



Kriss Worthington

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ACTION CALENDAR

March 25, 2014

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington
 Subject: City Manager Referral: Questions and concerns about Western Burrowing Owls and Squirrels in Cesar Chavez Park and about the over 6,000 disappeared emails from In Defense of Animals supporters to City Council.

RECOMMENDATION:

Refer to the City Manager:

- A). to provide a report on what happened to over 6,000 disappearing emails from In Defense Of Animals supporters;
- B). to schedule a community meeting for dialogue with concerned members of the public;
- C). to delay implementation of the pilot plan until after a vote of the City Council; and
- D). to provide answers to the two sets of questions and one list of alternatives suggested.

BACKGROUND:

The February 11, 2014 Information Calendar item 22 titled Closed Landfill: Rodent Population Control at Cesar Chavez Park was a short two and a half page summary of a complicated topic. It did not mention Western Burrowing Owls or whether or not the proposal's impacts on the Owls had been considered. Numerous questions have been asked by community members and concerns have been expressed by environmentalists and animal lovers all over the state, the country and the world.

This issue has generated more than 6,000 emails to the City Council members but those emails rapidly disappeared from the City computers before they could be read by most of the Council members and before Council members could see the magnitude of how many people were concerned about this issue.

ENVIRONMENTAL SUSTAINABILITY:

Clear communication about this topic will insure new consideration of environmental impacts, and/or inform the public of what environmental impacts were already considered.

FISCAL IMPACTS: Unknown

CONTACT PERSON: Councilmember Kriss Worthington 510-981-7170

ATTACHED: A list of questions submitted by local residents.

ATTACHMENT #1:

We need more information because the proposal to “control” ground squirrel and pocket gopher burrowing –by reducing the population of those species— in Cesar Chavez Park, Berkeley, as described to the Berkeley City Council in a document prepared and presented to the council by City staff, lacks specificity (data, survey and analytic methodology, decision-making criteria and threshold values) sufficient to determine whether this proposal has been soundly formulated and can be reliably evaluated as to its success.

Questions from the community:

1. What is the statutory authority under which the present “trap and abate” plan is authorized?
2. Have there been any environmental impact reports, studies done in compliance with the CEQA [California Environmental Quality Act] of the site/s proposed for the “trap and abate” plan at Cesar Chavez Park? Ground squirrels are a “keystone species,” valuable to other species.
3. Has analysis been done regarding the natural erosion process and deterioration of the landfill maintenance cover since it was implemented when the landfill closed? Has it been determined whether there is a general source of potential toxicity caused by the maintenance cover deteriorating over the past 23 years and/or from the activity that routinely takes place upon it (in addition to or other than ground squirrels or pocket gophers)? Can it be proven that the Ca. ground squirrels or western pocket gophers generated significantly more degradation that would outweigh or cause more problems than the already antiquated maintenance cover impacted by erosion combined with continued pedestrian and general public access and park use?
4. As burrowing owls are present in Cesar Chavez Park and depend on ground squirrels for their burrows and for part of their food and are a species of special concern, according to the CA Dept. of Fish and Game; can this plan go forward without addressing the potential impact on the future suitability of the overwintering Burrowing Owl site(s)? Has such a survey been done?
5. Are there other landfill/parks with characteristics very comparable to those of Cesar Chavez Park which have dealt successfully with ground squirrels/gophers as a demonstrated source of pollution risks to a surrounding water body?
6. How would you determine the need for implementing a new maintenance cover to replace a possibly defective cap and/or soil covering the clay cap to prevent further deterioration and erosion that could potentially leak toxic materials into the bay as well as an cap layer impermeable do ground squirrels and gophers?
7. As, according to Lindsay Whalin, engineering geologist at the RWQCB , there is no evidence of toxins currently getting into the Bay by Cesar Chavez Park and no evidence of penetration of the clay cap by the ground squirrels. What is the basis to suspect the squirrels would penetrate the clay cap at all, or at a frequency that may prove consequential? According to at least one biologist, ground squirrels build their burrows away from water, on the top of slopes where it is dryer.

How are the following to factor into any population reduction management program?

1. Stop the feeding of ground squirrels by human park visitors. – Squirrel-proof all public garbage cans. -- Pass and enforce a no-feeding policy for ground squirrels and gophers at Cesar Chavez Park in Berkeley – enacted by the City Council. -- Greater education on the subject by park employees, media, at the site and trained docents. -- Monitoring of Cesar Chavez Park for enforcement of no-feeding policy by p/t or f/t park employees and or volunteers (trained docents).
2. California ground squirrels do not want their burrows to be in areas where predators may not be visible as a result of tall grass, shrubs, and bushes. Manage habitat by adding tall grass, dense, low-growing shrubs, to areas favored by ground squirrels in large numbers on landfill {restore shrub vegetation.]
3. Controls of Reproduction. Explore methods such as chemical sterilization which can reduce the population of ground squirrels. Do this in targeted areas, where ground squirrels most observed.

