addition, the 2003 HAFFM states “actual case-by-case treatment decisions will remain within the purview of the UCFMC, to ensure balance between fire mitigations and other Campus management goals.” (2003 HAFFM, p. 11) The University’s proposed project has been repeatedly discussed with the campus fire committee, and support for the project from the committee chair, professor Scott L. Stephens.</p> <p>The environmental implications of the University’s proposed action have been fully deliberated. Please see the HCFRR Addendum and documents referenced therein.</p>
<p>W-6 Wilensky, top of</p>	<p>The HAFFM only calls for the potential elimination of all eucalyptus in one narrow circumstance. It provides that in locations “where the understory is a rich assembly of native tree species, the management strategy must</p>	<p>The HAFFM gives direction to eliminate eucalyptus, specifically on pages 75 and page 91. Page 91 of the HAFFM notes that the highest priority project – after clearing a fuelbreak on Panoramic Hill – is to “Remove all eucalyptus that are not in areas of erosion</p>

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page 6	<p>choose between the emerging forest and the existing eucalyptus forest.” (Id.) If and only if emerging forest is selected, then all existing eucalyptus in that area would be removed. However, nothing in the HCFRR or the 2020 LRDP Addendum indicates that Strawberry Canyon, Frowning Ridge or Claremont Canyon fit this narrow profile of forest in which eradication of all eucalyptus and Monterey pines was deemed appropriate.</p>	<p>concern.” This page also specifies that this removal should take place in areas of the HCFRR. It specifically states, “Examples include areas of the Field Station for Behavioral Research, The Lawrence Hall of Science, Math Science Research Institute, Silver Lab, Strawberry Canyon, Claremont Canyon...” These are all areas in the HCFRR.</p> <p>The HAFFM further notes as a priority to “Remove all Monterey pine, cypress and other plantation trees as they become senescent.” See page 91.</p>
W-7 Wilensky, second paragrap h page 6	<p>Aside from this narrow circumstance, the HAFFM employs treatment methods that differ significantly from the project. For example, it points to treatment prescription standards emphasizing “removal of leaf litter, dead materials, loose bark, and other fuel ladders from all three types of eucalyptus forests.” (Id. at p. 28.) Unlike the HCFRR’s refusal to rely on those measures and instead engage in sweeping eradication plans and complete removal of the tree canopy, the HAFFM generally only contemplates the removal of young or short trees and those that are aged, damaged or structurally unsound trees. (Id.) Furthermore, while the project will destroy entire stands of eucalyptus leaving behind barren clearings of wood chips, the HAFFM emphasizes that, “It is important to maintain canopy closure where feasible to slow the development of understory fuels.” (Id.)</p>	<p>The comment asserts that the project is inconsistent with the HAFFM’s treatment prescription standards. To the contrary, as stated on page 10 of the HCFRR Addendum, the project includes thinning of fire prone trees and shrubs that “have fine, dry, or dead material such as needles or loose papery bark; and tend to accumulate dead, dry material around them.”</p> <p>In addition to material quoted by the writer, the 2003 HAFFM states “actual case-by-case treatment decisions will remain within the purview of the UCFMC, to ensure balance between fire mitigations and other Campus management goals.” (2003 HAFFM, p. 11) The University’s proposed project has been repeatedly discussed with the campus fire committee, and support for the project from the committee chair, professor Scott L. Stephens.</p>
W-8 Wilensky, third paragrap	<p>The inconsistencies between the HCFRR and HAFFM go beyond eucalyptus management. The HAFFM calls for a much more selective approach to Monterey pine as well, suggesting that removal in “healthy pine stands emphasize removal of ground fuel ...as well as fuel</p>	<p>The 2003 HAFFM states “actual case-by-case treatment decisions will remain within the purview of the UCFMC, to ensure balance between fire mitigations and other Campus management goals.” (2003 HAFFM, p. 11). It notes on page 79 that conservation Monterey Pine trees is of low concern from an ecological</p>

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h page 6	<p>ladders.” (Id. at 29.) It only finds that cutting is “appropriate to remove dead materials via selective thinning or removal of hazardous individuals.” (Id. at p.30.) Finally, the HAFFM contradicts the HCFRR with respect to application of chipped logs, calling for a maximum depth of 2 inches of mulch, a tiny fraction of the two feet proposed by the HCFRR. (Id. at p.73 &amp; 77.) HCN questions how UC can reconcile the HAFFM, which it adopted as a mitigation measure, with the proposed project without any explanation for the shift in methodology or analysis comparing the relative effectiveness and impacts.</p>	<p>viewpoint and “the aesthetic value and social attachment to these forests will require sensitive and well publicized management treatments.” The HAFFM notes as a priority to “Remove all Monterey pine, cypress and other plantation trees as they become senescent.” See page 91.</p> <p>The HCFRR Addendum notes that Monterey Pines are discussed in the Climate Change Addendum to the UC Berkeley LRDP. See HCFRR Addendum, page 5. The HCFRR Addendum notes that the 2020 LRDP included a policy about the replacement of aged Monterey pines, in favor of conversions. See the HCFRR Addendum, page 9.</p> <p>As summarized in the HCFRR Addendum, the EBH EIS was initiated in response to concerns about application of wood chips in portions of the project area, and impacts to plant and animal species. See the HCFRR Addendum, p. 6. All contested aspects of the proposed project have been subject to thorough review and well publicized discussion, consistent with provisions of the HAFFM.</p> <p>The environmental implications of the University’s proposed action have been fully deliberated. Please see the HCFRR Addendum and documents referenced therein.</p>
W-9 Wilensky, page 6-7	<p>The California Court of Appeal has made clear that a PEIR may not be used by an agency to evade further CEQA review for a project if it proposes an activity sufficiently different so as to qualify as a new project. (Sierra Club, 6 Cal.App.4th 1307, 1320 (finding that plans to engage in terrace mining on land which was specifically designated in the Aggregate Resources Management Plan as an agricultural resource was not a minor modification, but a new project, and thus</p>	<p>The comment asserts the writer’s opinion, including the opinion that the current proposal is inconsistent with the 2020 LRDP EIR, which is noted. See HCFRR Addendum pages 10 and 11 for discussion of the proposed project. Please see response to specific comments, above, for additional details on how the project is substantially consistent with the vegetation removal activities described in the 2020 LRDP, and implements the practices and standards in the HAFFM.</p>



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	<p>required a new EIR.) The HCFRR proposal, which relies on blanket removal of all eucalyptus and Monterey pine, is plainly inconsistent with the landscape management plans contained within the 2020 LRDP EIR, which are centered on surface fuel management and selective removal of specific high-risk trees. Consequently, the UC must conduct a tiered EIR if “there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environmental which was not examined in the prior program EIR.” (Sierra Club, 6 Cal.App.4th at 1319.)</p>	<p>No further EIR is required here as the Project is substantially unchanged from the 2020 LRDP, and the EBH EIS fully analyzes the environmental impacts of the Project.</p>
<p>W-10 Wilensky p. 7</p>	<p>b. A TIERED EIR IS REQUIRED BECAUSE THE 2020 LRDP LACKS SPECIFICS NECESSARY TO ANALYZE THE ENVIRONMENTAL IMPACTS OF THE HCFRR PROJECT</p> <p>If, in spite of HCN’s comments, the UC still finds that the HCFRR is similar enough to the 2020 LRDP fire management provisions such that it is the same project, the UC is still not relieved from proceeding with further environmental impact review. A PEIR may only “serve as the EIR for a subsequently proposed project to the extent it contemplates and adequately analyzes the potential environmental impacts of the project.” (El Dorado, 202 Cal.App.4th at 11671.) In El Dorado, the California Court of Appeal rejected the County’s negative declaration for its oak woodland management plan because the PEIR developed with the County’s 2004 General Plan did not take into account newly developed project details. (El Dorado, 202 Cal.App.4th at 1162.) Specifically, while the 2004 General Plan, and the accompanying PEIR, had anticipated the development of an alternative oak woodland</p>	<p>The paragraph header is an assertion of the writer’s opinion.</p> <p>The discussion in the paragraph itself is noted. Among the differences between the cited case and the current example are the following:</p> <ol style="list-style-type: none"> <li>1. UC Berkeley has not prepared a negative declaration.</li> <li>2. Through both the current process and the NEPA process completed, the proposal at hand has been subject to extensive environmental review, including responses to comments received.</li> <li>3. Unlike the general plan EIR in the referenced case, the 2020 LRDP EIR did not identify the existing conditions of the hill campus as “native habitat” to be protected (202 Ca.App.4th 1156 p. 8); nor did the 2020 LRDP EIR conclude that implementation of the LRDP would have significant impacts on the hill campus environment.</li> <li>4. The UC Berkeley LRDP EIR incorporated specific mitigation measures, incorporating the HAFFM by reference at</li> </ol>

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	<p>conservation program, which would allow developers to pay a mitigation fee instead of meeting on-site conservation requirements, it did not provide any specifics about the operation of that alternative. (Id. at 1161.) The subsequent management plan filled in this gap, designating fee rates and a process for collecting fees. Id. The court held that the County could not depend on the 2004 General Plan because it “did not provide the County with guidance in making the discretionary choices that served as the basis for the plan or fee program.” (Id. at 1162.) Where “the administrative record support[ed] a fair argument that the oak woodlands management program would have a potentially significant effect on the environment,” the appellate court required the county to prepare a tiered EIR before its adoption of the management plan. (Id. at 1184-85.)</p>	<p>Continuing Best Practice PUB-2.1-b.</p> <p>The development of more specific information about a project is not an indication of the need for further environmental review, per CEQA Guidelines section 15162. Further, as noted in the HCFRR Addendum, the proposed project has been extensively analyzed in the EBH EIS. See Addendum Section II beginning at page 4, and Section V beginning at page 13.</p>
<p>W-11 Wilensky p. 7 bottom of page</p>	<p>The present situation is analogous to that of El Dorado. The 2020 LRDP is only a general policy document and declined to make specific commitments regarding fire management actions in specific areas that are necessary for the development of a meaningful EIR.</p> <p>Acknowledging the generalized nature of the 2020 LRDP, the EIR explicitly contemplates the development of tiered EIRs as individual projects are developed:</p> <p>“The 2020 LRDP provides a <b>policy framework</b> to guide land use and capital investment decisions at UC Berkeley through the year 2020. <b>It is not an implementation plan, and its adoption does not commit the university to any specific project, construction schedule, or funding priority.</b> Rather, it describes a potential development program for the</p>	<p>The writer’s opinion is noted. Please see above response to the assertion that the situations are analogous.</p> <p>The reader is also referred to the paragraph that follows the one quoted (emphasis added):</p> <p>CEQA and the CEQA Guidelines state that subsequent projects should be examined in light of the program-level EIR to determine whether subsequent project-specific environmental documents must be prepared. <b>If no new significant effects would occur, all significant effects have been adequately addressed, and no new mitigation measures would be required, subsequent projects within the scope of the 2020 LRDP could rely on the environmental analysis presented in the program-level EIR, and no subsequent environmental documents would be required; otherwise, project-specific environmental documents must be</b></p>

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	<p>campus through the year 2020. Each individual project undertaken within the scope and timeframe of the 2020 LRDP must be approved individually by the university, and the approval process must include compliance with CEQA. Therefore, this 2020 LRDP EIR is a first tier EIR that evaluates the potential effects of the entire 2020 LRDP at a program level.”</p> <p>(2020 LRDP EIR 1-2 (emphasis added).)</p>	<p><b>prepared.</b></p> <p>As noted in the HCFRR Addendum (see Section IV, page 11), the relevant circumstance here is that no subsequent environmental document is required; nonetheless, the University took the additional step to document its findings in the HCFRR, publish the findings for public review, and prepare this response to comments received. Further, as noted in the HCFRR Addendum, the proposed project has been extensively analyzed in the EBH EIS. See Addendum Section II beginning at page 4, and Section V beginning at page 13.</p>
<p>W-12 Wilensky p. 8</p>	<p>Given that the 2020 LRDP “provides a framework for land use and capital investment decisions” for the entire university, the plan touches on many issues broadly as opposed to addressing any one issue in-depth. (2020 LRDP EIR 1.1.) The landscape management description provides general goals and clearly anticipates subsequent planning tailored to specific characteristics of each area. It states:</p> <p>Whenever feasible, future fuel management practices should include the selective replacement of high-hazard introduced species with native species: for example, the restoration of native grassland and oak-bay woodland through the eradication of invasive exotics (broom, acacia, pampas grass) and the replacement of aged Monterey pines and second-growth eucalyptus. Such conversions must be planned with care, however, to avoid significant disruptive impacts to faunal habitats.</p> <p>(2020 LRDP EIR 3.1-57.) Only alluding to the adoption of selective replacement methodology “[w]henever feasible,” this project description lacks any tangible</p>	<p>As stated in response to the first comment, above, the comment asserts the writer’s opinions that the project represents “a new activity” “not examined in the 2020 LRDP EIR”. However, the HCFRR Addendum details, with citations, the discussion of the proposed hill campus activity in both the 2020 LRDP and the 2020 LRDP EIR. Please also see responses to comments above, for example at W-3.</p> <p>As noted on the first page of the HCFRR, page 1, the projects were submitted for funding in 2005 and 2006. The 2020 LRDP EIR was certified and the 2020 LRDP was adopted by the Regents of the University in 2005. UC proposed the HCFRR on the heels of completing the 2020 LRDP.</p> <p>Wood chips and herbicides have been substantively discussed and analyzed in documentation incorporated into the HCFRR; both are also described in the 2003 HAFFM cited in the 2020 LRDP EIR as noted at comment W-4 above by the writer. Both are also extensively addressed in the EBH EIS. See for example EBH EIS beginning at p Q-225, p Q-253, and beginning at p Q-196 and Q-205, and EIS pages referenced in the same responses.</p>

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	<p>specifics and clearly did not provide UC sufficient “guidance in making the discretionary choices” to serve as the basis for the HCFRR. (See El Dorado, 202 Cal.App.4th at 1162.) Moreover, the project description lacks mention of wood chips or herbicides, both critical features of the HCFRR that raise substantial concerns for HCN and various expert commenters. It is clear from the text that any actual management plan would have to determine the specifics according to these goals.</p>	
<p>W-13 Wilensky p. 8-9</p>	<p>In fact, landscape management to reduce fire risk is addressed in only one of the 57 page project description in the EIR. Compare this to the East Bay Regional Parks District’s EIR for a similar project also analyzed in the EBH EIS, which provided in-depth discussion of the potentially significant project impacts and project alternatives.<sup>2</sup> With such meager consideration of landscape management, it is no surprise that the 2020 LRDP EIR Alternatives section lacks any discussion of project alternatives for landscape management to control fire risks, as required by CEQA. (Cal. Pub. Res. Code § 15125.6.) This fundamental omission must be corrected through a tiered EIR.</p> <p><sup>2</sup> The EBRPD’s EIR can be found at <a href="http://www.ebparks.org/about/stewardship/fuelsplan/eir">http://www.ebparks.org/about/stewardship/fuelsplan/eir</a>. HCN requests that the EIR be included in the record of proceedings per <i>Consol. Irrigation Dist. v. Superior Court</i> (2012) 205 Cal. App. 4th 697.</p>	<p>The writer’s opinions are noted. The writer implies, without support, that EBRPD’s CEQA analysis establishes a standard for the University with regard to the proposed action, but this is not the case. The University completed an EIR in 2005, as documented in the HCFRR Addendum.</p> <p>The CEQA citation is probably intended to point to 15126.6, addressing the need for alternatives to projects with significant effects, and stating “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.” The 2020 LRDP EIR did not identify the existing conditions of the hill campus as “native habitat” to be protected; nor did the 2020 LRDP EIR conclude that implementation of the LRDP would have significant impacts on the hill campus environment; no alternatives analysis is required. Nonetheless, the EBH EIS includes an extensive discussion of alternatives. See EHB EIS p Q-262 and following, including references to pages within the EIS.</p>
<p>W-14</p>	<p>Because the LRDP was a general policy document that did not create a comprehensive fire management plan</p>	<p>The writer’s assertion that the LRDP did not incorporate the hill campus fire management strategy has been addressed in the</p>

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<p>Wilensky, p. 9, “Air Quality Impacts”</p>	<p>for the areas of the Hills Campus at issue, the LRDP EIR could not, and indeed, did not consider the full environmental impacts of the HCFRR:</p> <p><b>Air Quality Impacts</b></p> <p>The air quality section of the 2020 LRDP EIR completely omits any discussion of air impacts from landscape management. (See 2020 LRDP, Section 4.2.)</p>	<p>HCFRR Addendum. See for example discussion at page 3 of the Addendum, and pages 4- 5 of the Addendum. See also response to comment W-3. The HCFRR Addendum also addresses air quality impacts beginning at page 14, including the discussion of activity-related emissions.</p> <p>The 2020 LRDP EIR includes discussion of air quality impacts related to landscape management, including landscaping equipment as an area source. Further, the EBH EIS includes extensive discussion of air quality impacts of the project. See EBH EIS discussion beginning at p Q-249 and pages referenced there within the EIS.</p>
<p>W-15  Wilensky  p. 9</p>	<p><b>Greenhouse Gas Impacts</b></p> <p>In 2009, the UC released the 2020 LRDP EIR Climate Change Addendum (“GHG Addendum”) to consider the 2020 LRDP in the context of climate change. With respect to landscape management, it states that the UC practices embrace “conversion of non- native forest ecosystems to native floral types, posing a lesser fire risk . . . and representing a more stable long term bank for the sequestration of sustainable and historic levels of carbon on UC lands.” (GHG Addendum, p.38.) Because of the “risk of catastrophic wildfire and associated carbon release” posed by eucalyptus and pine dominated forest, the Addendum finds that the removal of these exotic species is “clearly desirable from a global warming perspective.” However, the addendum provides no calculations or scientific study to support this conclusion. There is no comparison of the loss of sequestration due to the removal of these trees or from the proscribed burning that will occur as part of the project. (See EBH EIS 5.15-1.) Nor is there any</p>	<p>Prescribed burning is not part of the project. No prescribed burning is being contemplated on the UC Hill Area as part of the HCFRR.</p> <p>The HCFRR Addendum details steps taken to consider carbon sequestration and emissions related to the HCFRR work. As detailed in the HCFRR, this analysis was undertaken despite the fact that there is no requirement to conduct such analysis, and no carbon calculator tool for work with non-commercial tree species. See the HCFRR, page 18. See also EBH EIS discussion of GHG emissions. See EBH EIS discussion beginning at p. Q-249 and pages referenced there within the EIS.</p>

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	<p>consideration of the GHG emissions from the operation of machinery to remove the trees or conduct forest maintenance to ensure conversion of the forest to desired native species. Without any actual analysis of the emissions associated with clearcutting the project areas, comparison of sequestration loss through clearcutting, the GHG Addendum simply does not analyze the project at issue here.</p>	
<p>W-16 p. 9</p>	<p><b>Biological Impacts</b></p> <p>The 2020 LRDP EIR’s assessment of biological impacts demonstrates the extent of uncertainty surrounding landscape management to control fire risks left by the 2020 LRDP. Continuing Best Practice BIO-1-c states that the “vegetation in the Hill Campus requires continuing management for fire safety, habitat enhancement, and other objectives. This may include removal of mature trees such as native live oaks and non- native plantings of eucalyptus and pine.” 2020 LRDP p. 4.3-26 (emphasis added). The EIR provides for no specifics about the extent, timeline or methods for removing non- native plantings.</p>	<p>Further, the 2003 HAFFM cited in the 2020 LRDP EIR (as noted at comment W-5 and W-6 above by the writer), provides detailed prescriptions and a framework for decision-making on an area-by-area basis. See also response to comment W-5 and W-6, above.</p>
<p>W-17 p. 10</p>	<p>Given the lack of specifics, it is not surprising that the landscape management impacts were not given due consideration in designing best management practices and mitigation measures surrounding biological impacts. For example, LRDP Mitigation Measure BIO-1-a requires the UC “to the full feasible extent, avoid the disturbance or removal of nests of raptors and other special-status bird species when in active use.” LRDP Mitigation Measure BIO-1-b states that the UC will “to the full feasible extent, avoid the remote potential for</p>	<p>Consistent with the 2020 LRDP EIR, pre-construction nesting surveys are required for the work outlined in the HCFRR Addendum, as set forth in Section VI of the Addendum. Similarly, the proposed work would be required to avoid potential harm to bats as outlined in LRDP MM BIO-1-b. See page 6 of Section VI. A full range of surveys are also required as part of the Biological Opinion, which was included in the LRDP Addendum, as noted on its title page.</p> <p>For additional details regarding the project’s consistency with the</p>

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	<p>direct mortality of special-status bats and destruction of maternal roosts.” Id. Both of these best practices require pre-construction nesting survey but provide no such requirement prior to large-scale tree removal or any measures to control for disturbance of raptors from land management not including construction. 2020 LRDP p. 4.3-25. Moreover, because the 2020 LRDP EIR did not plan for the removal of all eucalyptus, Monterey pine, and acacia and replacement with grasslands and chaparral shrubs, it could not have considered the full impact to raptors, which nest in tall trees, or how the loss of raptor habitat will contribute to increased rodent populations in the project area.</p>	<p>2020 LRDP EIR, please see response to comment W-5 above.</p>
<p>W-18 p. 10 second full paragrap h</p>	<p>The need for further environmental review is further demonstrated in LRDP Mitigation Measure BIO-1-c. It states, “During planning and feasibility studies prior to development of specific projects or adoption of management plans in the Hill Campus, a habitat assessment would be conducted by a qualified biologist to assess any potential impacts on special-status species.” 2020 LRDP p. 4.3-26. It is clear from this language that no such studies have been conducted with respect to impacts of landscape management. The HCFRR proposal is evidently a specific project within the meaning of this mitigation measure, and as such, these further studies must be conducted.</p>	<p>The writer presents a partial quotation of the referenced mitigation measure. The full measure is printed in the HCFRR Addendum Section VI. Further studies have been conducted, and consultation has occurred. See the HCFRR Addendum, Section VII.</p>
<p>W-19 p. 10 last paragrap h</p>	<p>Moreover, since the 2020 LRDP EIR was adopted 12 years ago, USF&amp;WS issued a Biological Opinion (“BO”) identifying potential impacts to Alameda whipsnake, red-legged frogs, and pallid manzanita from the specific fire management projects proposed by the HCFRR. The Opinion establishes an extensive list of measures to</p>	<p>The project as proposed would be fully compliant with the Biological Opinion. See also Sections VI and VII of the HCFRR Addendum.</p>

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	<p>address the project’s impacts, including (1) setting conditions to location, time, and manner of herbicide application; (2) requiring a service-approved biological monitor on- site to minimize impacts; (3) setting work windows to protect the red-legged frog and Alameda whipsnakes; (4) installing exclusion fencing to prevent California red-legged frogs and Alameda whipsnakes from entering treatment areas; (5) maintaining rock outcrops and not placing wood chips within 50 ft. of those outcrops; (6) implementing avoidance measures during pile burning in sites with potential Alameda whipsnake habitat; and (7) protecting pallid manzanita during removal. None of these mitigation measures had been developed at the time of the 2020 LRDP EIR; thus, the biological impacts analysis could not have taken into account the information provided in the BO or implemented the mitigation measures adopted by it.</p>	
<p>W-20 p. 11</p>	<p><b>Geology, Seismicity and Soils</b></p> <p>The 2020 LRDP FEIR only briefly analyzed impacts of geology, seismicity and soils in the Hill Campus and recommended mitigation measures to address potential for soil erosion, landslides, liquefaction, among other geological concerns. It concludes that “the policy to manage the Hill Campus landscape to reduce fire risk and restore native vegetation patterns would help to reduce geologic hazards such as landslides, as well as erosion and loss of topsoil.” There is no analysis or citation to a study to support how the specific management practices and eradication of large areas of mature trees outlined in the HCFRR would accomplish this goal. Even if it had, since the 2020 LRDP FEIR did not consider clearing all eucalyptus and Monterey pine,</p>	<p>The comment asserts that the 2020 LRDP EIR provided insufficient analysis of “the considerable erosion impacts that will result from constructing roads and trails for heavy equipment on steep slopes in the project area.” Yet the 2020 LRDP EIR in fact addresses erosion impacts. See discussion in the HCFRR Addendum, page 20 and page 21; see also HCFRR Addendum Section VI, pages 8, 9, 10 and 12. See also EBH EIS discussion in response to comments regarding erosion concerns, beginning at page Q-230 and pages referenced there within the EIS.</p>



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	<p>it would not have been able to analyze the full extent of erosion impacts presented by the project. For example, there is no analysis in the 2020 LRDP EIR or the addendum about the considerable erosion impacts that will result from constructing roads and trails for heavy equipment on steep slopes in the project area.</p>	
<p>W-21  Wilensky p. 11</p>	<p><b>Noise</b>  The 2020 LRDP EIR concluded that even with incorporation of best practices and mitigation measures, the plan could result in significant noise impacts from demolition and construction activities. (2020 LRDP FEIR Vol. 1, 4.9-17.) However, this analysis completely fails to analyze impacts from of landscape management not associated with construction. Without any review of impact of landscape management noise impacts, the 2020 LRDP FEIR’s analysis is irrelevant to the HCFRR.</p>	<p>Noise associated with the work proposed in the HCFRR project would be associated with heavy machinery; as noted in the HCFRR Addendum beginning at page 23, mitigation measures related to construction and demolition work would be applied to the proposed project work.</p>
<p>W-22  Wilensky Last paragrap h page 11</p>	<p>In sum, the HCFRR proposal fills substantial gaps left by the 2020 LRDP planning effort, just as was the case in El Dorado. In El Dorado, the California Court of Appeals reasoned that the fact that the preceding PEIR “contemplated adverse environmental impacts resulting from development under the 2004 General Plan does not remove the need for a tiered EIR for the oak woodland management plan.” (Id. at 1184.) “The County may not shield all subsequent projects affecting the environmental on the basis of its prior recognition that development and increased population will have an adverse effect on the region’s oak woodlands.” (Id. at 1185.) The same is true for the 2020 LRDP EIR – its conclusions about significance are irrelevant to the</p>	<p>Among the differences between the cited case and the current example are the following:</p> <ol style="list-style-type: none"> <li>1. UC Berkeley has not prepared a negative declaration.</li> <li>2. Through both the current process and the NEPA process completed, the proposal at hand has been subject to extensive environmental review, including responses to comments received.</li> <li>3. Unlike the general plan EIR in the referenced case, the 2020 LRDP EIR did not identify the existing conditions of the hill campus as “native habitat” to be protected (202 Ca.App.4th1156 p. 8); nor did the 2020 LRDP EIR conclude that implementation of the LRDP would have significant impacts on the hill campus</li> </ol>

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	<p>HCFRR because they did not analyze the specific landscape management methodologies it proposes. Consequently, the 2020 LRDP EIR cannot be relied upon by the UC to evade environmental review of the newly proposed methodologies. The UC must develop a tiered EIR because there is a fair argument that the HCFRR will have a potentially significant impact on the environment.</p>	<p>environment.</p> <p>The writer’s summary conclusion has been addressed in responses to specific comments, above. The University does not concur with the writer’s conclusion.</p>
<p>W-23 Wilensky p. 12</p>	<p>IV. ALTERNATIVELY, IF THE UC DETERMINES THAT A TIERED EIR IS NOT REQUIRED, THEN IT MUST CONDUCT A SUPPLEMENTAL EIR BECAUSE THE HCFRR INVOLVES SUBSTANTIAL CHANGES THAT WILL REQUIRE MAJOR REVISIONS TO THE 2020 LRDP EIR.</p> <p>a. THE HCFRR INVOLVES SUBSTANTIAL CHANGES TO THE LANDSCAPE MANAGEMENT METHODOLOGIES PROPOSED IN THE 2020 LRDP.</p> <p>Even if the UC determines that the HCFRR falls within the PEIR, it must still conduct further environmental impact review. A supplemental EIR (“SEIR”) is required if: “(1) ‘[s]ubstantial changes’ are proposed in the project, requiring ‘major revisions’ in the EIR; (2) substantial changes arise in the circumstances of the project’s undertaking, requiring major revisions in the EIR; or (3) new information appears that was not known or available at the time the EIR was certified.” (Citizens Against Airport Pollution v. City of San Jose (2014) 227 Cal.App.4th 788, 796 (citing § 21166; see also Guidelines, 14 CCR § 15162). “[S]ection 21166 comes into play precisely because in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired (§ 21167, subd. (c)),</p>	<p>The assertion that the HCFRR involves changes requiring revision of the 2020 LRDP EIR is addressed in response to comments above, including W-1 and W-3.</p> <p>The notion that substantial changes are required to the 2020 LRDP EIR has been addressed in response to comments above, including response to comment W-9 and W-12.</p>

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	<p>and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process.” (Committee for Green Foothills v. Santa Clara County Bd. of Supervisors (2010) 48 Cal.4th 32, 54– 55.) Agencies are given substantial deference in their determination as to whether to conduct a SEIR. (See Santa Teresa Citizen Action Grp. v. City of San Jose (2003) 114 Cal.App.4th 689, 703.) The “agency’s determination not to require a subsequent EIR must be based on substantial evidence in the record,” although conflicts in evidence will be resolved in favor of the agency. (Sierra Club, 6 Cal.App.4th at 1317.) This deferential standard is a reflection of the fact that in-depth review has already occurred. (Id.)</p>	
<p>W-24 Wilensky p. 12 and following</p>	<p>Although the standard under Section 21166 is deferential, it does not allow an agency to evade meaningful review of a proposed new activity by relying on an outdated EIR. The UC has learned this lesson when it attempted to circumvent the tiered EIR requirement in a similar situation to no avail. In the development of the California Memorial Stadium (“CMS”), UC made revisions to the construction plans for the CMS and reviewed and approved those revisions by way of an addendum to the original EIR. Stand up for Berkeley v. Regents of University of California, RG10499854 (Nov. 29, 2010) attached hereto as Exhibit 5. The revisions included raising the height of the CMS’s press box by 30-38 inches; lowering the CMS playing field by 2 feet, adding the construction of a 15,000 square foot Athletic Service Center, deferring improvements to the south plaza and changing the venue for 2011 football games and relocation of</p>	<p>This comment describes various provisions of CEQA and its implementing Guidelines, as well as court decisions. The comment does not identify any specific issues regarding the project; accordingly, no response is required.</p> <p>The HCFRR Addendum details, with citations, the discussion of the proposed hill campus activity in both the 2020 LRDP and the 2020 LRDP EIR; and similar work has occurred in the area repeatedly, with work over recent years also repeatedly discussed with members of HCN. In the current instance, neither the activity nor the method for implementing it is new.</p> <p>The HCFRR Addendum has not proposed new mitigation measures beyond the 2020 LRDP EIR. As noted in the HCFRR Addendum, the project as proposed incorporates measures identified through FEMA’s environmental review process for the EBH EIS. This does not mean that “new mitigation measures would be required” in accordance with 14 CCR §15168 to implement the project.</p>

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	<p>practices for almost two years. Id. The court found that UC had failed to explain how the revisions would not result in significant increases in parking and traffic; failed to quantify substantial new and increased seismic safety impacts where new information was available; and failed to address new significant noise impacts from relocating football practices. The court struck down the addendum and required the UC to prepare an EIR. Id.</p> <p>3 FEMA’s EBH EIS adopted a number of mitigation measures to reduce the impacts of the project that are not accounted for in the 2020 LRDP EIR. CEQA regulations states that a tiered EIR is not required subsequent to a PEIR where “no new mitigation measures would be required.” 14 CCR §15168. The existence of these new mitigation measures obviates the need for further environmental analysis. The significance of the environmental impacts from the HCFRR is discussed in more detail in Section IV.b.</p>	
<p>W-25 Wilensky p. 13</p>	<p>Just as with revisions to the CMS, the HCFRR consists of substantial changes to the 2020 LRDP with potentially significant impacts, most notably (1) the replacement of the 2020 LRDP’s focus on surface-fuel reduction and selective thinning with the HCFRR’s plan to remove all eucalyptus, acacia, and Monterey pine; and (2) the application of up to two-feet of wood chips on up to 20% of the project area. In addition, new information is available that was not available at the time the PEIR was developed. As discussed in detail above, the LRDP 2020 left the specifics of which trees would be removed, when they would be removed, and how the cleared land would be managed to the discretion of the UC. Without this information, the EIR was unable to assess</p>	<p>CEQA 14 CCR §15168 fully anticipates that “site specific operations” can occur under the framework of a program EIR, once it has been determined that environmental effects were covered in the Program EIR. The HCFRR Addendum provides this documentation, not “substantial new information” as asserted by the writer.</p> <p>As set forth in responses above, the proposed project is consistent with both the UC Berkeley 2020 LRDP, 2020 LRDP EIR, and the HAFFM. Further, the 2003 HAFFM cited in the 2020 LRDP EIR (as noted at comment W-5 above by the writer), provides detailed prescriptions and a framework for decision-making on an area-by-area basis. See also response to comment W-5, above.</p>

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	<p>the specific impacts of the landscape management plan. The HCFRR provides substantial new information by filling in these gaps. Because the 2020 LRDP never even established a specific landscape management plan that would allow for a full CEQA review of potential environmental impacts, UC’s failure to conduct a SEIR considering those impacts is actually more egregious than the circumstances surrounding the CMS.</p>	
<p>W-26 Wilensky p. 13</p>	<p>b. THE UC MUST CONDUCT A SEIR BECAUSE THE HCFRR PROPOSES SUBSTANTIAL CHANGES TO THE PROJECT WHICH WILL REQUIRE MAJOR REVISIONS OF THE EIR.</p> <p>The UC’s determination that an SEIR is not required must be based on substantial evidence. (Sierra Club, 6 Cal.App.4th at 1317.) The UC has not provided substantial evidence to support its determination that the changes presented by the HCFRR will not result in significant impacts to the environment. In making the determination that the project will not result in significant environmental impacts not previously analyzed, the HCFRR Addendum relies heavily on the findings of FEMA’s EBH EIS. The UC fails to acknowledge the distinction between the National Environmental Policy Act (NEPA) and CEQA. The NEPA process, as federal law, analyzes a project’s consistency with federal environmental standards, not state standards. 42 U.S.C. § 4321. CEQA, by comparison is a state law that analyzes a project’s consistency with state environmental standards, which are generally more stringent. The leading CEQA treatise states, “CEQA still imposes a greater duty of environmental protection than can be found in NEPA.” (Remy &amp; Thomas, Guide to</p>	<p>As noted in the HCFRR Addendum, the project as proposed incorporates mitigation measures and best practices determined through the EBH EIS process.</p> <p>The California Environmental Quality Act supports streamlining. Public Resources Code 21003 notes the intent of the Legislature that (in relevant part):</p> <p>(b) Documents prepared pursuant to this division be organized and written in a manner that will be meaningful and useful to decisionmakers and to the public.</p> <p>(c) Environmental impact reports omit unnecessary descriptions of projects and emphasize feasible mitigation measures and feasible alternatives to projects.</p> <p>...and...</p> <p>(f) All persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment.</p>

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	<p>CEQA, p. 37 (2007) See also Id. at p.38 (“In many respects, CEQA requirements are more stringent [than NEPA].”); Mountain Lion Foundation v. Fish &amp; Game Comm. (1997) 16 Cal.4th 105, 119 (Court declines to follow NEPA authority in CEQA case) (“This court need not follow federal precedent . . . when the federal provisions cannot fairly be said to parallel ours.”) Therefore, compliance with NEPA does not satisfy the requirements of CEQA.4</p>	<p>CEQA documents can incorporate by reference any document that is part of the public record or available to the public. Here the University is relying upon the earlier UC Berkeley LRDP EIR for environmental analysis, and is incorporating the EBH EIS by reference to detail the project as proposed. That detail includes the analysis of environmental impacts conducted for the EBH EIS, and includes implementation of the mitigations identified through the EBH EIS process.</p> <p>CEQA Guidelines Section 15221 allows state agencies to “use the EIS” if it is completed prior to the completion of CEQA documentation and if the EIS incorporates discussion of mitigation measures and growth inducing impacts. The EBH EIS was completed subsequent to the LRDP EIR, but prior to the HCFRR Addendum; its incorporation by reference is consistent with the intention of CEQA. The EBH EIS discusses “induced growth” (see section 5.9.3, page 5.9-4 of the EBH EIS), and incorporates mitigation measures.</p> <p>See also “NEPA and CEQA: Integrating Federal and State Environmental Reviews” published February 2014 by the state Office of Planning and Research and the federal Council on Environmental Quality.</p>
<p>W-27 Wilensky p. 14</p>	<p>The stringency of CEQA standards is evidenced by the EIS's consideration of air pollution and climate change impacts. While the Addendum correctly states that the EIS found no significant impacts from air pollution or GHGs, the methodology utilized by FEMA to reach this conclusion would not comply with CEQA. HCN's expert Matt Hagemann submitted comments to the EBH EIS pointing out that, to determine the significance of emissions, FEMA used levels from the EPA Conformity Review Rule, designed to determine whether</p>	<p>See response to comment W-26.</p> <p>The air quality analysis for the proposed project in the HCFRR Addendum relies upon the UC Berkeley 2020 LRDP EIR. The project is continuing implementation of the campus fire fuel management program described in the 2020 LRDP, where the finding of no significant impact is appropriate under CEQA for the work to be undertaken. See, for example, EBRPD's 2009 Wildfire Hazard Reduction and Resource Management Plan EIR p. 262.</p>

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	<p>nonattainment and maintenance emissions are exempt from a formal General Conformity determination by federal agencies with EPA. HCN Comments to the DEIS, p.24-25, attached hereto as Exhibit 1;5 Hagemann Comment p.3-4, attached hereto as Exhibit D to Exhibit 1. While the use of these thresholds is questionable under NEPA, it is plainly noncompliant with CEQA Guidelines, which require the use of Bay Area Air Quality Management District (BAAQMD) thresholds. (BAAQMD CEQA Guidelines, June 2010.) Specifically designed for the San Francisco Bay area’s regional air quality conditions, the BAAQMD significance threshold levels are much lower than the de minimis thresholds used in the DEIS—in some cases as much as one-tenth of the EPA thresholds. (Hagemann Comment p. 2-3.) The same is true for significance thresholds regarding greenhouse gas emissions. FEMA’s analysis for NEPA used a 25,000 metric tons per year threshold, well in excess of the 10,000 metric tons per year threshold established in the BAAQMD CEQA guidance. (Hagemann Comment p.7.) UC abuses its discretion by ignoring BAAQMD’s applicable CEQA thresholds of significance.</p>	<p>The BAAQMD CEQA significance thresholds have been set aside by the courts (see <a href="http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines">http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines</a>). Nonetheless, as stated in the HCFRR Addendum (p. 14),</p> <p>UC Berkeley implements basic construction-related mitigation measures substantially similar to those recommended by BAAQMD (BAAQMD CEQA Air Quality Guidelines page 8-3). (Note that the same measures apply for heavy duty equipment operations.)</p> <p>Appendix D of the EBH EIS includes estimates of emission rates for work to be undertaken on University property, as well as work to be undertaken by others such as EBRPD.</p>
<p>W-28 Wilensky p. 14-15</p>	<p>The EIS suffered from additional deficiencies with respect to air pollution and climate change impacts that would not be permitted under CEQA (indeed, these failures were not even compliant with NEPA). First, the EIS arbitrarily averaged emissions over the ten-year span of the project, even though the project description explicitly stated that the vast majority of trees would be removed in the first one to three years. (HCN Comment 25-26, 28-29.)<sup>6</sup> Emissions calculations must reflect the actual removal timeline instead of arbitrarily averaging</p>	<p>The writer’s opinion regarding the EIS is noted; however, the University believes the discussion of air pollution and climate change in the HCFRR Addendum, which included discussion of sequestration considerations, is adequate. See HCFRR Addendum p 5, and beginning at p 17. Please also see responses in the EBH EIS, beginning at page Q-249 and pages referenced there within the EIS.</p>

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	<p>emissions over the entire project timeline. By spreading out the emissions, the EIS diluted the emissions over the ten-year project span thereby misrepresenting the significance of the emissions. In addition, EIS failed to account for the amount of carbon sequestration that will be lost by removal of trees by the Project. Id. at 31-32. Mr. Hagemann estimated that the project would eliminate the sequestration of about 1,162 MT CO<sub>2</sub> every year from the project area. (Hagemann Comment, p. 9). An accurate estimation of foregone sequestration must be included in the total net GHG emissions to accurately assess the significance of the project’s impacts on climate change under CEQA.</p> <p>4 In order to avoid duplication of work, it is common for agencies to prepare joint NEPA/CEQA documents, often called EIS/EIRs, which analyze compliance with both state and federal law. However, no such EIS/EIR was prepared in this case.</p> <p>5 Each of the issues raised in HCN’s comment letter on the EBH EIS is hereby incorporated by reference and made a part of these comments on the Addendum.</p>	
<p>W-29 Wilensky p. 15</p>	<p>While an EIS may not be relied upon to eliminate the need for an EIR, it can be helpful in bringing to light potential environmental impacts that warrant review under CEQA. The EBH EIS itself and the circumstances surrounding its development demonstrate the significance of the project's environmental impacts. During the scoping phase, FEMA determined that substantial scientific controversy surrounded the project and the extent of environmental impacts, which ultimately led FEMA to determine that an EIS was</p>	<p>The writer references comments made on the EBH EIS. These comments were considered by FEMA prior to making its decision. Some of the language of the USFS letter submitted as an attachment is included in the EBH EIS, with revisions. See page 5.2-21, beginning “From a fire behavior perspective...”</p> <p>The USFS letter submitted as an attachment is unaddressed and unsigned and the only attribution is to “US Forest Service, Adaptive Management Services Enterprise Team”. It is referred to in these responses to comments as “The Forest Service AMSET</p>



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	<p>necessary. HCN participated throughout the NEPA process and raised serious concerns, supported by expert analysis, about problems in the project’s underlying assumptions including the fire risks posed by depositing two feet of wood chips and potential replacement of trees with highly flammable invasive species and the health and ecosystem impacts from herbicide application to prevent the replacement of eucalyptus forests with other non-native invasive species. (See HCN Comments.) Expert agencies US Forest Service and EPA raised many of the same concerns and suggested revision of the proposed project to effectively manage fire risks. (USFS and EPA comments, attached as Exhibits 2 and 3 respectively.) Despite these comments, the FEIS remained mostly unchanged, save the adoption of the “Unified Methodology” in less than a quarter of the UC’s project area, which FEMA admitted has little practical impact aside from prolonging the timeline of clearcutting. Thus, the NEPA process flagged a number of potentially significant environmental impacts that support the development of a tiered EIR for the proposed project.</p>	<p>letter”, to distinguish it from the US Forest Service, which was a cooperating agency on the EBH EIS (EBH EIS p 5).</p> <p>The Forest Service AMSET letter states “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.” Similar alternatives are addressed in the EBH EIS. Nonetheless the EIS concludes: “Although it may seem reasonable to retain an over-story of eucalyptus trees as a means to minimize establishment of fire prone weeds, the project area is currently dominated by an overstory of trees where fire behavior includes crown fires with flame lengths exceeding 100 feet. Crown fires are extremely dangerous and difficult to control. They have a higher potential for damage and structure loss and the potential for loss of life. Crown fire intensity is too great for firefighters to engage in direct attack; therefore, they must use indirect attack methods, which typically mean letting the fire continue to burn until there is a safe place to make a stand. Crown fires also generate ember cast and spotting that leap frogs the fire ahead of itself, contributing to fire spread, difficulty of control, and loss of life and property. Post treatment shrub and grass communities may be more flammable initially, but maintenance to manage fuel levels and control of any resulting fires is considerably simplified and effective.” See EBH EIS p 5.2-21.</p> <p>It is perhaps worth noting that the USFS AMSET letter submitted is unaddressed and unsigned and the only attribution is to “US Forest Service, Adaptive Management Services Enterprise Team”. According to one writer: “What are Enterprise Units? Enterprise Units are functional entities within the Forest Service that act like businesses to serve the National Forests (and other government agencies) with administrative functions, products, and resource</p>

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		<p>management needs. Each Enterprise Unit earns its funds directly from the project work that it does on your units, which means that no direct funding comes from the Washington Office. Enterprise Unit employees have to think about products, markets, and expenses and complete enough work to cover all of their costs on an annual basis. Enterprise Units that do not perform consistently from year-to-year and make enough money to cover all of their expenses will be disbanded.” See <a href="http://www.eforest.us/profiles/blogs/utilizing-the-forest-services-enterprise-program-for-all-units">http://www.eforest.us/profiles/blogs/utilizing-the-forest-services-enterprise-program-for-all-units</a>.</p> <p>It is unclear who requested or paid for the work conducted to complete the memorandum included and attributed by the writer to the “USFS”.</p> <p>In contrast, the EPA letter is addressed and signed. See responses to concerns raised in the EPA letter in the EBH EIS, such as beginning at page Q-205 and pages referenced there within the EIS.</p>
<p>W-30  Wilensky p. 15</p>	<p><b>Aesthetic Impacts</b></p> <p>HCN believes that the plan to decimate the entire eucalyptus and Monterey pine populations in the project areas will undoubtedly have a significant aesthetic impact. Dan Grasseti, founding member of HCN, visited Frowning Ridge after the landscape management practices similar to those described in the HCFRR were conducted in 2008 and 2014 within the Frowning Ridge site. The pictures included below and in Exhibit 4 demonstrate the significance of the aesthetic impact that will result from the project.</p> <p>The CEQA Guidelines “give content to the concept of</p>	<p>As noted in the LRDP EIR, visual quality is a subjective experience (Draft EIR p. 4.1-4). The HCFRR Addendum conveys the University’s perspective on potential aesthetic impacts associated with the proposed project. The 2020 LRDP includes a policy to maintain the visual primacy of the natural landscape in the Hill Campus (LRDP EIR p. 3.1-56), and the proposed project supports this objective.</p> <p>The project is proposed in order to limit the risk of catastrophic wildfire. Photos of the result of catastrophic wildfire can be seen at <a href="http://www.berkeleyside.com/2011/08/01/richard-misrach-a-focus-on-the-after-story/">http://www.berkeleyside.com/2011/08/01/richard-misrach-a-focus-on-the-after-story/</a> (downloaded April 7, 2016).</p> <p>Aesthetics and visual quality issues are also addressed the EBH EIS</p>

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	<p>aesthetics by including the following questions in the checklist of a project's potential environmental effects: 'Would the project have a substantial adverse effect on a scenic vista?' and 'Would the project substantially degrade the existing visual character or quality of the site and its surroundings?' Bowman v. City of Berkeley (2004) 122 Cal.App.4th 572, 584 (citing CEQA Guidelines, Appen. G, questions I(a) and I(c).) Mr. Grassetti's photos reveal that the visual modification will substantially degrade the existing visual character from flourishing forest hosting birds and wildlife to desolate clearings of wood chips and stumps.</p>	<p>and in response to comments on the EBH EIS such as beginning at page Q-252 and pages referenced thereafter within the EIS.</p>
<p>W-31 Wilensky p 18</p>	<p>The DEIS assumes that it will take 10 years for the wood chips to decompose, but no estimate is provided as to how long the denuded landscapes will prevail at these sites. (DEIS, p. 5.3-6.) Even if the clearcut areas are successfully replaced with desired vegetation, the aesthetic impacts would still be significant. The grassland or open chaparral with which the UC intends to replace these forests will present drastic aesthetic impacts. Exhibit 6 includes an excerpt from the EBH EIS which provides a "before" picture with an "after" photo simulation of one viewpoint for Frowning Ridge.</p> <p>The photos reveal a jarring loss of forested landscape, which the EIS rationalizes as insignificant because it "could improve the perception of existing landscape features in the background." Many East Bay Hills residents, including members of HCN, and others who use these natural areas for their recreational value the existing, one-hundred year old aesthetic of the forests and the wildlife they foster. Furthermore, the EIS happened to choose a viewpoint where a scenic view</p>	<p>See response to comment W-30, above.</p>

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	<p>sits behind the ridge. It makes no mention of how the aesthetics will be impacted for the remainder of the lands below the ridge.</p> <p>Thus, the replacement of large portions of forest with shrubs will be a significant aesthetic impact.</p>	
<p>W-32  Wilensky p. 18</p>	<p><b>Air Pollution and Climate Change Impacts</b></p> <p>As discussed above, the CEQA significance thresholds for air pollutants and GHGs are much lower than those utilized in the EBH EIS. Taken together with the other inadequacies of the NEPA analysis, there is reason to believe that the project would have significant air and climate change impacts. Further analysis is warranted to better understand this risk.</p>	<p>Please see response to comment W-27, W-28 and W-15, above. As noted at page 15 of the HCFRR Addendum, the implementation of the campus fire fuel management program would not be a significant source of pollutants, TACs or diesel particulate matter. Use of heavy duty machinery required to implement the 2020 LRDP would be controlled by best management practices in accordance with air district guidance and the proposed project would not result in cumulatively considerable air quality impacts related to this work.</p>
<p>W-33  Wilensky p. 18</p>	<p><b>Biological Impacts</b></p> <p>In noting the conclusions reached in the EBH EIS, the Addendum fails to acknowledge that the EIS only found that the project would not have significant impacts when considered with the proposed mitigation and monitoring plans. (EIS 5.1-8 &amp; 9.) For example, the EIS states that for erosion, “Mitigation measures would be required during implementation of the proposed and connected actions to avoid and/or reduce potential impacts on aquatic features such that they would not be significant” (EBH EIS 5.1-10.) The same is true for biological impacts from herbicide application and wildlife impacts from species loss. (EBH EIS 5.1-11&amp; 14). The EIS provides, “Removal or disturbance of an active migratory bird nest would result in a significant impact, and mitigation measures . . . would be required to avoid</p>	<p>The 2020 LRDP EIR included mitigation measures and best practices to address many of the same concerns expressed by the writer. See for example Continuing Best Practice BIO-4-b in Section VI of the HCFRR Addendum; see also comment W-17. Nonetheless, the writer’s clients sought and continue to seek additional environmental review.</p> <p>The University is content to incorporate all the additional EBH EIS mitigation measures into its scope of work for the project as proposed; this does not imply that the University concurs with the NEPA finding that an impact is significant. See response to comment W-26, above, regarding incorporation by reference.</p> <p>As described in the HCFRR Addendum the proposed project incorporates mitigation measures and best practices from the EBH EIS. See discussion at page 11 of the HCFRR Addendum, Measures Incorporated Into Project As Proposed.</p>

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	<p>or reduce this potential impact such that it would not be significant.” 5.1-14. Furthermore, the EIS substantially underestimates the biological impacts from the application of herbicides because it fails to take into account application of herbicides to prevent non-native invasive plants from taking root in disturbed areas.</p>	<p>Please see response to comment W-12, above, regarding herbicides.</p>
<p>W-34 Wilensky p. 19</p>	<p>The question at hand is whether the HCFRR involves substantial changes to the landscape management activities proposed under the 2020 LRDP EIR that could lead to significant biological impacts not previously analyzed. The fact that the EBH EIS includes mitigation measures to control otherwise significant impacts says nothing about the sufficiency of the 2020 LRDP EIR. Nor does it establish the capacity for the mitigation measures included in the EIS to prevent significant impacts as defined under the more stringent standards of CEQA. To the contrary, the fact that mitigation measures were necessary to prevent significant impacts actually demonstrates that the proposed changes are significant and warrant further review. Furthermore, the BO issued by USF&amp;WS further demonstrates the potentially significant impacts of the proposed project on special status species including the California red-legged frog, the Alameda whipsnake, and pallid Manzanita and the need for mitigation measures not included in the 2020 LRDP EIR.</p>	<p>The writer’s assertion that “the HCFRR involves substantial changes to the landscape management activities proposed under the 2020 LRDP” was also raised in earlier comments. Please see response to comments W-25 and W-26, and W-33.</p> <p>All documentation as included in the HCFRR Addendum indicates that no significant impact to special status species would occur with implementation of the proposed project; instead biological benefits might be anticipated. See, for example, p. 69-70 of the Biological Opinion, included in Section VII of the HCFRR Addendum, which states:</p> <p>Eucalyptus forests within the action area provide low quality dispersal habitat for California redlegged frogs. Eucalyptus trees within the action area degrade the aquatic habitat for California red-legged frogs by altering hydrology and water chemistry. The high rates of transpiration by eucalyptus trees reduce the availability of surface water within the action area. The allelopathic oils released from the litter of eucalyptus trees impair water quality within the action area and reduce the availability of suitable invertebrate prey species for the California red-legged frog. Alameda whipsnakes are unlikely to disperse or forage in eucalyptus forests within the action area. Eucalyptus forests within the action area threaten to displace suitable grassland, oak woodland, and core scrub habitat for the Alameda whipsnake.</p>

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<p>W-35</p> <p>Wilensky p. 19</p>	<p><b>Soil Impacts</b></p> <p>The HCFRR Addendum finds that the proposed project would not alter the 2020 LRDP EIR’s findings that with the implementation of “best practices and mitigation measures, in combination with other foreseeable projects, would have less than significant impacts due to fault rupture, seismic ground shaking or ground failure, landslides, soil erosion, or risk due to expansive soils or unstable soils or geologic units (2020 LRDP FEIR Vol. 1 p. 4.5-23-24). However, as discussed above, the 2020 LRDP EIR did not consider the specific plans of the proposed project to clearcut entire swaths of the Hills Campus. Thus, the 2020 LRDP EIR’s conclusions are irrelevant.</p> <p>The significance of potential impacts were demonstrated by the EBH EIS, which found that erosion caused by disturbance of soil and reduction of vegetation cover would cause loss of soil on hillsides. (EBH EIS 5.15-1.) The EBH EIS concluded that the potential effects from the proposed project would be significant and adverse without the implementation of mitigation measures. (Id. at 5.3-4 &amp; 5.) In addition, soil productivity would be temporarily reduced by wood chips applied in up to 20% of the project site. (Id. at 5.15-1.) These impacts were listed as unavoidable even after the implementation of mitigation measures. These unavoidable adverse impacts warrant further analysis.</p>	<p>The writer’s assertion that the proposed project is “clearcutting” or not considered in the UC Berkeley 2020 LRDP was also raised in earlier comments. Please see response to comments W-3, W-5, W-6, W-11, W-12, W-25, W-26.</p> <p>The writer’s additional comments on the EBH EIS are noted. Please see the discussion of geology, seismicity and soils at page 20 of the HCFRR Addendum. The EBH EIS includes a list of “Unavoidable adverse effects” “that remain after implementation of reasonable mitigation measures.” NEPA requires that “Impacts should be addressed in proportion to their significance (40 C.F.R. § 1502.2(b)), meaning that severe impacts should be described in more detail than less consequential impacts” (NEPA CEQA Handbook 2014, p. 30). The discussion of impact to soils in the EBH EIS occurs in Section 5.3 of the EBH EIS. There is no reason to conclude that these reach a level of significance under CEQA (Ibid., p.35).</p>
<p>W-36</p> <p>Wilensky</p>	<p><b>Noise Impacts</b></p> <p>The noise impacts from tree removal and wood chipping will be extensive, affecting local residents and</p>	<p>The project is continuing implementation of the campus fire fuel management program described in the 2020 LRDP, where the finding of significant impact under noise is based upon potential of heavy duty equipment activities to exceed the local noise</p>

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p. 19	<p>wildlife. The HCFRR Addendum acknowledges that the 2020 LRDP FEIR found unavoidable significant impacts from construction, but avoids further CEQA review by concluding that “no substantial changes to the 2020 LRDP or to the circumstances surrounding 2020 LRDP developed with respect to noise that were not adequately analyzed . . . and no new information is available.” HCFRR Addendum, p. 23. UC’s conclusion is unfounded. As discussed above, the 2020 LRDP FEIR did not even analyze noise impacts from landscape management. Even if it had, since the LRDP did not contemplate clearcutting all eucalyptus and Monterey pine and chipping of up to 2 feet, it would not have even been capable of taking into account the specifics of the HCFRR. In Stand Up for Berkeley, the court rejected the UC’s attempt to avoid further review of new and significant noise impacts because significant impacts had been found in the prior EIR where the nature of those impacts had substantially changed. UC should not again attempt to avoid review of new and potentially significant impacts by resting on prior assessment of a substantially different project. The impacts presented by the HCFRR are unique from the impacts considered in the 2020 LRDP FEIR and warrant analysis.</p> <p>Furthermore, significant noise impacts from the HCFRR are supported by the EBH EIS, which found that, even with mitigation measures, noise impacts would remain significant and unavoidable. (EBH EIS 5.14-5).</p>	<p>standard, briefly, during project work, as stated in the HCFRR Addendum page 23. The finding is already conservative however. The EBRPD EIR, an additional resource reviewed, states:</p> <p>In addition, the short-term nature of most fuel reduction activities means that these activities would only occur in one location for a short period, such as a few days or one week, before moving to a different location. Thus any sensitive receptors would be exposed to mechanical equipment noise for only a short period of time while fuel reduction activities occurred in the vicinity. Therefore, noise in excess of existing standards from mechanical equipment and noise impacts associated with fuel reduction activities identified in the Plan resulting in temporary increases in ambient noise levels would be temporary and generally less-than-significant. (EBRPD 2009, p. 274)</p> <p>The writer reiterates position statements also stated earlier in the letter. Please see response to comments W-1 through W-8.</p>
W-37	<p><b>Fire Risk</b></p> <p>Potentially the most significant environmental impact of</p>	<p>The HAFFM, quoted in the comment, also clearly references two nationally recognized criteria for defining fire behavior that results in fires that spread rapidly and are difficult to control: potential</p>

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<p>Wilensky p. 20-21</p>	<p>the proposed project is the potential for it to actually increase the risk of fire in the Hills Campus. One of the goals of the 2020 LRDP EIR is to manage the Hill Campus landscape to reduce fire risks and restore native vegetation. (LRDP 3.1-57.) However, during the NEPA comment period HCN’s expert Fire Behavior Analyst Kelly Close, and expert agencies EPA and the U.S. Forest Service all raised concerns that the project, as designed, could actually lead to increased risk of wildfire by worsening the invasion of non-native, highly flammable species like French broom and, as a result, those commenters instead promoted a selective thinning approach. (E.g. HCN Comment p.10-11). In fact, even UC’s HAFFM points to this risk:</p> <p>If the fire behavior goal is removal of exotic species, the entire watershed will need to be treated to be effective. If the entire population of exotics is not removed, it will rapidly re-establish itself – and perhaps expand from its original extent due to the soil disturbance caused by the treatment. Most of the exotic species in the program area – such as thistle, French broom, and pampas grass – invade sites that have been disturbed. (2020 Hill Area Fire Fuel Management Program, p. 25.)</p> <p>Expert fire risk analyst Chief Kelly Close also pointed to fire risks presented by depositing up to two feet of wood chips on the forest floor. Given this potential outcome, Chief Close, who also serves as a Battalion Chief with the Poudre Fire Authority in Fort Collins, Colorado, opined that “the proposed actions fail to accomplish this goal and in fact have the net effect of increasing the long-term wildfire hazard in treated areas.” (Comment Letter of Chief Close, p. 11 (attached</p>	<p>for crown fires and long flame length (HAFFM p. 18). While ideally no unintentional fire would occur, treatments are designed to reduce fuel load, reduce horizontal spread, and reduce fire spread through air-borne embers produced by burning tree canopies. See HCFRR Addendum p. 3-4.</p> <p>With regard to risk, the EBH EIS responds to these issues in Appendix Q, Issue 11, beginning at page Q-227, Issue 13, beginning at page Q-229.</p> <p>The resulting fire behavior post treatments have been analyzed in detail in the EBH EIS in Section 5.2.3.2 Fire Hazard Reduction, and Appendix M. In both places the document anticipates a much-reduced risk of damage from wildfire, based on potential flame lengths, rate of fire spread on the forest surface, and spread of fires through air-borne embers. These analyses were reviewed and supported by Fire Management Directors in the National Park Service and National Forest Service, as well as fire management representatives in the City of Oakland and EBRPD.</p>



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	<p>as Exhibit B to Exhibit 1). The potential for the HCFRR proposal to actually increase fire risks is undoubtedly a potentially significant impact, not considered in the 2020 LRDP FEIR. Consequently, it must be analyzed through a tiered EIR.</p>	
<p>W-38 Wilensky p. 21</p>	<p>In sum, the EIS does not, as the Addendum suggests, support the UC’s contention that the HCFRR will not result in significant impacts on the environment. In fact, the EIS process provides substantial evidence to the contrary, supporting the need for further analysis to better understand the nature of the potentially significant impacts that will result from the project. Consequently, the more lenient “fair evidence” standard discussed in Section III is certainly met. Given the significance of the impacts of the project, UC must conduct a tiered or SEIR to further analyze the impacts of the HCFRR on the environment.</p>	<p>The writer reiterates position statements also stated earlier in the letter. See response to comments W-1 through W-37, above.</p>
<p>W-39 Wilensky p. 21</p>	<p><b>V. FURTHER IN THE ALTERNATIVE, UC’S DETERMINATION TO USE AN ADDENDUM IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.</b></p> <p>When an agency decides not to conduct an EIR for an activity proposed after the certification of a PIER, CEQA requires that the agency provide an explanation for this determination in the addendum supported by “substantial evidence.” (14 CCR § 1564; <i>See also, Citizens Against Airport Pollution v. City of San Jose</i> (2014) 227 Cal. App. 4<sup>th</sup> 788, 797.) UC’s determination that “potential impacts from implementation of the fire risk reduction work . . . do not constitute new information of substantial importance regarding significant environmental impacts,” relies on two</p>	<p>The comment substantively reiterates the writer’s position that the proposed project entails “new information”. The University’s explanation of the decision not to prepare an EIR is included in the HCFRR Addendum, and the University’s response to the assertion that the proposed project is new information appears in above responses, including for example response to comments W-1, W-3, W-9, W-12.</p>

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	<p>documents: (1) the 2020 LRDP EIR; and (2) the Hazardous Fire Risk Reduction Final Environmental Impact Statement, East Bay Hills, California (EBH EIS) produced by FEMA. (Addendum p.1.) As discussed in detail above, neither of these documents may serve to fulfill the substantial evidence standard established by CEQA. The 2020 LRDP EIR is a general policy document that failed to consider the specific impacts of the HCFRR and, thus, may not form the basis for evading further environmental review. Moreover, to the extent that the 2020 LRDP EIR did mention landscape management practices, it conflicts with the methodologies described in the project. Consequently, the impacts of those methodologies cannot serve to assess the impacts of the methodologies proposed in the HCFRR.</p>	
<p>W-40 Wilensky p. 22</p>	<p>Furthermore, as discussed in detail above, UC may not rely on the findings of the EBH EIS conducted to comply with NEPA to comply with its mandates under CEQA. To the contrary, the EBH EIS actually demonstrates potentially significant impacts of the project that were not analyzed in the 2020 LRDP EIR.</p>	<p>See response to comments W-26 and W-33 above regarding incorporation of the EBH EIS.</p>
<p>W-41 Wilensky p. 22</p>	<p>In addition to the Addendum’s mistaken reliance on the 2020 LRDP EIR and the EBH EIS in determining that no further EIR is required, the UC also makes unsupported and misleading statements that fail to acknowledge the true scope of the project impacts. For example, the EIR Addendum states that the GHGs currently stored in the project area will remain in the post-treatment area as wood chips. This statement is perplexing and blatantly false. It is well-accepted that GHGs contained in the chips will be released when the chips decompose. This false and unsupported evidence cannot fulfill the “substantial evidence” standard to support a finding</p>	<p>The University response (March 10, 2016) to the referenced PRA request includes this statement “No “administrative record” exists for the HCFRR addendum.” Readers may be familiar with the fact that an “administrative record” is compiled as part of a judicial process. The legal process HCN has advanced against FEMA has an administrative record; none (yet) exists for the HCFRR Addendum.</p> <p>In response to the PRA request the University made available the letter report regarding GHGs. Therefore, Wilensky/HCN know that the letter report accounts for decomposition of GHGs in the numbers presented in the Addendum. The final Addendum</p>

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	<p>that the project will not result in significant impacts.</p> <p>HCN submitted a PRA request to the UC requesting any further document comprising the administrative record in reaching the decision to develop the HCFRR Addendum. The UC responded that there were no documents responsive to the request in addition to the 2020 LRDP, 2020 LRDP EIR, the 2002 UC Berkeley Hill Campus Working Paper, the 2020 LRDP Climate Change Addendum, the EHB EIS and ROD, and a link to the text cited in a footnote to the Addendum. Thus, HCN is confident that no further studies or supporting documents were used to reach the determinations expressed in the Addendum. UC has failed to support its determination that the project does not include substantial changes or new information requiring major revisions to the 2020 LRDP EIR. Because UC cannot support its determination with substantial evidence, UC must move forward with the project after completion of a tiered EIR.</p>	<p>includes the report as a new appendix.</p> <p>The HCFRR Addendum is well supported by substantial evidence.</p>
<p>W-42</p> <p>Wilensky</p> <p>p. 22</p>	<p><b>VI. CONCLUSION</b></p> <p>The 2020 LRDP is a broad policy document intended to be used as a guide in the development of future UC projects through 2020. While the HCFRR may have used the LRDP as a framework in the development of the plan, the project goes well beyond the scope of the 2020 LRDP, provides news information about the methodologies to be implemented, and makes a number of substantial changes that may result in significant environmental impacts, including increased risk of fire. Whether or not it is characterized as a “new</p>	<p>The comment summarizes the various positions of the writer. Please see responses to detailed comments, above.</p>

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	<p>project” or a “substantial change” the HCFRR includes new methodologies and involves new information warranting the development of a tiered or supplemental EIR. For the reasons delineated above, HCN requests that the UC comply with CEQA and develop an EIR considering the new and potentially significant outcomes of the proposed project.</p>	

**Thematic Response regarding “The Next Major Fire in the East Bay Hills” by Dave Maloney**

[http://hillsconservationnetwork.org/HillsConservation3/Blog/Blog\\_files/DaveMaloneyw.JGTheNextFireintheEastBayHillsv1.22.16-2.pdf](http://hillsconservationnetwork.org/HillsConservation3/Blog/Blog_files/DaveMaloneyw.JGTheNextFireintheEastBayHillsv1.22.16-2.pdf)

Commenters on the HCFRR Addendum referenced writings of Dave Maloney, including a paper entitled “The Next Major Fire in the East Bay Hills”. The following text provides a few points regarding Maloney’s paper, which narrates a grim scenario. Factors included in the scenario, however, are at odds with a number of facts. A partial example of inaccurate or misleading information in the paper is included here to help inform the reader:

1. Quote from Professor David Lindenmayer regarding the severity of the fires in Australia. The full quote is available on the web (see the 8.3.14 issue of the Herald Sun), and references the difference between old growth and “regrowth” forests – akin to the second growth eucalyptus areas in the Hill Campus. “Regrowth forests have more trees packed more closely together and contain large amounts of flash fuels allowing fire to build in severity” states the article.

2. Implication that Black Saturday fire occurred in cleared lands. Although Maloney never explicitly says this, the implication is made, for example, by placing these two sentences together: “This grassland belt will be many times more flammable than wooded terrain. In Australia, the Black Saturday fires occurred 30 miles from Melbourne, in land that once was rife with trees.” The actual reports of the commission are available online: <http://www.royalcommission.vic.gov.au/Commission-Reports/Final-Report/Summary/Interactive-Version.html> The report notes: “...the most severe of the 7 February fires the Commission examined shared a number of features:...Fires crowned in forested areas, which made them impossible for ground crews to control”...“Extensive forward spotting occurred as a result of the fuel type, the weather conditions and the topography”. In Volume I of the report, the Commission makes clear that forest fuel load – not grassy fuel load – impacted the severity of the fire, stating

The Beechworth–Mudgegonga, Kilmore East and Murrindindi fires all burned through areas rich in mountain ash; such forests are characterised by tall trees and an often dense understorey of other species. This forest, with its very high fuel load, is usually moist but, because of the exceptionally dry conditions leading up to 7 February, it had a very low moisture content. Additionally, ash trees have long ribbons of bark that hang loosely from the trunk and branches; they ignite easily during a fire and can be transported long distances by convection columns.

The rate of spread and final perimeter of the Beechworth-Mudgegonga fire were significantly moderated by previous prescribed burning. The rate of spread of the Kilmore East fire in some places was appreciably slowed by previous prescribed burning. Fuel-reduction burns are also thought to have inhibited the run of the Bendigo fire.

The quoted text refutes a number of Maloney’s assertions. Note that the Australian “mountain ash” is a species of eucalyptus (see [https://en.wikipedia.org/wiki/Eucalyptus\\_regnans](https://en.wikipedia.org/wiki/Eucalyptus_regnans)) . Despite the usually moist conditions in the forest, weather and drought, combined with the very high fuel load characteristic of this forest, led to high risk. Earlier fuel reduction work – in this example, where prescribed burning had been undertaken -- slowed the spread of fire.

In summary, the tragic and catastrophic Black Saturday fires occurred in land that was rife with eucalyptus trees.

3. Maloney continually references “chaparral”. But the vegetation types of the broader FEMA project area are outlined in the EBH EIS at page 4.2-6, and in the LRDP EIR, for example at page

3.1-51 (“the Hill Campus landscape today is a mosaic of wet and dry north coastal scrub intermixed with stands of trees...”). “Chaparral shrublands are made of somewhat taller shrubs that have stiff, woody branches and thick leathery leaves that generally do not fall off or shrivel up during the dry summer months like those of coastal scrub plants.” [http://www.sfnps.org/scrub\\_chaparral](http://www.sfnps.org/scrub_chaparral). Chaparral is much more flammable with flame lengths of > 40 feet in bad conditions. Native northern coastal scrub will burn but not like chaparral. Under bad conditions it can produce flame lengths of 6-8 feet depending on age and cover (Professor Scott Stephens, personal conversation).

4. Maloney references a “US Forest Service analysis dated September 27, 2013”, stating “On September 27, 2013, the U.S. Forest Service issued a report that said the removal of Eucalyptus trees from the East Bay Hills would increase the risk of fire there. The referenced document is not included in the comprehensive list of references in the EBH EIS. The missing paper was included however in material submitted by HCN attorney Wilensky. This is the USFS AMSET paper addressed in response to comment W-29, above. In relevant part, W-29 response states “Enterprise Units (including the unit that was the source of the referenced paper) are functional entities within the Forest Service that act like businesses to serve the National Forests (and other government agencies) with administrative functions, products, and resource management needs. Each Enterprise Unit earns its funds directly from the project work that it does ..., which means that no direct funding comes from the Washington Office. ...” It is unclear who requested, paid for, or wrote the referenced paper. The Forest Service itself was a participating agency on the EBH EIS, contributing to the preparation and review of the document. See the EBH EIS, page 7-4.

Professor Stephens responds to the issue referenced:

Grassland in the hills are very flammable but the big issue is their fire behavior. Under Diablo wind conditions they could

produce flame lengths of 3-6 feet. A blue gum forest with average litter will produce flame lengths 15 feet in the same conditions. We won’t stop fire with our management plan in the hills but we will reduce fireline intensity and ability to create and transport burning embers that can start new spot fires.

5. Maloney asserts that the proposed work “has no basis in fire science” which is simply untrue. The many sources available to refute this include all those referenced in the EBH EIS, in the University’s Addendum, in the Royal Commission reports Maloney references regarding the Australian fires, and by the strong support of the project from UC Berkeley’s fire mitigation committee, including Professor Scott Stephens. Text of the EBH EIS, all closely reviewed with agencies including the US Forest Service, states (page 2-2 to 2-3):

Burning strips of eucalyptus bark are particularly likely to become firebrands. When an entire eucalyptus or Monterey pine tree catches fire, a phenomenon called torching or crowning, the tree releases firebrands at a greater elevation. In the initial downwind spread of the 1991 Oakland Tunnel Fire, Monterey pines were the primary source of firebrands (Trelles and Pagni 1997).

Eucalyptus firebrands can start new fires more than half a mile away (Gould et al. 2007). The taller the tree, the farther the firebrands are likely to travel. All of the proposed project areas in the application submitted by the City of Oakland and the two applications submitted by UCB are in areas mapped by Cal Fire as very high fire hazard severity zones (Cal Fire 2008).

In reviewing the 1991 fire, the EBH EIS notes (page 2-2):

Though the 1991 fire started in grass, it became unmanageable in heavier fuels of shrubs and trees,

including Monterey pine and eucalyptus trees. It is commonly accepted that the disastrous outcome of the 1991 fire was due to these heavier fuel loads that made fire containment impossible. If the trees had been less dense, the fire would not have spread as far nor have been as hard to control as it was. The fire might have started in grass and shrubs, but it was only when the fire reached the Monterey pine and eucalyptus trees that the embers from torching trees were cast into multiple locations, including vulnerable, ignitable structures.

6. Maloney implies that a fire in the East Bay Hills would threaten Walnut Creek, which is not the case. In addition to the changing character and distance between the East Bay Hills and Walnut Creek, Diablo wind conditions exacerbate fires and make them most difficult to control. These blow from the east to the west, away from Walnut Creek. The Tunnel Fire spread westward.

As noted in the EBH EIS (page 4.7-13),

From the number of observations for each wind direction, it can be seen that the wind blows from the north to east direction approximately between 23 and 25% of the time. These periods would include diurnal nighttime offshore flow as well as the Diablo wind conditions. Another parameter reported at these stations is fuel moisture (%). Reviewing the fuel moisture column again indicates the fuel moisture is lowest when winds are from the north to northeast. These high-temperature dry Diablo winds increase the potential for hazardous wildfires in the East Bay Hills.

7. Maloney implies that fog drip from trees reduces fire risk. This fails to account for the particular conditions of the fires common to the East Bay Hills, exacerbated by Diablo winds.

As noted in the EBH EIS, (page 3-7)

Diablo wind conditions in the East Bay Hills may include temperatures above 90°F, relative humidity below 10%, and sustained winds with gusts above 60 mph. Under these conditions, it is difficult to keep a building moist. Water evaporates very quickly and sprayed water is likely to be blown away from parts of the roof and walls (Smith et al. 1994).

Wildfires typically occur after periods of drought, when water supplies are low.

Fire science employs the “Timelag principle” According to this principle, the approach to equilibrium values from moisture contents either above or below equilibrium follows a logarithmic rather than a straight-line path as long as liquid water is not present on the surface of the fuels (see [http://gacc.nifc.gov/nwcc/content/products/intelligence/Fire\\_Weather\\_Agriculture\\_Handbook\\_360.pdf](http://gacc.nifc.gov/nwcc/content/products/intelligence/Fire_Weather_Agriculture_Handbook_360.pdf)) . According to Professor Stephens:

For 1 hr fuels that include all leaf litter, bark, and woody fuels < 0.25 inches in diameter it will take about 3 timelag periods (3 hours) to change their moisture content to within 85% of the new atmospheric conditions. In 5 time lag periods (5 hours) the fuels are at the new moisture content that the atmosphere will drive. What this means even if the blue gums are dripping water down the day before, if we get a bad dry day like conditions in 1991, by 3 hours the small fuels are very dry and by 5 hours they are at the new moisture content driven by the atmosphere. So under moderate conditions that water is a good thing but under bad east wind conditions it will be gone in 3-5 hours.

8. Maloney writes that any living tree no matter the species is less flammable than grass. Professor Stephens responds:

Grassland in the hills are very flammable but the big issue is their fire behavior. Under Diablo wind conditions they could produce flame lengths of 3-6 feet. A blue gum forest with average litter will produce flame lengths 15 feet in the same conditions. We won't stop fire with our management plan in the hills but we will reduce fireline intensity and ability to create and transport burning embers that can start new spot fires.

In the Oakland Hills spots fires from blue gum and Monterey pine trees were the main component of fire spread in 1991. Both of these species can produce high densities of burning embers that can be transported down wind. The ribbon bark on the blue gum tree has the aerodynamics that allows it to be transported large distance and still remain burning. It is long and flat like a small wing. It moves very efficiently. Monterey pine needles can move quite a distance too. Native plants like Northern coastal scrub, live oak, and bay will also produce spot fire embers but at much lower concentrations. I would estimate a reduction of at least 70% of potential spot fires when we have native plants versus blue gum or Monterey pine.

The biggest ignition problem in fires in the east bay are embers that are moved downwind and start new fires. This is exactly how the 1991 fire moved and allowed it to jump highway 24 very early in that day. Radiant heat flux from vegetation can ignite a house but this is a small component of fire spread. Goal is to reduce embers, this is the key.

This is confirmed in the EBH EIS discussion of the 1991 Oakland Tunnel Fire, page 2-2, quoted above and also here:

The fire might have started in grass and shrubs, but it was only when the fire reached the Monterey pine and eucalyptus trees that the embers from torching trees were

cast into multiple locations, including vulnerable, ignitable structures.

9. Maloney's expertise. Maloney's writings are vivid but not necessarily well grounded in his area of expertise. The Oakland Army Base does not have a large wildland component to its landholdings, and the Army does not routinely send its firefighters to wildland fires. Having a lifetime certification as a Fire Investigator does not suggest a strong background in wildland fire. It simply means he is qualified to investigate fires, with a likelihood that 90% of them are structural or hazardous material fires. Additionally, "While it was an honor to be one of the several hundred members of the community to be invited to the Oakland Berkeley Mayors' Task Force, several committees were formed to make recommendations. This was a self-selecting process, and therefore membership of the Vegetation and Forest committee was not because of acknowledged expertise in the area" according to Carol Rice, also a member of the Task Force, who currently is contracted with the University providing her expertise and guidance on the proposed project.

She continues: "Mr. Maloney contends the plans violate recommendations of the OBTF. But many of the recommendations conflicted with each other. The recommendation that was enacted and has been long-lasting was the removal of a requirement to obtain a permit to cut a eucalyptus."

10. Carol Rice suggests readers may be interested in some writings of experts with years of experience and training in fire science: For example, Dana Cole, Forester and Assistant Chief with the California Department of Forestry and Fire Protection wrote in 1997, in an article called "California's Urbanizing Wildlands and 'The Fire of the Future'" (page 233 of Fire in California's Ecosystems: Integrating Ecology, Prevention and Management, symposium papers, see <http://fireecology.org/Resources/Documents/1997%20Proceedings>).



copy.pdf), “Blue gum eucalyptus (*Eucalyptus globulus*) is of particular concern. No other species on earth contains as much volatile combustibility in a given area of land surface. Eucalyptus is estimated to have accounted for 70 percent of the total combustion energy produced by vegetation in the Oakland/Berkeley Hills fire (National Fire Protection Association) and fuels the 1923 Berkeley blaze, the 1970 Chatsworth fire in Los Angeles and various other California Interface fires.”

Robert Klinger, Matthew L. Brooks and John Randall, in their chapter “Fire and Invasive Plant Species”, Chapter 22 of *Fire in California’s Ecosystems* (UC Press), page 513 state: “Tasmanian blue gum evolved in fire-prone environments in Australia, and the bark on adult trees is extremely thick and resists burning in all but the hottest fires. The leaves have a high content of volatile oils, and fire intensity in the stands is extremely intense (Sapsis et al,1995, Cole 2002)... In addition, Tasmanian blue gum frequently occurs near urban areas. If fire were intense enough to ignite adults in mature stands, the extreme fire behavior would make control tenuous and present a severe hazard to human life and property.”

Note that *Fire in California’s Ecosystems* is included in the list of references in the EBH EIS.

In *Burning Bush – A Fire History of Australia* 1991, Stephen J. Pyne wrote on page 34: “Interestingly, eucalypt leaves are flammable in the canopy because of their high heat content (due to their oils) but are flammable in the litter because of their low mineral content, which allows combustion to flame vigorously. The phenological cycle is thus perfect for fire....In addition, about 150 species of Eucalyptus feature stringybark or candlebark, filigree strips that not only add to litter but carry fire up the bole and, during intense burning, can break free as firebrands and ignite new fires as far as ten to thirty kilometers away. A fire in a eucalyptus forest is rarely self-limiting – or, put differently, eucalypts help to enlarge their sphere of influence far beyond the sites they inhabit.”

Stephen J Pyne also wrote in *Introduction to Wildland Fire*, 1984, Wiley-Interscience Publication, on page 317, “The replacement of native species with eucalypts brought a terrific increase in hazard to portions of California, including such cities as Berkeley.”

11. At Page 6, Maloney suggests one benefit of eucalyptus is the role of fog drip, greening grass late into the year. However grasses do not really grow beneath eucalyptus trees, as many observers have experienced for themselves in the Berkeley/Oakland hills. As stated at page 4.2-18 of the EBH EIS, “The dense canopy and abundant litter results in an understory relatively devoid of vegetation; however, scattered individuals of poison oak, California blackberry, and non-native invasive English ivy (*Hedera helix*) were observed in these mature stands.” See also the description of eucalyptus *globulus* in the US Forest Service species index, <http://www.fs.fed.us/database/feis/plants/tree/eucglo/all.html>, which states “The leaves of bluegum eucalyptus release a number of terpenes and phenolic acids. These chemicals may be responsible for the paucity of accompanying vegetation in plantations. Natural fog drip from bluegum eucalyptus inhibits the growth of annual grass seedlings in bioassays, suggesting that such inhibition occurs naturally”

12. Volatile organic compounds as a characteristic of various tree species, including oak trees, is discussed in the EBH EIS. See p. 4.6-6, 5.5-11.

13. The ability of the eucalyptus to withstand fires, discussed by Maloney at pp 10 to 11 (with the implication that the information is somehow being withheld), is also noted in the EBH EIS – see for example page 3-4, where text states “Although eucalyptus is highly flammable, it is seldom killed by fire (Esser 1993).” See also description of the eucalyptus forest at page 4.3-9, section 4.3.3.2.4 of the EBH EIS. However, the much more important point is its ability to spread and intensify fires, and limit the ability to fight them. See the EBH EIS section 5.2.1 at page 5.2-1. The ability of

eucalyptus to withstand fires also may explain photos showing burn areas with standing eucalyptus trees, or the impression of some survivors that eucalyptus were somehow not involved in the Oakland fire.

Carol Rice points out:

Maloney quotes the NFPA regarding moisture content and flammability of grass fuels, a fact about flammability having nothing to do with local conditions. NFPA also published *Protecting Life and Property from Wildfire*, edited by James C. Smalley, Manager of Wildland Fire Protection, NFPA, 2005. Regarding the 2003 San Diego fire where Maloney stated the eucalyptus remained while the houses burned, on page 207 Smalley states, "In addition to having shake shingle roofs, the homes were nestled in groves of highly flammable eucalyptus...Eucalyptus trees produce large amounts of flammable bark, limb, and leaf litter on the ground. Often the eucalyptus trees burn intensely, sending flaming firebrands downwind into structures. In this case, the large amounts of flammable litter beneath the eucalyptus trees caught fire. Although

there were many other factors, in Scripps Ranch the eucalyptus trees contributed significantly to the loss of homes. These trees, along with an equally invasive species of Monterey pine, were also responsible for the large losses in the 1991 Oakland conflagration."

NFPA also published the Oakland Berkeley Hills Fire Investigation and discussed the fire behavior of all the vegetation types that were a factor in the fire: "Besides having a high resin content like the Monterey pine and chaparral, the eucalyptus has long, dry, shaggy bark that can ignite easily. Further, its lower limbs often barely clear the ground and provide a "ladder-fuel" arrangement that can spread fire (by convection currents) quickly up to the crowns, which ignite, greatly increase the intensity of the fire, and rapidly spread it beyond established fire department perimeters. The eucalyptus trees were the most prevalent of the tall vegetation in the fire area, and were estimated to have released over 70 percent of the energy produced by the combustion of the vegetation." See <http://tornado.sfsu.edu/geosciences/classes/m356/OaklandHillsFire/www.firewise.org/pubs/theOaklandBerkeleyHillsFire/acknowledgments.html>

**COMMENTS OF IRIS FERAL**

Ref	Comment or Comment Summary	University Response
<p>F-1  Feral page 1</p>	<p>I request that you do not approve the proposed actions in the Hill Campus Fire Risk Reduction Addendum. The proposed actions do not accomplish the purpose stated in the Addendum. They do not protect life, but instead increase fire danger, threaten public safety, and contribute to ecological devastation.</p> <p>The Addendum should be rejected, as it does not adequately address the health and environmental hazards of logging large numbers of healthy trees from the hills, and of spreading toxic chemicals.</p>	<p>The comment states the writer’s opinion about the project’s ability to achieve its purpose, and asserts potential environmental impacts.</p> <p>Health and safety concerns related to the proposed project have been analyzed in the LRDP EIR and the EBH EIS. Please see discussion at page 21 of the HCFRR Addendum; at page Q-251 of the EBH EIS and referenced pages; see also page Q-255 and referenced pages. Please see responses to comments below regarding specific concerns.</p>
<p>F-2</p>	<p><b>INCREASED FIRE DANGER</b></p> <p>The project’s stated intent is to reduce fire danger, but the proposed actions are more likely to dramatically increase fire danger. In addition to clearcutting moisture rich forests and turning them into dry, flammable grasslands, as well as removing windbreaks, giving Diablo winds free rein to drive fires into our communities, large piles of chipped, dead vegetation are to be spread over large areas, and herbicides planned for use increase the flammability of vegetation, and may themselves be flammable.</p> <p>The manufacturer’s Material Safety Data Sheets (MSDS) for Garlon products, for example, 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.</p> <p>The warning that toxic vapors will be released if</p>	<p>FEMA has concluded that the proposed project would meet the objective of reducing fire danger. See Attachment 1 to the HCFRR. As noted in the FEMA Record of Decision (p. 39 of Attachment 1, page 10 of the ROD):</p> <p style="padding-left: 40px;">The East Bay Hills are subject to repetitive, severe wildfires that kill people and destroy homes. The proposed action would meet the purpose and need to mitigate these hazards. FEMA’s decision, based on factors including economical and technical considerations, and the agency’s statutory mission aimed at addressing fire risk hazard in the study area, is to proceed with the proposed action, consisting of the proposed vegetation management work.</p> <p>While ideally no unintentional fire would occur, the project’s treatments are designed to reduce hazardous fire risks by reducing fuel load, reducing horizontal spread, and reducing vertical fire spread. See HCFRR Addendum p. 3-4, which states:</p> <p style="padding-left: 40px;">in general the treatments are designed to meet one or</p>

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	<p>involved in a fire is very common for pesticide products, and is also true for Stalker and Roundup, the other herbicides to be used in this project (and already used extensively in other UC projects). It shows that chemical use in fire prone areas is particularly irresponsible. (Pesticide labels and MSDS can be found here: <a href="http://www.cdms.net/LabelsSDS/home/">http://www.cdms.net/LabelsSDS/home/</a>)</p> <p>Experiments by community activists also show that herbicides in general make vegetation more flammable than vegetation that was not exposed to herbicides (<a href="http://www.dontspraycalifornia.org/CherielResponse.html">http://www.dontspraycalifornia.org/CherielResponse.html</a>).</p>	<p>more of the following goals:</p> <ul style="list-style-type: none"> <li>- reducing fuel load by removing dead material, reducing plant density, and favoring species with lower fuel content,</li> <li>- reducing horizontal spread by reducing fine fuel material and by separating dense clusters of vegetation with areas of lower fuel load, and</li> <li>- reducing vertical fire spread by increasing separation of understory and crown fuels.</li> </ul> <p>The resulting fire behavior post treatments has been analyzed in detail in the EBH EIS in Section 5.2.3.2 Fire Hazard Reduction, and Appendix M. In both places the document anticipates a much-reduced risk of damage from wildfire, based on potential flame lengths, rate of fire spread on the forest surface, and spread of fires through air-borne embers. These analyses were reviewed and supported by Fire Management Directors in the National Park Service and National Forest Service, as well as fire management representatives in the City of Oakland and EBRPD.</p> <p>With regard to risk, the EBH EIS responds to these issues in Appendix Q, Issue 11, beginning at page Q-227, Issue 13, beginning at page Q-229.</p> <p>The writer expresses particular concern about the use of chemicals in the proposed project. Herbicide application is part of the project, and has long been part of University practice in managing hill campus open spaces – see for example discussion of herbicide use in the HAFFM, or the UC Fire Mitigation Program 2005 Annual Report. Herbicide application would also be guided by measures described in the HCFRR Addendum, including Section VII of the Addendum. Please also see discussion of Issue 2 in</p>

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		<p>Appendix Q of the EBH EIS, beginning at page Q-196.</p> <p>Herbicides may make some vegetation more flammable, while also reducing potential risk, such as may be associated with flame height or intensity.</p>
F-3	<p>TOXIC CHEMICALS</p> <p>[excerpt of comments]</p> <p>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. Summarized are some of the specific dangers of the herbicides planned for use in this project: [see full text in letter reproduced below]</p>	<p>The writer presents information regarding Garlon, Roundup, Stalker, including concerns about impacts to humans, habitat, and wildlife. Health and safety concerns related to the proposed project have been analyzed in the LRDP EIR and the EBH EIS. Please see discussion at page 21 of the HCFRR Addendum; at page Q-251 of the EBH EIS and referenced pages; see also page Q-255 and referenced pages. Please also see the Biological Opinion referenced and included in the HCFRR Addendum.</p>
F-4	<p>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. For millions of people already disabled by exposure to toxic chemicals, the herbicide applications by UCB present especially severe health risks and direct obstacles to access. They deny access to local public parks, including to historic sites, to those of us who most need refuge from urban pollution. Obstacles to access to public space, in particular to students paying tuition to fully utilize university grounds, are a violation of the Americans with Disabilities Act.</p>	<p>Health and safety concerns related to the proposed project have been analyzed in the LRDP EIR and the EBH EIS. Please see discussion at page 21 of the HCFRR Addendum; at page Q-251 of the EBH EIS and referenced pages; see also page Q-255 and referenced pages. Please also see the Biological Opinion referenced and included in the HCFRR Addendum.</p> <p>The writer’s concern that safety risks of herbicides and chemicals are understated by University representatives is noted; the caution about the nature of pesticides is appreciated; however, this is not a comment on the HCFRR Addendum.</p>
F-5	Safety claims	Please see response to comment F-4, above.

Ref	Comment or Comment Summary	University Response
	<p>UC representatives have the bad habit of making safety claims about toxic chemicals.</p> <p>On June 8, 2013, at a forum about the East Bay Hills projects discussed in the FEMA Environmental Impact Statement (EIS), which this Addendum claims to be in compliance with, Tom Klatt, then UCB Environmental Projects Manager, who had been advising various local agencies to use herbicides for years, and who has been the driving force behind these projects in the East Bay Hills, claimed that a "fairly benign herbicide" would be used (<a href="http://www.youtube.com/watch?v=w4Wmlze2xms">http://www.youtube.com/watch?v=w4Wmlze2xms</a> 25:45).</p> <p>In the Addendum's Biological Opinion, there are repeated claims that one of the triclopyr products, Garlon 3A, is "aquaticsafe". While pesticide manufacturers often make statements about 'safety', they do so in the context of reducing relative risk, but they never claim that their products are actually safe, because they are not, and it is illegal to claim that they are. Pesticides are all by definition toxic.</p>	
F-6	<p>Risk Assessment vs Precaution</p> <p>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.</p>	<p>The HCFRR Addendum is a CEQA document on a project intended to improve safety. It is not intended to "divide and conquer" or turn communities against one another. The University itself has a principle of inclusivity, working to include diverse voices. See <a href="http://diversity.berkeley.edu/vcei">http://diversity.berkeley.edu/vcei</a>.</p> <p>Ongoing work in the Hill Campus is reviewed by the campus fire committee, which typically meets twice or more each year.</p>

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	<p>The 'acceptable risk' this methodology refers to are real people like myself, who have been injured by pesticide exposures previously, and others who are particularly vulnerable to the effects of poisoning, and I take personal offense at this approach. Loss or reduction of profits for filthy rich entities like UC is never deemed a 'negligible' or 'acceptable risk'.</p> <p>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.</p> <p>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 wellbeing of others for our own perceived comforts. It has nothing to do with science, and everything to do with the selfish aims of some.</p>	
F-7	<p><b>DEFORESTATION AND XENOPHOBIA</b></p> <p>While the stated intent of the Addendum is fire mitigation, these plans specifically single out so-called 'non- native' plant species for eradication, something the 1991 Oakland-Berkeley Mayors' Task Force on Emergency Preparedness &amp; Community Restoration, which was tasked with investigating the causes of the 1991 Oakland fire, explicitly advised against</p>	<p>The purpose of the HCFRR project is stated in the Addendum. Please see response to comment F-2, above.</p> <p>A number of points in Dave Maloney’s writings warrant correction. Please see the Thematic Response, above.</p> <p>The reference to Dave Maloney’s positions with regard to the 1991 Oakland fire is noted. However, the question is not “blame for the spread of that fire” but rather reducing risk of catastrophic fire. Many studies address the risk presented by high fire fuel</p>

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	<p>(<a href="http://www.hillsconservationnetwork.org/Additional_Resources_files/sc001635e6.pdf">http://www.hillsconservationnetwork.org/Additional_Resources_files/sc001635e6.pdf</a>).</p> <p>As recalled by retired Oakland firefighter Dave Maloney, who was appointed to the 1991 Task Force, it was not trees, but human structures that were primarily to blame for the spread of that fire:  <a href="http://www.contracostatimes.com/montclarion/ci_12946185">http://www.contracostatimes.com/montclarion/ci_12946185</a></p> <p>"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."</p> <p>The vilification of eucalyptus, acacia, and Monterey pines as more fire prone than other trees, let alone the native grasslands that UC hopes will replace the forest, is based entirely on ideology, not on science or common sense, and is counter to the warnings by experts like Maloney and others, which are being willfully and dangerously ignored by UC and other proponents of 'Nativism' and 'Invasion Biology'.</p>	<p>loading, including the U. S. Fire Administration Technical Report for the 1991 Oakland Fire. The EBH EIS alone lists more than 20 additional studies and documents related to describing fire hazards of eucalyptus and the forests of the project area, fire behavior prediction and fire hazard reduction methods.</p>
F-8	<p>Conservation biologist David Theodoropoulos has done extensive research and field work that exposes 'Invasion Biology' as a pseudoscience (<a href="http://dtheo.org/InvasionBiology.htm">http://dtheo.org/InvasionBiology.htm</a>). Last year he gave a thorough and eye-opening presentation, along with Maloney and others, debunking both the 'nativist' and 'invasionist' belief system in general, as well as the tree removal projects in the East Bay hills specifically, to</p>	<p>The proposed project is not motivated by ideology, but by a goal of fire risk reduction.</p> <p>As noted in the FEMA Record of Decision (p. 39 of Attachment 1, page 10 of the ROD):</p> <p style="padding-left: 40px;">The East Bay Hills are subject to repetitive, severe wildfires that kill people and destroy homes. The proposed action would meet the purpose and need to</p>



Ref	Comment or Comment Summary	University Response
	<p>a large community hall packed to capacity. I urge all honest policy-makers to take the time to view this important event, which is posted online in its entirety here:  <a href="https://www.youtube.com/watch?v=n1i3RP7eDFc">https://www.youtube.com/watch?v=n1i3RP7eDFc</a></p> <p>Neither science nor democracy are involved in this belief system, and it is certainly not something that a federal agency or university should base its policies on. Xenophobia and ecocide do not represent environmentalism. But that is the ideology that much of the analysis in the UCB 2020 LRDP EIR, this Addendum, and the FEMA EBH EIS is based on. It is not based on sound evolutionary science, as Stephen Jay Gould explained in his article 'An Evolutionary Perspective on Strengths, Fallacies, and Confusions in the Concept of Native Plants' (linked from and summarized here:  <a href="http://milliontrees.me/2010/12/01/stephen-jay-gould-examines-the-concept-of-native-plants/">http://milliontrees.me/2010/12/01/stephen-jay-gould-examines-the-concept-of-native-plants/</a>)</p>	<p>mitigate these hazards. FEMA’s decision, based on factors including economical and technical considerations, and the agency’s statutory mission aimed at addressing fire risk hazard in the study area, is to proceed with the proposed action, consisting of the proposed vegetation management work.</p> <p>Support of the writer for the thinking of “conservation biologist” David Theodoropoulos is noted. Here, the concern seems to be less about the proposed project than perhaps the Endangered Species Act or other regulatory controls intended to protect native species. See <a href="http://dtheo.org/NativesVs.Exotics.htm">http://dtheo.org/NativesVs.Exotics.htm</a>, where the author states “It has been demonstrated that the human transport of organisms may establish new populations of species in safe refuges, preventing extinction &amp; increasing local biodiversity. In the short term, this directly protects the naturalized species from extinction in its homeland, and the enriched diversity provides a buffer against the effects of human-induced extinctions on the local ecosystem, increasing its resiliency, helping its adaptation to change and promoting the healing of damaged areas. In the long term, this promotes evolutionary processes, since the interaction among unlike organisms is a powerful driving force of evolution. The diversifying evolutionary cascades which will result offer the chance that our species will leave the world with the potential for increased diversity, somewhat offsetting our current shameful irresponsibility.” This is indeed a very different viewpoint than, say, Elizabeth Kolbert shares in <i>The Sixth Extinction</i>, regarding human-driven changes to the environment. Kolbert won the Pulitzer Prize for the book. See <a href="http://www.pulitzer.org/winners/elizabeth-kolbert">http://www.pulitzer.org/winners/elizabeth-kolbert</a>.</p> <p>Reviews of Theodoropoulos’ book are also informative. Please</p>

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		<p>see <i>Environmental Conservation</i> Volume 31, Issue 02, June 2004, p. 170; please also see <i>HortScience</i> volume 40, Issue 6, October 2005.</p> <p>Stephen Jay Gould objects to “ethical” arguments that favor natives over exotics, in an article also referenced by the writer. Such arguments are not at issue with the proposed project, which is a fire fuel reduction project. Instead charges related to ethics are made by those who oppose the project – see for example, comments of Alison James and others, below.</p> <p>The comment is not a comment on the HCFRR Addendum.</p>
F-9	<p>Native habitat</p> <p>Ironically, these projects are actually a threat to already endangered native species in the East Bay Hills. The herbicides threaten the California Red-Legged Frog, as well as the Presidio Clarkia, whose habitats are not adequately protected against the drift these chemicals 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. These species are also threatened by human development in general.</p> <p>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 these projects propose more of. The entire xenophobic framework of native vs. non-native species is full of such</p>	<p>The HCFRR Addendum, including the Biological Opinion, and the EBH EIS consider potential for the project to impact special status species. See for example discussion in Biological Resources, section 4.2 of the EBH EIS. Concerns about impacts to biological resources are also addressed in the EBH EIS response to comments, beginning at page Q-195 and the following pages.</p> <p>Please see response to comment W-33, above.</p> <p>The comment is not a comment on the HCFRR Addendum.</p>

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	<p>contradictions,</p> <p>Joining Tom Klatt in the disinformation at the 2013 forum previously mentioned, one of the most vocal proponents of these projects, Jon Kaufman, a member of the Board of Directors of the Claremont Canyon Conservancy, demonstrated the common lack of logic of this framework quite well:  <a href="http://www.youtube.com/watch?v=w4Wmlze2xms">http://www.youtube.com/watch?v=w4Wmlze2xms</a></p> <p>"Another concern was, aren't you going to be altering the ecosystem? Aren't there plants and wildlife and things on this hillside now that you're going to destroy when you remove the eucalyptus trees. Well guess what, that ecosystem was destroyed when those eucalyptus trees were planted a hundred years ago....What they're going to do in fact is restore it and make this area what it was intended to be in the first place." (58:21)</p> <p>Aside from the misleading claim that these projects are about restoration, for which there are no provisions in the EIS he is promoting, one is left to wonder just precisely who 'intended' this area to be the way he believes it should be: Mr. Kaufman? God? The government? UC Berkeley?</p> <p>Mr. Kaufman's notion that ecocide somehow fixes previous ecocide is more than a little troubling. By this logic, people of European descent should be killed as to magically reverse the genocide of the native people who were here before the European invasion. It is particularly perverse that this hostility toward non-native species is largely promoted by people of</p>	

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	<p>European descent, who all the while refer to themselves as natives of the Bay Area (<a href="http://claremontcanyon.org/mission.php">http://claremontcanyon.org/mission.php</a>).</p>	
F-10	<p>Meanwhile the East Bay Regional Park District, one of the agencies involved in these destructive tree removal projects in the East Bay hills, kills off non-native plant species, but has been under fire for disrespecting the local human native community, which has demanded that the sacred site at Brushy Peak be protected and closed off to visitors (<a href="https://www.indybay.org/newsitems/2013/05/29/18737638.php">https://www.indybay.org/newsitems/2013/05/29/18737638.php</a>).</p> <p>In contrast, the native community has a very different attitude towards so-called non-native plant life, as expressed by the defenders of Sogorea Te, the native burial ground in Vallejo, which has also been threatened: <a href="http://web.archive.org/web/20150912091317/http://protectglencove.org/about/">http://web.archive.org/web/20150912091317/http://protectglencove.org/about/</a></p> <p>"The Master Plan also calls for an aggressive extermination of non-native plant species. Procedures detailed in the Plan describe cutting down trees and applying herbicide to their exposed trunks and remaining root systems. The Plan also calls for years of ongoing herbicide application. Elders in the local Native community say that All Life is Sacred. We oppose extermination of the trees and plants that have taken root on this Sacred Burial Ground, regardless of whether they are endemic species or relative newcomers."</p>	<p>Although not a comment on the HCFRR Addendum, the writer is referred to discussion of cultural resources in the EBH EIS. See response to comments, page Q-252, and references in the pages following Q-252.</p>

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	<p>These trees are not 'real estate', as the UCB department responsible for this project is called, but living forests and habitat to wildlife. At the 2013 forum Tom Klatt also said that "our firestom window really only occurs 6 to 12 days a year"</p> <p>(<a href="http://www.youtube.com/watch?v=w4Wmlze2xms">http://www.youtube.com/watch?v=w4Wmlze2xms</a> 27:00), but with the persistence of these chemicals, the toxic impacts of these projects will be constant. In fact, discussing the at that time proposed timeline of the three year destruction of the trees, plus another 10 years of maintenance using herbicides, he said "I actually don't foresee the maintenance ever really stopping - I mean, you can't stop managing the forest" (31:49). The concept of undisturbed wilderness is clearly lost on Mr. Klatt, as he considers the forest a garden to be managed, quite literally to death.</p>	
F-11	<p>Development</p> <p>The East Bay Hills projects are at their core about development, and UCB's plans even say so in the title, 'Long Range Development'. While I understand and sympathize with the desire to live in a natural environment (though I have less sympathy for UCB's plans of expansion of its campus and LBL facilities), 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. If people are afraid of trees they shouldn't choose to live in a forest.</p> <p>In requesting FEMA funding to mitigate fire danger of the already existing structures in the hills, a more</p>	<p>Please see discussion of the UC Berkeley Long Range Development Plan in the HCFRR Addendum. Please see the Alternatives analysis in the EBH EIS. Project alternatives received extensive comment and responses are included in Appendix Q of the EBH EIS. Please also see discussion of the purpose of the project, in the HCFRR Addendum, including at page 10, which states: "The proposed action – the Hill Campus Fire Risk Reduction project, or HCFRR -- is intended to reduce hazardous fire risk to people and structures in the East Bay Hills."</p> <p>The comment about alternative construction methods for homes in the hills is noted. The comment is not a comment on the HCFRR Addendum.</p>

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	<p>reasonable focus would have been on replacing 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.</p> <p>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 structure, 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.</p> <p>For some of the fire tests performed on strawbale structures, please see:</p> <p>*<a href="https://web.archive.org/web/20141231212625/http://www.one-world-design.com/straw_bale_fire_safety.asp">https://web.archive.org/web/20141231212625/http://www.one-world-design.com/straw_bale_fire_safety.asp</a></p> <p>*<a href="https://web.archive.org/web/20120616182644/http://earthgarden.com.au/strawbale/fire_test.html">https://web.archive.org/web/20120616182644/http://earthgarden.com.au/strawbale/fire_test.html</a></p> <p>*<a href="http://www.potkettleblack.com/natbild/fire.html">http://www.potkettleblack.com/natbild/fire.html</a></p> <p>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.</p>	

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	<p>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 (<a href="https://web.archive.org/web/20120328115956/http://archnet.org/library/sites/one-site.jsp?site_id=260">https://web.archive.org/web/20120328115956/http://archnet.org/library/sites/one-site.jsp?site_id=260</a>).</p> <p>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 last year's 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:  <a href="https://www.facebook.com/PosterityProductions/photos/a.891054524322216.1073741881.137782922982717/891055130988822/">https://www.facebook.com/PosterityProductions/photos/a.891054524322216.1073741881.137782922982717/891055130988822/</a> (an image of the intact temple before the fire can be seen here:  <a href="http://lloydkahn-ongoing.blogspot.com/2014/02/sunray-kelleys-temple-at-harbin-hot.html">http://lloydkahn-ongoing.blogspot.com/2014/02/sunray-kelleys-temple-at-harbin-hot.html</a>)</p> <p>Both strawbale and cob structures have also done very well in seismic tests, and thus are suitable for building in the Bay Area:</p> <p>Strawbale shake tests:  <a href="https://web.archive.org/web/20110416205659/http://naturalhomes.org/earthquakestraw.htm">https://web.archive.org/web/20110416205659/http://naturalhomes.org/earthquakestraw.htm</a></p> <p>Cob shake tests:                      *<a href="http://www.builtinbliss.com/wp-content/uploads/2013/01/01a.-The-Stanley-Park-Earthen-Architecture-Proje">http://www.builtinbliss.com/wp-content/uploads/2013/01/01a.-The-Stanley-Park-Earthen-Architecture-Proje</a></p>	

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	<p>ct- Shake-Te.pdf</p> <p>*<a href="http://www.builtinbliss.com/wp-content/uploads/2013/01/01b.-The-Stanley-Park-Earthen-Architecture-Project- Shake-Te.pdf">http://www.builtinbliss.com/wp-content/uploads/2013/01/01b.-The-Stanley-Park-Earthen-Architecture-Project- Shake-Te.pdf</a></p> <p>UC's environmental documents prefer methods which devastate ecosystems and increase fire danger over alternatives that would actually address the problem at the root, at human development and its practices. A better use of the FEMA emergency funds, that are now going to be used for some of these destructive projects, would be to fund earthen building practices in the hills, help residents create defensible space around their homes, address access issues that hinder firefighters, and bolster the fire department with additional firefighters and tools to aid their work.</p>	
F-12	<p>PUBLIC SAFETY</p> <p>That the priority in the East Bay hills tree removal projects is not about public safety was made clear from the start, as in the FEMA Draft EIS, allowances were made for hills residents violating existing fire safety regulations, stating that one of the alternatives proposed in public comments, to focus on ensuring there is defensible space around homes, has "major limitations as a wildfire mitigation program. First, it depends on active and continuing participation by thousands of people. Many property owners do not comply with the existing defensible space requirements, and enforcement of the requirements may not be a top priority of state and local government." (DEIS 3.3.3.1</p>	<p>The effectiveness of the proposed project is addressed in analysis of fire behavior post treatments. See the EBH EIS in Section 5.2.3.2 Fire Hazard Reduction, and Appendix M. In both places the document anticipates a much-reduced risk of damage from wildfire, based on potential flame lengths, rate of fire spread on the forest surface, and spread of fires through air-borne embers. These analyses were reviewed and supported by Fire Management Directors in the National Park Service and National Forest Service, as well as fire management representatives in the City of Oakland and EBRPD.</p> <p>The comment about the writer's concerns with the EBH EIS alternatives discussion related to responsibilities of hills residents is noted. The comment is not a comment on the HCFRR Addendum.</p>



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	<p><a href="http://ebheis.cdmims.com/">http://ebheis.cdmims.com/</a>)</p> <p>A particularly poignant example was then Oakland Mayor Jean Quan, who, after trying to exempt pesticide use in the hills under the guise of fire safety, was called the 'Queen of Blight' for failing to secure the space around her own home in the hills (<a href="https://web.archive.org/web/20111227080827/http://www.ktvu.com/news/news/irate-neighbor-calls-oakland-mayor-quan-queen-of-b/nD5P5/">https://web.archive.org/web/20111227080827/http://www.ktvu.com/news/news/irate-neighbor-calls-oakland-mayor-quan-queen-of-b/nD5P5/</a>).</p> <p>However, the answer to irresponsible neighbors, or lax enforcement of safety laws, is not to chop down and poison ecosystems to excuse and accommodate more of the same irresponsible behavior. That is not what federal emergency funding is for. One would think that residents of an area considered for emergency funding might make it a priority to take safety precautions themselves. It seems that perhaps it's not such a big emergency after all.</p> <p>The DEIS continued on to say that "[t]he second major limitation of defensible space as a wildfire mitigation program is that it does not address the large amounts of vegetative fuel in undeveloped areas." (3.3.3.1) The implication here is that the problem is not human development, but the undeveloped wilderness - nature itself - which this development is encroaching upon.</p>	
F-13	<p>Respecting those who keep us safe</p> <p>Firefighters have long complained about the exploitation of their labor, and the expectation that</p>	<p>The purpose of the project is stated in the HCFRR Addendum at page 10: "The proposed action – the Hill Campus Fire Risk Reduction project, or HCFRR -- is intended to reduce hazardous</p>

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	<p>they risk their lives to protect property that was knowingly placed in the path of inevitable destruction, so for example said one:  <a href="https://web.archive.org/web/20131002190712/http://firechief.com/wf-public-education/dj-vu-all-over-again">https://web.archive.org/web/20131002190712/http://firechief.com/wf-public-education/dj-vu-all-over-again</a></p> <p>"I strongly support the concept of individual freedom except when it costs me, and other taxpayers, unreasonable amounts of our tax dollars to indulge the foolishness of those who chose to build and live in those areas like Hurricane Alley and the interface. More importantly, I can't support that choice when those folks expect me and my fellow firefighters to place ourselves in unnecessary risk to save the property that they did not take the basic precautions to protect from wildfire. "</p> <p>In fact, national wildfire policy in general has come under attack in recent years, and in a lawsuit by the Forest Service Employees for Environmental Ethics (FSEEE), the father of a firefighter killed on the job said:  <a href="http://community.seattletimes.nwsourc.com/archive/?date=20031015&amp;slug=wildfires15">http://community.seattletimes.nwsourc.com/archive/?date=20031015&amp;slug=wildfires15</a></p> <p>"The problem is we've got these kids out there dying for something that is scientifically bankrupt. We are subverting nature, causing more damage than good, and we are taking kids' lives. That is just so wrong."</p> <p>The lawsuit argues that wildfire is a natural phenomenon in forests throughout North America, but the Forest Service policy of trying to put out nearly all wildfires has created conditions that have produced huge wildfires in recent years."</p>	<p>fire risk to people and structures in the East Bay Hills."</p> <p>As noted in the EBH EIS: "Although it may seem reasonable to retain an over-story of eucalyptus trees ... the project area is currently dominated by an overstory of trees where fire behavior includes crown fires with flame lengths exceeding 100 feet. Crown fires are extremely dangerous and difficult to control. They have a higher potential for damage and structure loss and the potential for loss of life. Crown fire intensity is too great for firefighters to engage in direct attack; therefore, they must use indirect attack methods, which typically mean letting the fire continue to burn until there is a safe place to make a stand. Crown fires also generate ember cast and spotting that leap frogs the fire ahead of itself, contributing to fire spread, difficulty of control, and loss of life and property. Post treatment shrub and grass communities may be more flammable initially, but maintenance to manage fuel levels and control of any resulting fires is considerably simplified and effective." See EBH EIS p 5.2-21.</p> <p>The comment is not a comment on the HCFRR Addendum.</p>

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	<p>The East Bay Hills projects follow a similar trajectory, as they attempt to impose unreasonable controls on these natural phenoma, and in the process do more harm than good, increasing fire danger instead of reducing it, and destroying ecosystems instead of protecting lives.</p>	
F-14	<p>A few weeks ago, retired firefighter Dave Maloney published another report analyzing these types of projects. It is a devastating prediction of the reach of the next fire, if these projects keep being implemented in the East Bay hills:  <a href="http://www.saveeastbayhills.org/uploads/4/7/8/8/47884333/maloneyreport2.pdf">http://www.saveeastbayhills.org/uploads/4/7/8/8/47884333/maloneyreport2.pdf</a></p> <p>"The next fire in the East Bay Hills has the potential of killing more than 1,000 people and destroying over 100,000 homes if the above three publicly funded agencies are allowed to enact their fallacious 'Fire Hazard Mitigation Plans' - which in reality are plans to remove non-native trees from the East Bay Hills under the guise of reducing the risk of fire."</p> <p>"This firestorm could destroy all of Oakland down to the 880 freeway, (The Montclair district of Oakland, with its delightful</p> <p>Montclair Village shopping area, could be incinerated; and the Claremont Hotel would not be saved in this fire.) All of Berkeley down to Fourth street could be burned, as well all of Piedmont, Albany, El Cerrito, most of Richmond and Emeryville, all of San Leandro, Hayward, Castro Valley and Fremont.</p> <p>This fire would not be restricted to the west side of the</p>	<p>The article shared from Dave Maloney does not accurately reflect the proposed project. The agencies that sought FEMA funding and the University in proposing the HCFRR work are responding to a "Primary Policy Recommendation" of the Task Force on Emergency Preparedness &amp; Community Restoration Final Report, published February 1992 (<a href="http://old.northhillscommunity.org/uploads/1992MayorsTaskForceReport.pdf">http://old.northhillscommunity.org/uploads/1992MayorsTaskForceReport.pdf</a>) to "Develop a coordinated vegetation management plan for the entire fire hazard area (public and private lands) that addresses safety, beauty and environmental protection." (page 31)...as well as other recommendations including "Evaluate and implement fuel management alternatives based on effectiveness in reducing fire danger, and on environmental impacts, financial costs, and implementation requirements" (p. 39)..."Use broad area treatments such as prescribed burning to reduce the build-up of surface fuels and undergrowth" ...and "Investigate grants and other funding sources to support the development of a comprehensive vegetation management plan for the East Bay hills."</p> <p>The merits and feasibility of the project were reviewed and evaluated by fire management staff from several federal agencies from the outset, at the grant application step. The project was only one of five selected in California to be considered in national competition and was only one of three selected nationwide to potentially receive FEMA funding.</p> <p>The University's primary mission is research, teaching, and public</p>

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	<p>East Bay hills, but could, for the first time, due to the removal of hundreds of thousands of trees, move down the east side of the hills to incinerate Orinda, then move deep into Contra Costa County consuming Lafayette, Moraga, Walnut Creek and Concord. While burning to the East it could also spread south and destroy Alamo and Danville. Unlike the cities on the Alameda County side of the Caldecott Tunnel, the cities the Contra Costa County side cannot even hope to receive the cool air and fog that comes through the Golden Gate most nights, which would lower the temperature of the fire, thereby allowing firefighters to contain it.</p> <p>Tens of thousands of people will be forced to evacuate their homes. Freeways would be clogged. People will have to abandon their cars and run down the freeway between the rows of stalled vehicles, carrying only the possessions they could flee with.</p> <p>A valiant attempt will be made to stop the fire at the intersection of freeways 680 and 580 near Dublin, and use all of 580 as a fire break. This attempt will fail, just as highways 13 and 24 in 1991 failed to stop the Oakland Hills fire in 1991. The fire will jump 580 and continue south, consuming Dublin and Pleasanton, then continue further South, East and West to become the worst catastrophe in American history."</p> <p>Dave Maloney's report is the most urgently important document for UCB policy-makers to read in consideration of this Addendum, and I've attached it in its entirety to this email.</p>	<p>service. The proposed project assists with the core mission by ensuring that vegetation management for fire fuel reduction is accomplished in a feasible manner that limits financial and personnel commitments related to ongoing vegetation management.</p> <p>According to the referenced Task Force document, Maloney served on the Forestry and Revegetation committee, which included other members as well. Cheryl Miller and Carol Rice, two other Forestry and Revegetation committee members, have been involved in the work proposed under the EBH EIS.</p> <p>While it is not a comment on the Addendum, a few responses are included in the Thematic Response, above, in order to help inform the reader.</p> <p>Please also see letters of support for the project, including from Fire Marshal Kathy Leonard of the Orinda-Moraga Fire District.</p>

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F-15	<p>The only question left to ask is, will the most devastating and deadly fire in U.S. history become the legacy of the University of California?</p> <p>I urge you to step back and dump not only the Addendum, but both the 2020 UCB LRDP EIR and the FEMA EBH EIS, through the shredder.</p>	<p>Please see responses to comments above, including F-12 and F-13. The comment is not a comment on the HCFRR Addendum.</p>

Table of Comment Letters Received

Date received	Author	Overview	Response
3.2.16	Alison James	Objects to project: Plan is short-sighted, stupid, racist.	Comment noted. Please see responses to more detailed objections, above.
3.21.16	Alison James	Objects to project: Plan is shortsighted, dangerous, potentially poisoning thousands and killing multitudes of animals and birds, shame on you.	Comment noted. Please see responses to more detailed objections, above.
3.10.16	Arlene Merryman	<p>Objects to project:</p> <ol style="list-style-type: none"> <li>1. The 2020 LRDP is a programmatic document that requires tiered EIRs for specific projects</li> <li>2. The addendum is a completely inadequate substitute for an EIR</li> <li>3. The other 2 agencies involved in this have either completed or are developing EIRs... and their projects are far less damaging than UCs</li> <li>4. That in attempting to avoid an EIR UC is attempting to prevent the public from having a real voice in this matter.</li> <li>5. That only through an EIR will there be a full assessment of the impacts of what's being proposed.</li> </ol>	<p>Comment noted. Letter uses template promulgated by HCN. Please see responses to more detailed objections, above, including W-3, W-9, W-10 regarding use of the LRDP and LRDP EIR; W-13 regarding other agencies. All contested aspects of the proposed project have been subject to thorough review and well publicized discussion, The EBH EIS also includes an extensive</p>

Date received	Author	Overview	Response
		6. That only through an EIR will there be consideration of alternative approaches.	discussion of alternatives. See EBH EIS p Q-262 and following, including references to pages within the EIS. The HCFRR Addendum incorporates the EBH EIS by reference. See also response to comment W-26.
3.22.16	Baiba Strads	Objects to project; some objections include those also expressed by Maloney.	Comment noted. Please see responses to more detailed objections, above.
3.22.16	Barry Pilger, NHCA	Supports project; Board Member, North Hills Community Association, on behalf of the entire board (by resolution passed unanimously March 21, 2016). Support for Addendum and for work to proceed.	Comment noted; support appreciated.
3.10.16	Caroline Krewson	Objects to project; same as Arlene Merryman, above	Comment noted. Letter uses template promulgated by HCN. Please see responses to more detailed objections, above.
3.22.16	Carolyn Scarr	Objects to project, including concerns about chips or “heaps of duff”, herbicide use in watershed, request for an EIR.	Comment noted. As summarized in the HCFRR Addendum, the EBH EIS was initiated in response to concerns about application of wood chips in portions of the project area, and impacts to plant and animal species. See the HCFRR Addendum, p. 6. All contested aspects of the proposed project have been subject to thorough review and well publicized discussion,
3.11.16	Dr. Carolyn Tipton	Objects to project; Urges University to complete an EIR.	Comment noted. Please see responses to more detailed objections, above.
3.21.16	Cecelia Fernandez	Objects to project; Concern about toxicity in environment caused by synthetic chemicals and pesticides, from Ayurvedic practitioner and bay area business owner. Children and farm workers impacted by toxins.	Please see response to comment F-4, above.

Date received	Author	Overview	Response
		Importance of nature for health and wellbeing. Offer to connect University to resources and information regarding alternative permaculture, health education. Concern that use of chemicals disturbs ecosystem and short sighted solution.	
3.22.16	Cheryl Miller HEF	Transmittal of HEF letter	Comment noted; support appreciated.
3.22.16	Chief Derek Witmer	Supports project; Dept of Forestry and Fire Protection – CAL FIRE – on behalf of Hills Emergency Forum Summary: Strong support for Addendum. HEF is a consortium of nine City Managers and Public Agency Chief Executive Officers. Strongly support addendum and request UC approve the project.	Comment noted; support appreciated.
3.11.16	Chihoko and Richard Solomon	Objects to project. UC behavior is “reprehensible” and “deceitful” and other items matching Arlene Merryman comment, above.	Comment noted. Letter uses template promulgated by HCN. Please see responses to more detailed objections, above.
3.22.16	Clifford Fred	Objects to project. Procedural concerns: Asserts that Addendum requires notice in local newspapers and broader notification, as well as name of decision maker. Asserts that Supplemental EIR is required because “Significant changes to the environment and to the population of the UC Berkeley Campus have occurred since the 2020 LRDP and LRDP EIR were approved in 2005. There are thousands more students attending UC Berkeley now than anticipated in the LRDP, with many thousands more coming in the next few years. There are thousands more people living in the City of Berkeley now than anticipated in the LRDP, with a further increase of many thousands more planned in the next few years.” Implies that project would degrade Hill Campus as recreation space, exacerbating cumulative loss of recreational open space including Berkeley Pier; logging and herbicide contribute to recreation loss, per writer. Urges an EIR to look at acceleration of temperature increase caused by tree removal, fire risk. Concern about herbicide spraying. Asserts that “There are thousands of UCB students and thousands of Berkeley	An Addendum does not require publication; nor does it require published notice. Nonetheless the University published the draft Addendum and sent notice of its availability. While CEQA Guidelines section 15164(c) does not require that addenda be circulated for public review, the campus circulated the addendum for a public comment period that extended from March 1, 2016 through March 22, 2016.  Objections regarding the existing UC Berkeley LRDP are noted. Although no specific data is provided by the writer, nothing in the broad set of concerns

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		<p>residents who would appreciate paid part time work clearing brush in the Hills Campus Area.”</p> <p>“AIR QUALITY A Supplemental EIR is clearly needed to analyze the cumulative impacts of the Hills Campus Fire Reduction Plan on Berkeley Hills and Berkeley area air quality, combined with the rapid pace of development in Berkeley, the rapid population growth in the City of Berkeley and on the UCB Campus, the increased traffic on I80, The increased vehicular traffic on the UCB Campus and in the City of Berkeley, and in combination with the aggressive tree cutting and spraying of herbicides on adjacent East Bay Regional Park District and City of Oakland lands.”</p> <p>Concern about impact on animals due to herbicide use and logging, requiring an EIR. Concern about cumulative impacts of logging and spraying when “combined with the impacts of the ongoing logging and herbicide spraying in the adjacent Tilden Regional Park, Claremont Canyon Regional Park, other East Bay Regional Park District parks, and City of Oakland hill lands.”. Concern includes air quality from logging trucks, impact on recreation, animals, air quality.</p>	<p>would require revisions to the LRDP EIR in order to address the proposed project, which is vegetation management work in the Hill Campus. Instead, if the population of Berkeley is “thousands more” the need for the project, which is intended to reduce risk to people and property, may be greater than anticipated. As noted in the FEMA Record of Decision (p. 39 of Attachment 1, page 10 of the ROD):</p> <p style="padding-left: 40px;">The East Bay Hills are subject to repetitive, severe wildfires that kill people and destroy homes. The proposed action would meet the purpose and need to mitigate these hazards. FEMA’s decision, based on factors including economical and technical considerations, and the agency’s statutory mission aimed at addressing fire risk hazard in the study area, is to proceed with the proposed action, consisting of the proposed vegetation management work.</p> <p>The writer’s assertion that UCB students and Berkeley residents would work clearing brush is acknowledged, but speculative. See for example</p>



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			<p>discussion in the EBH EIS, p. 3-3, stating “Repeated removal of ladder fuels is expensive and can be difficult on the steep slopes so common in the proposed and connected project areas. In addition, continuous regular maintenance on steep slopes can destabilize soils and lead to erosion.”</p> <p>UC Berkeley sought FEMA funding for the project and alternatives must meet FEMA criteria. Please see discussion in the EBH EIS, Section 2.2, beginning at page 2-3, and in Section 3. Comments regarding alternatives were addressed in the EBH EIS response to comments, beginning at page Q-262 and following pages.</p> <p>The EBH EIS analyzed cumulative impacts; the EIS process was in part initiated in order to address cumulative impacts. See discussion in the EBH EIS, including at page 1-5.</p> <p>Impacts of the proposed project upon recreation space were considered in the HCFRR Addendum. Please see Public Services discussion beginning at page 24. Please also see discussion of recreation impacts in response to comments in the EBH EIS beginning at</p>

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			page Q-258 and pages referenced in the pages that follow. See for example discussion of air quality and tree removal in the EBH EIS, Section 4.6.1.3.
3.9.16	D. Chang	Objects to project, refers to issues in HCN template. Concern about toxicity from pesticides. Recommends a hike through the area. Panoramic Hill property owner	Comment noted. Please see responses to more detailed objections, above.
3.22.16	Dan Grassetti HCN member	Objects to project. Urges an EIR. Embarrassed by UC. Feels LRDP insufficient to address project. Refers to issues in HCN template. Wants to know who is responsible at UC.	Comment noted. Please see responses to more detailed objections, above.
3.21.16	Doriel Lauth	Objects to project. Refers to issues in Maloney article: (1) ignores the U.S. Forest Service analysis which recommends against removing trees; (2) has no basis in fire science; (3) violates fundamental principles of Wildland Fire Prevention; (4) is ideologically motivated; and, (5) creates the conditions for a perfect firestorm. (6) Moreover, it is predicated on the use of carcinogenic herbicides, (7) will contribute to climate change, and (8) will cause increasing pollution and erosion, further putting the public at risk. (9) Last, but not least, our forests are home to multitudes of animals who will be injured, displaced and poisoned by this plan.	Comment noted. Please see Thematic Response to Maloney article, and other more detailed responses, above.
3.21.16	Eleni Stecopoulos	Objects to project. Refers to issues in Maloney article. Concern about toxicity and herbicides, erosion, risk of wildfire.	Comment noted. Please see Thematic Response to Maloney article, above.
3.13.16	Elizabeth Starr	Objects to project. Requests EIR. Suggests EIR would allow public to have more voice. EIR needed for full assessment of impacts. Concern about environmental sensitivities and pesticides, impact upon students, asthma.	Comment noted. Please see responses to more detailed objections, above.
3.10.16	Elizabeth Watts	Objects to project. Refers to issues in HCN template. Suggests consultation with fire prevention specialists.	Comment noted. Please see Thematic Response to Maloney article, and

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			other more detailed responses, above.
3.22.16	Georgia Wright	Objects to project. Concern that grass fires and brush fires will advance more quickly, as “in 2004 when 300 acres burned, sparing only the fringe of eucs around the periphery.”	Comment noted. Please see Thematic Response to Maloney article above.
3.19.16	Jon Kaufman and Tim Wallace, Claremont Canyon Conservancy	Supports project.	Comment noted; support appreciated.
3.21.16	Julie Long	<p>Objects to project. East Bay mixed forest important to family. Objects to “land transformation” and “clearcutting”.</p> <p>Story of 1991 Fire: “started in grass land on private property. It was allowed to smolder overnight and when the crust was broken that had formed over the fire, broken by a City of Oakland firefighter in a moment of thoughtlessness, then it leapt up into the overnight baked grassland and nearby trees, becoming the conflagration. The trees are not fireprone in themselves; in fact, it was manmade structures which were most flammable in 1991.”</p> <p>References Maloney’s objections to cutting healthy trees.                      Objects to herbicide.                      Forests benefit precipitation and carbon sequestration. Part of cultural history of Berkeley.                      Bay Area forest needed to keep air fresh given higher population of Bay Area over pre-European times.                      High percent of comments on FEMA EIS opposed the project.                      Agencies (Oakland and Berkeley fire departments) blaming trees for their own failures.</p>	Comment noted. Please see Thematic Response to Maloney article, above.
3.14.16	Julie Schlein	Objects to project. Requests EIR.	Comment noted. Please see response to more detailed comments, above.

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3.22.16	Kate Bernier	Objects to project. Objects to herbicide use. Chemicals should not be part of the plan, given unintended short or long term consequences. Discusses glyphosate and garlon or triclopyr. Chemical runoff can impact lakes. Finds eucalyptus soothes asthma.	Comments noted. Please see above responses regarding herbicides above, including W-1, W-12, F-3.
3.22.16	Kathy Leonard, Fire Marshal, Moraga-Orinda Fire District	Supports project.	Comment noted; support appreciated.
3.16.16	Katy O’Neill	Supports project.	Comment noted; support appreciated.
3.17.16	Laura Silberstein, Ph.D UCB Botany, 1972	Objects to project. Requests EIR. Actions imply UCB is a greedy capitalist enterprise. Fire safety ideas outdated. Climate change impacts indefensible.	Comment noted. Please see responses to more detailed objections, above. See also Thematic Response above.
3.22.16	Lauren Schiffman	Objects to project. Reference to points similar to Maloney.	Comment noted. Please see Thematic Response to Maloney article, above.
3.16.16	Liane Randolph and Christopher Kelley	Supports project and Addendum.	Comment noted; support appreciated.
3.22.16	Lucinda Olney	Questions why no reference to work and analysis completed by David Maloney, Former Chief of Fire Prevention for the U.S. Army at the Oakland Army Base, and retired firefighter from the Oakland Fire Department	Comment noted. Please see Thematic Response to Maloney article, above.
3.22.16	Madeline Hovland, HCN member	Objects to project; requests EIR. Project would radically transform landscape near home and is clearcutting. Lives in area that burned in the 1991 Tunnel fire, believes that tall nonnative trees had little to do with that fire. Believes project will increase risk. Shrublands,	Comment noted. Please see Thematic Response to Maloney article, above.

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		not trees, are causing dangerous fires. References historic dislike of native landscape, cultural heritage of current landscape. Flatland people on treeless streets, without money to travel to other places in the world, need the trees.	
3.21.16	Margaret Hall	Objects to project and Addendum; requests an EIR. Includes Maloney points re: no basis in fire science; USFS opposition to removal of canopy.	Comment noted. Please see Thematic Response to Maloney article, above.
3.22.16	Martha Rossman	Objects to project and Addendum; requests an EIR. Points similar to Maloney and HCN.	Comment noted. Please see Thematic Response to Maloney article, above, and other responses to more detailed objections, above.
3.20.16	Mary McAllister	<p>Objects to project. States: “My reading of this Addendum is that it makes no changes in the project as described by the Environmental Impact Statement for the FEMA Grants.”</p> <p>Adds points regarding carbon loss; objects to notion that project would reduce fire risk; references USFS AMSET letter.</p>	<p>The writer’s objections with regard to carbon calculations are noted. The standards regarding carbon calculations are described in the Addendum and the GHG analysis is included in a new Appendix. See response to comment W-15 and W-41, above. Additional refinement would always be possible, but is not required for the HCFRR Addendum to be adequate for CEQA purposes.</p> <p>Concerns about the efficacy of the proposed treatment are discussed in response to comment W-37, above.</p> <p>See response to comment W-29 regarding the US Forest Service AMSET letter.</p> <p>David Nowak’s paper in writer’s reference (1) is also referenced in the</p>

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			<p>EBH EIS. See page 4.6-6, 5.5-11, and p. 9-20. The 2006 National Park Service publication in reference (2) is included in the list of references to the EBH EIS, and the NPS was a cooperating agency on the EBH EIS. See EBH EIS p. 1-5 and p. 9-20.</p>
<p>3.11.16</p>	<p>Mike Vandeman</p>	<p>Objects to use of herbicide; objects to cutting of Monterey Pine as native to the bay area; suggests additional species to be addressed (French broom, Italian thistle, and poison hemlock) because they destroy habitat and add fire danger.</p>	<p>Comments noted; although Monterey Pine trees were intentionally planted in the East Bay hills (see discussion at page 5 of the HCFRR Addendum; see als for example <a href="http://www.ebparks.org/about/stewardship/fuelsplan/bg_report">http://www.ebparks.org/about/stewardship/fuelsplan/bg_report</a>; for discussion of native range of Monterey Pine see <a href="http://evolution.berkeley.edu/evolibrary/article/montereypines_01">http://evolution.berkeley.edu/evolibrary/article/montereypines_01</a>), the discussion of Monterey Pine as “not non-native” is clarified in the EBH EIS section 5.1.4.2.2. See also response to comments W-1 and W-12 regarding herbicides. The request to address additional species is noted. French broom is addressed in Attachment 1 to the HCFRR Addendum. See page 52 of Attachment 1.</p>
<p>3.18.16</p>	<p>Miriam Berg 62year resident of Berkeley UC graduate</p>	<p>Objects to project. Refers to points in Maloney. Eucalyptus no more flammable than native species. “In fact, the manual of the Fire Protection Handbook actually declares that coniferous needlebearing trees are more highly flammable and more exposed to wind and sun, causing fires to spread more rapidly and</p>	<p>Comments noted. Please see Thematic Response regarding points from Maloney, and discussion of NFPA publications in that response. Please see response to comments W-1 and</p>

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	1962, Master's degree in Sanitary Engineering	destructively.” Objects to herbicides. Appearance of the hills would be unpleasant at best and would actually increase the danger of fire because the ground cover and grasses are more highly flammable than trees. Project is unnecessary and unpleasant uglification of the OaklandBerkeley hills.	W-12 regarding herbicides. Regarding aesthetics of the hills, please see response to comment W-30, above.
3.9.16	Nikki Sachs	Objects to project; requests EIR.	Comment noted. Please see responses to more detailed objections, above. See also Thematic Response above.
3.10.16	Norma Harrison HCN member	Objects to project; requests EIR. Describes role of HCN: “With the HCN lawsuit, we hope and expect to deny UC federal funding for these projects,” Urges people to go on public record to speak out on this issue.	Comment noted. Please see responses to more detailed objections, above.
3.12.16	Pam Speich	Objects to project. Includes points from HCN template.	Comment noted. Letter uses template promulgated by HCN. Please see responses to more detailed objections, above.
3.22.16	Peter Scott	Objects to project; requests EIR.	Comment noted. Please see responses to more detailed objections, above.
3.22.16	Rupa Bose	Objects to project.	Comment noted. Please see responses to more detailed objections, above.
3.21.16	Sarah Kurtz	Objects to project. Expresses some Maloney points.	Comment noted. Please see responses to more detailed objections, above. See also Thematic Response above.
3.22.16	Scott Hill, EBMUD, Manager of Watershed	Support for Addendum and project.	Comment noted; support appreciated.
3.15.16	Sharon	Objects to project. Requests EIR.	Comment noted. Please see

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	Wheeler		responses to more detailed objections, above.
3.22.16	Stephanie Thomas	Objects to project. Requests EIR. Trees provide shade to plants, animals, people, fog drip; habitat for bees, monarch butterflies. Objects to herbicides. Risk of fire by increase in grasslands and scrub.	Comment noted. Please see responses to more detailed objections, above. See also Thematic Response above.
3.16.16	Stuart Sands	Support for project, support for removal of eucalyptus, concern about impact of removal process.	Support appreciated; comment noted. Please see responses to more detailed concerns expressed, above.
3.18.16	Wanda Warkentin	Objects to project. Lies being told; represents a war on nature and the public. "Brush and chaparral are far more flammable and induce the spread of fire." Tree removal antithesis of climate mitigation. "Either UC is stupid or evil or both."	Comment noted. Please see responses to more detailed objections, above; see also Thematic Response, above.