



Regional Parks Association

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Dan Sykes
Planning/Stewardship Department
East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605

RE: Draft Land Use Plan (LUP), Proposed Mitigated Negative Declaration (MND) for the Sunol-Ohlone Regional Wilderness Preserves (SORWP) -- September 2003

Dear Mr. Sykes:

The *Regional Parks Association* (RPA) has a long-standing history of concern for the environment and a deep respect for the EBRPD parklands and their importance to the communities of the East Bay region. The *Sunol-Ohlone Regional Wilderness Preserves* ("SORWP") are two of the most treasured parkland areas in this region. We believe the district chose to identify them as "*wilderness preserves*" for exactly that reason. The wilderness values of these lands are extremely important and should be the uppermost land use consideration next to ensuring the public safety in all of the regional parks.

The Board of Directors of the RPA has reviewed the SORWP *Land Use Plan* (LUP) and *Proposed Mitigated Negative Declaration* (MND) and we have some serious concerns that we would like to convey to you.

In a previous letter to the EBRPD Board of Directors RPA expressed a growing concern with the divergence of park district policies away from the vision of the EBRPD founders with regard to preservation. The seeming lack of concern for the preservation and restoration of natural resources on park district lands is disconcerting. There is an emerging constituency with the opinion that the present management of the EBRPD has lost touch with the vision of the founders. We would once again like to express our sentiment that the EBRPD must return to the underlying goals expressed in the *Master Plan 1997*. This document explicitly states what the public expects from the park district. This planning process for the SORWP was an opportunity for the park district to regain the public trust and show that preservation and restoration of natural resources is important.

Unfortunately, the Draft LUP for the SORWP shows the park district's primary focus is to promote cattle grazing throughout these very sensitive wilderness areas. As you know, RPA endorsed the *Alternative W* proposed by the *Alameda Creek Alliance*. The park district's written response to Alternative W was deeply troubling in many respects. Perhaps the most troubling was the statement:

"Public agency managers and elected officials will need to make a long-term commitment to livestock grazing and demonstrate resolve when it is challenged."

In recent years the district has received increasing criticism over its attitude toward the cattle grazing issue. It is our opinion that the recent *Grazing Review Task Force* study did little to reduce this controversy. The district's stated resolve to promote cattle grazing whenever it is challenged is contrary to the entire purpose of the LUP process, which is intended to objectively consider potential land uses that best meet the needs of the public and management goals of the district as stated in the *Master Plan 1997*.

Major Concern #1 – Decision to Issue Mitigated Negative Declaration (MND)

Our first concern is the fact that the park district has chosen to issue a MND in lieu of a full Environmental Impact Report (EIR) to satisfy California Environmental Quality Act (CEQA) requirements. The 2002 report published by the *Friends of Sycamore Valley*, which extensively documents the cumulative damage that has occurred in the Sycamore Valley Open Space (SVOS), certainly provides sufficient proof that there are significant impacts relating to the park district's grazing policies that warrant a closer investigation through an EIR.

RPA is aware that when the district prepared its *Wildlands Management Policies and Guidelines* document, which dictates how the grazing program will be run, it released the document with a Negative Declaration (ND) with the understanding that the impacts of the program would be assessed in each LUP. This following is a direct extraction from that ND:

Special Note: The Master Plan amendment does not specify any specific action at any specific location or time. Thus, identification of impacts becomes speculative and, under Section 15145 of the State CEQA Guidelines, evaluation of impacts is terminated. The Master Plan does specify a parkland planning procedure to develop a Land Use-Development Plan and a Natural Resource Management Plan for each parkland. This procedure requires CEQA compliance at a point in time when specific actions are identified. This procedure is a form of tiering as permitted under Section 15152 of the State CEQA Guidelines.

We believe the district should abide by its own previous assessment of CEQA requirements and address the potential impacts now with an EIR since "*specific actions are identified*".

The state park system concluded, after completing a full Environmental Impact Report (EIR) at Mt. Diablo, that allowing cattle to graze would not be commensurate with the goal of natural resource preservation. It is difficult for the RPA Board and our membership to understand how this conclusion can continue to be ignored by EBRPD management.

Harry Batlin, a retired State Park Superintendent of the 67,000 acre Henry Coe Wilderness area, recently commented on the EBRPD decision to issue a MND, "... *there are significant known adverse impacts in allowing grazing and there ought to be a complete EIR and most certainly the plan should not be allowed to slip through with only a Negative Declaration.*" We are in 100% agreement with Mr. Batlin.

It is our hope that the District would prepare a full EIR that meets California Environmental Quality Act (CEQA) guidelines in order that this issue can be adequately assessed in a manner that will quell the associated controversy and give all interested park users a sense that the EBRPD is doing the right thing with regard to natural resource preservation. If the park district would take such action, it is our opinion that this would go a long way towards reuniting the alienated park user groups and ultimately get sufficient support to pass a future ballot measure for the badly needed funds for our parks.

Major Concern #2 – Public Safety

Our second major concern is the lack of any mention in the Draft LUP for the SOWRP regarding the potential safety risks to park users from the presence of free-roaming cattle and how the district intends to rectify this problem.

Public records information obtained by *Friends of Sycamore Valley* legal counsel from the park district indicates that some individuals have been seriously injured as a result of trampling by cattle. There is also information that illustrates incidents are occurring almost monthly where humans are being threatened by the actions of cattle. We believe that the park district should consider its liability given the availability of government information that validates the seriousness of this public safety hazard.

It is difficult for the RPA to understand how the park district can continue to disregard the information that is presently available that indicates unsuspecting park users could be killed by the EBRPD Board's insistence on continuing grazing at all costs. We request that the final release of the SORWP LUP address the public's concerns on this issue.

Outside of these two major concerns, we believe the district has done an excellent job in preparing a very useful planning document for the SORWP. We look forward to receiving a copy of the final document when it is available.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. H. Engbeck Jr.", written in a cursive style.

J. H. Engbeck Jr.
Vice President
Regional Parks Association
(www.RegionalParksAssociation.org)