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VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Planning/Stewardship Department
East Bay Regional Park District
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These are comments on behalf of the Alameda Creek Alliance (“ACA”) on the Proposed Mitigated Negative Declaration (“MND”) for the Draft Sunol and Ohlone Wilderness Regional Preserves Land Use Plan (“LUP”). These comment address mainly livestock grazing impacts on the biological resources and wildlife of the Preserves, as this is the single greatest impact under the proposed LUP. The ACA has been involved in fisheries restoration, land management, wildlife protection, and livestock grazing issues in the Alameda Creek watershed since 1997. Based on the factors discussed below and previous comments submitted to the East Bay Regional Park District (“EBRPD”),¹ the LUP clearly has the potential to cause significant environmental impacts on biological resources including special status species and wildlife habitat, soils, vegetation, hydrology and water quality, and aesthetics.

A Mitigated Negative Declaration is inadequate

The California Environmental Quality Act (“CEQA”), section 15070, allows the use of a MND for a project subject to CEQA when: “(a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or (b) The initial study identifies potentially significant effects, but: (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.”

The Initial Study and LUP ignores voluminous, compelling, and substantial evidence submitted as part of the record to EBRPD of negative environmental impacts of cattle grazing within Sunol and Ohlone

¹ These include comments, studies, and information provided to the EBRPD during the Grazing Task Force Review by the ACA and the Center for Biological Diversity, Sunol/Ohlone LUP Alternative W, ACA comment letters of 8-15-03 and 3-20-02; and information provided to the EBRPD by Friends of Sycamore Valley.

Preserves on biological resources including special status species and wildlife habitat, soils, vegetation, hydrology and water quality, aesthetics, and cultural resources. The Initial Study and LUP also makes no mention of Alternative W, a community developed Land Use Plan alternative developed by a significant coalition of local environmental and fishing interests that would reduce significant effects on the environment. The Initial Study and LUP cursorily mention a few impacts from cattle grazing, but gloss over or ignore many of the significant environmental impacts and offer insufficient mitigations to ensure that no significant effects would occur. Much of the EBRPD's assessment of impacts and conclusions regarding the effects of cattle grazing directly contradict substantial scientific research, the conclusions of other public land management agencies in the S. F. Bay Area, and regulatory agencies responsible for protection of special status species. There is substantial evidence, in light of the whole record before the agency, that the project as revised, which includes continued leases for commercial livestock grazing, may have a significant effect on the environment.

The EBRPD has also received a letter from Steven Shackley, Ph.D. Professor of Anthropology dated 9-16-03 concluding that the LUP has the potential to cause significant impacts to cultural resources - this letter is incorporated by reference. I am forwarding comments by Harry Batlin, former State Park District Superintendent, that a negative declaration is inappropriate based on his familiarity with land management and cattle grazing issues at nearby Henry Coe State Park - these comments are incorporated by reference.

An Environmental Impact Report is required

A MND can be used by public agencies when there is no impact or no significant impact to be expected from the proposed plan, and is allowed because it is assumed that the public agency will provide the highest level of protection for public interest and will not violate the public trust. This is not the case with grazing leases approved by the EBRPD for Sunol and Ohlone Preserves. The use of a MND is improper and an Environmental Impact Report ("EIR") should be prepared for the LUP. The EIR should consider Alternative W as well as other alternatives that restore wilderness values to Sunol and Ohlone Preserves. The EIR should fully discuss the environmental impacts of livestock grazing and associated infrastructure and explore alternative vegetation management and fire control options. The EIR should also analyze and mitigate for the potential environmental impacts of the EBRPD's involvement in the Apperson Ridge Quarry, adjacent to Sunol Regional Preserve. Blasting and quarrying activity at Apperson Ridge has the potential to have severe impacts to wildlife, noise, and aesthetics within the adjacent Sunol Regional Preserve.

The LUP and MND contain no substantial discussion of the negative environmental effects of cattle grazing and instead refer to the District's 1997 Master Plan and its Wildland Management Policies and Guidelines, which also contain no honest assessment of the environmental impacts of livestock grazing and associated activities. The LUP and MND contain absolutely no measures which mitigate for ongoing impacts to biological resources from livestock grazing and only focus only on potential positive impacts from cattle grazing, ignoring voluminous information about negative impacts.

The MND (p. 3) describes domestic livestock grazing as a “natural condition” of the Preserves, when in fact domestic livestock are an introduced, non-native species with a variety of known and documented negative impacts on the Bay Area environment and native wildlife species. Commercial livestock grazing operations such as the grazing leases EBRPD administers in the Preserves can in no way be construed to be a “natural condition” as they manage and alter the natural environment in a number of ways for livestock production. It is patently absurd for the EBRPD to make the claim that area has been grazed for 150 years and therefore grazing is somehow the natural condition and to continue grazing will have no impact. This is equivalent to claiming that since an agency has been polluting a stream for 150 years, continued or increased discharges will have no adverse effects on the stream’s “natural condition.” The MND also claims that continuation of livestock grazing in the Preserves “would neither result in a substantial physical change in the environment nor cause a significant environmental impact.” The evidence before the EBRPD shows otherwise - livestock grazing can cause continuous, ongoing degradation of the environment, including ongoing effects such as soil erosion, altering of stream channel morphology and hydrology, fouling of water quality, degradation of habitat quality for sensitive species, inhibition of oak recruitment, and export of nutrients from the ecosystem.

Mitigation measures for impacts to biological resources are inadequate

The mitigation measures proposed in the MND (p. 13-15) contain no mention whatsoever of grazing impacts, despite voluminous information presented to the EBRPD regarding potentially significant impacts to special status species and wildlife habitat, soils, vegetation, hydrology and water quality, aesthetics, and cultural resources. The MND ignores information in the record before the EBRPD and does not honestly assess the impacts of livestock grazing, let alone reduce them to an insignificant level, as required under CEQA for a MND.

The MND (p. 27) claims to include management actions to reduce potential impacts of livestock grazing on locally rare or unusual plant species, as defined by the California Native Plant Society (“CNPS”), but offers no specifics on what these actions are. The EBRPD and the MND ignore the fact that at least 6 of 15 species, or 40% of the known locally rare or unusual plant species that are found in Sunol and Ohlone Preserves are known or suspected to be threatened by cattle grazing according to the CNPS and USFWS. These species include the Santa Clara thorn-mint (*Acanthomintha lanceolata*), Oakland star-tulip (*Calochortus pulchellus*), Sulfur-flower, or bay buckwheat (*Eriogonum umbellatum var. bahiiforme*), Mt. Diablo helianthella (*Helianthella castanea*), Legenere (*Legenere limosa*), and Most beautiful jewelflower (*Streptanthus albidus ssp. peramoenus*).²

The MND (p. 30-31, and 33-34) discusses impacts to wildlife and asserts the potential positive

² The Santa Clara thorn-mint (*Acanthomintha lanceolata*) is “possibly threatened by grazing” according to CNPS (2002); Oakland star-tulip (*Calochortus pulchellus*) is a rare perennial lily threatened by cattle grazing according to CNPS (1994); Sulfur-flower, or bay buckwheat (*Eriogonum umbellatum var. bahiiforme*) is possibly threatened by cattle grazing, and overgrazing is known to have negatively impacted at least one other listed *Eriogonum* species in the East Bay, the Mt. Diablo buckwheat, according to USFWS (2002); Mt. Diablo helianthella (*Helianthella castanea*) is threatened by grazing according to CNPS (2002); Legenere (*Legenere limosa*) is threatened by grazing according to CNPS (2002); and Most beautiful jewelflower (*Streptanthus albidus ssp. peramoenus*) is threatened by grazing according to USFWS (1998).

benefits from grazing to special status species such as the California horned lizard, Alameda whipsnake, golden eagle, red-legged frog, burrowing owl, and California tiger salamander. However, the EBRPD and MND ignore information in the record that cattle grazing has severe negative impacts on habitat for all of the mentioned amphibian and reptile species, according to the California Department of Fish and Game (“CDFG”) and the U. S. Fish and Wildlife Service (“USFWS”).³ The EBRPD and the MND ignore the fact that cattle grazing destroys and degrades stream habitat for two other riparian species mentioned in the MND, the foothill yellow-legged frog and western pond turtle, according to CDFG.⁴ There is no discussion of the overwhelmingly negative impacts of livestock grazing on state and federally listed species throughout the state. For example, livestock grazing adversely impacts at least 76% (16 of 21 species) of California’s 21 listed terrestrial mammals; 57% (17 of 30 species) of California’s listed birds; 64% (9 of 14 species) of California’s listed amphibians; 56% (5 of 9 species) of California’s listed terrestrial reptiles; 81% (26 of 32 species) of California’s listed fresh water fish; and 50% (16 of 32 species) of California’s listed terrestrial invertebrates (CDFG 2000; USFWS 2003).

The MND (p. 43) acknowledges the potential negative impacts of livestock grazing on hydrology and water quality, such as soil erosion, increased runoff, stripping of vegetation, washing of sediment into creeks, and changes in stream channel morphology. The MND claims that the EBRPD “closely regulates its livestock grazing program to prevent these impacts.” This is simply not true, and there is information before the agency to the contrary in Appendix A of Alternative W, which the EBRPD chose to ignore. The proposed fencing of 7.5 miles of Alameda Creek will alleviate some of these impacts in the Alameda Creek corridor but does not address these impacts in tributary streams such as Welch Creek, Indian Joe Creek, and W-Tree Creek, all of which have potential habitat for rainbow trout.

The LUP and cattle grazing

The following comments specifically respond to false or incorrect assertions made by the EBRPD in the LUP or omissions regarding the impacts of cattle grazing:

The LUP (p. 8) purports to designate 99% of the Preserves as a “Natural Unit” and contends “the primary planning and management objective of a Natural Unit is to preserve and enhance natural habitat” (p. 52). However, the LUP allows maintenance of an invasive, environmentally destructive species (cattle) as the primary use and major impact on 76% of the Preserves.

³ Cattle grazing degrades habitat for the California horned lizard (CDFG 1994). Intensive livestock grazing can destroy the structure and impact the hydrology of the natural vernal pool habitat of the California tiger salamander (USFWS 1994), California tiger salamanders have been found to be either absent or found in low numbers in portions of pools that were heavily trampled by cattle (USFWS 2000a), and cattle can trample rodent burrows required for estivation (USFWS 2000). Cattle grazing damages riparian and wetland habitat needed by the California red-legged frog, causes water pollution and damage to breeding sites, and can trampling estivation habitat (Jennings et al. 1992; CDFG 1994; USFWS 1996, 2000b). Overgrazing by cattle can reduce shrubs and grass cover needed by the Alameda whipsnake and reduce its prey base (USFWS 1992, 1997a).

⁴ Cattle grazing degrades stream habitat for the foothill yellow-legged frog (CDFG 1994) and the western pond turtle (CDFG 1994).

The LUP discussion of community input (p. 20) makes no mention of Alternative W or repeated requests over 5 years for scientific information or studies validating EBRPD's dubious repeated public claims about the ecological benefits of grazing.

The LUP (p. 20) discusses a decade of staff monitoring and plant and animal surveys, implying that the status quo grazing program is beneficial to these species or that there are no negative impacts. The LUP and MND provide no data or reports to back this claim and the EBRPD has not provided this information to the ACA, despite repeated requests over several years. The LUP (p. 21) discusses fisheries surveys (giving no specifics), but ignores CDFG and SFPUC surveys documenting damage to Alameda Creek fisheries habitat by cattle. The EBRPD is aware of these surveys, but chose to leave this information out. The LUP discusses the CNPS database and information about native plant species, but makes no mention of the fact that according to the CNPS, livestock grazing impacts more acres of wild native plant communities in California than any other activity. The LUP mentions trapping studies for kangaroo rats, but does not acknowledge that livestock grazing is implicated in the endangerment of two-thirds (4 of 6 species) of listed kangaroo rats and 62% (8 of 13 species) of all state and federally listed rodent species in California, according to CDFG and USFWS.⁵

As noted above, the discussions in the LUP of grazing impacts on listed species in the watershed (such as the Alameda whipsnake, California red-legged frog, California tiger salamander, and steelhead trout) selectively omit known information on the negative impacts to habitat for these species. The LUP (p. 64) discusses the tilling of soil and destruction of riparian vegetation by herds of feral pigs, and the negative impacts on ground nesting birds, amphibians, reptiles, and small mammals. Curiously, there is no mention of the greater soil and riparian damage by cattle.

The LUP (p. 59, 61) promises monitoring of grazing in grasslands to make sure grazing is compatible with wildlife. This is an empty promise, as the EBRPD has a history of inadequate monitoring (see FSV 2002 for examples). The LUP references an ongoing Grassland Monitoring Project. The ACA has serious concerns about the bias of the researchers conducting the project and the project's assumptions about the priority of maintenance of grasslands for forage for cattle grazing operations. These concerns are amplified by the lack of community input or peer review of study plots or methodology of this project.

The grasslands section of the LUP (p. 25) discusses the benefits to eagles from increased prey in the form of ground squirrels, which are labeled a "keystone species." There is a acknowledged correlation between growing squirrel populations and cattle grazing. Grasslands in this area have been modified due to grazing, resulting in little or no cover for small prey and hence provide an advantage to golden eagles. However in the discussion of pest management (p. 64), ground squirrels are no longer portrayed as a desirable species, and active "pest control" management, including poisons, will be used to control ground squirrels.

⁵ Livestock grazing was a causal factor in the listing or is a threat to remaining populations of the Fresno, giant, Steven's, and Tipton's kangaroo rats, San Joaquin antelope squirrel, Mojave ground squirrel, Amargosa vole, and riparian woodrat (CDFG 1983, 2000; USFWS 1997b, 2000c, 2003a, 2003b).

The LUP (p. 25) attempts to equate the impacts of livestock grazing with that of native browsers like deer. This theory has been largely rejected by the scientific community and specifically refuted by noted grassland ecologist Elizabeth Painter in a series of letters and articles in 1991 responding to such claims by EBRPD employee Steve Edwards (Painter 1992). These letters and articles are attached.

The LUP (p. 25) also claims cessation of grazing will lead to a buildup of thatch, inhibiting native plant growth, that grazing inhibits the dominating influence of non-native plants (p. 59), and that grazed grasslands support greater biodiversity than ungrazed grasslands. The LUP and MND provide no data or reports to back these claims and these assertions contradict most known scientific research, including research done by the California Department of Parks and Recreation at Mt. Diablo (CDPR 1989) and extensive research showing that livestock grazing is the primary factor in the spread of invasive plants in the western U. S. (Belsky and Gelbard 2000). Citizen monitoring of an EBRPD park in the East Bay showed that invasive star thistle densities are significantly greater in grazed EBRPD grasslands than in adjacent ungrazed public lands (FSV 2002).

The LUP discussion (p. 26) of woodland vegetation and wildlife makes no mention of cattle grazing's detrimental impacts on songbird habitat and raptor nesting habitat (see CDFG 2000 for discussion of impacts). The LUP discussion of oak regeneration (p. 60) contradicts and ignores a report by CDPR on Mt. Diablo (CDPR 1989), testimony by a former EBRPD Sunol Naturalist (Freemire 2000) at a public hearing for the LUP, and a letter from the California Oak Foundation during the EBRPD Grazing Task Force Review (COF 2001).

Similarly the LUP discussion of shrubland (p. 26-27) ignores the negative impacts of livestock grazing on the Alameda whipsnake. This discussion fails to mention that cattle grazing was causal factor in the listing of the whipsnake and that the federal listing specifically mentions the Sunol-Cedar Mountain population of whipsnakes (which includes grazing areas leased by EBRPD and SFPUC) as threatened by overgrazing (USFWS 1997a).

Again, the riparian and wetland section of the LUP (p. 27-31) is completely void of mentioning any impacts due to grazing, although negative impacts from livestock grazing are greatest in riparian and wetland habitats (see Armour et al. 1994; Behnke and Raleigh 1978; Belsky et al. 1999; Bryant 1985; Buckhouse et al. 1981, etc., etc.) The LUP also fails to disclose site-specific documentation of cattle damage to Alameda Creek (see Alternative W, Appendix A). The LUP section on aquatic wildlife management (p. 61-62) mentions dam impacts and trail use as detrimental to rainbow trout, but no mention of grazing impacts to stream habitat for trout and native frogs. The LUP discussion of cattle ponds (p. 74-76) lists the benefits to listed amphibian species from maintenance of open water habitats through cattle grazing. However, the LUP has no discussion of other options for maintaining open water habitat in these ponds without cattle, such as grazing by native herbivores, by periodic manual removal, or limited seasonal access by other grazing animals such as horses or goats.

The LUP section on topography, geology, and soils (p. 33-36) is completely void of any mention of the significant erosion impacts caused by cattle grazing, and unsurprisingly, the hydrology section (p. 33-36) is completely void of any mentions of the significant hydrologic impacts caused by cattle grazing (see

for example Kauffman et al. 1983; Trimble and Mendel 1995). The water quality management discussion (p. 63) acknowledges no negative impacts to water quality from grazing.

The trail maintenance section of the LUP (p. 39-40) makes no mention to the destruction and unsafe trail conditions caused by cattle and the added expense to maintaining these trails (see for example FSV 2002).

The LUP discussion of special protection and management features (p. 56-58) does not discuss known threats to rare plant species by cattle grazing, trampling, elevated nitrogen deposition, and spread of weedy invasives, does not discuss damage to vernal pool habitat, and does not discuss damage to stream habitat for California red-legged frogs. The LUP discussion of serpentine soils and plants (p. 59) makes no mention of the documented negative impacts to these soils and serpentine plants from livestock (see USFWS 1998a).

The LUP (p. 60) does not discuss the potential negative impacts of cattle grazing on the San Antonio tule elk herd. Elk are negatively affected by cattle grazing due to competition with cattle for preferred forage and browse, the possibility of disease spread by livestock, and the effects of fences on their mobility. Numerous studies have documented that elk will leave an area where cattle are introduced and prefer those areas ungrazed by cattle (Wagner 1978). A study by Jon Skovlin (1968) found that elk use was significantly lower on ranges co-habited by cattle than in those where cattle use was restricted. Cattle serve as vector to spread disease and parasites, both native and exotic, to wild animals. Cattle have been documented to pass numerous diseases to wildlife, such as brucellosis, circling disease, encephalitis, tuberculosis, pneumonia, and bluetongue. Wyoming Game and Fish Department officials believe that widespread ranching that forces elk to concentrate in localized areas is the main reason the number of elk calves born in that state has declined in recent years (Jacobs 1991).

The LUP also makes no mention of the EBRPD's involvement in the approval of the Apperson Ridge Quarry and acceptance of money for wildlife mitigation measures. This project has the potential to disturb the San Antonio elk herd in its calving and rutting areas and evict elk from their home range (Harvey and Stanley 1987).

The LUP claims cattle grazing is needed to reduce wildfire risk (p. 58-59). The LUP and MND provide no data or reports to back these claims and these assertions contradict most known scientific research. Research done by the California Department of Parks and Recreation ("CDPR") at Mt. Diablo (CDPR 1989) and by the U. S. Army at Fort Hunter Liggett in Monterey County (Strechman 1995) reached exactly opposite conclusions with regard to grazing and wildfire, information before the EBRPD. The LUP and MND also do not adequately explain why intensive fire control is needed in an unpopulated wilderness area with no urban interface.

The LUP (p. 3) claims that wilderness values of solitude and spiritual renewal will be preserved. However, the LUP will continue the impact of invasive, noisy, odiferous, destructive cattle on 76% of the Preserves. The LUP will also maintain unsightly and intrusive livestock infrastructure such as many miles of barbed wire fencing, ranch roads, vehicle traffic of grazing leaseholders, corrals, culverts, and stock

tanks. People do not visit a “Wilderness Preserve” to see cowpies and barbed wire. The LUP (p. 59) professes that grazing practices in Ohlone Preserve shall be “tailored to enhance its wilderness character.” This is a nonsensical statement, as commercial grazing and associated infrastructure is not compatible with wilderness character. The LUP discussion on acquiring and opening new lands (p. 76) has no mention of the option that these lands be kept free from cattle with a goal of maintaining or creating wilderness qualities.

The LUP discussion of cultural resources (p. 62-63) does not mention the potential impacts of cattle trampling and disturbing cultural sites. The public safety discussion (p. 10 and p. 50) has no mention or reference to hazards to the public from cattle despite extensive and ongoing documentation (see FSV 2002).

The GUMP and cattle grazing

The following comments specifically respond to false or incorrect assertions made by the EBRPD or omissions regarding the impacts of cattle grazing in the Grazing Unit Management Plan, Appendix D of the LUP.

p. D-1 “grazing animals have been a part of the ecosystem of this region at least since the late Pleistocene epoch.” See the attached articles and letters by Painter (1992) for a refutation of the claim that cattle fill an ecological niche left by Pleistocene grazers.

p. D-1 “The amount of grazing that occurs is compatible with established forage utilization standards for California annual grasslands.” The CDPR (1989) study on Mt. Diablo concluded that the level of livestock grazing in East Bay grasslands that provides a meaningful reduction in fire hazard causes serious overgrazing problems. The FSV (2002) documented severe overgrazing on other EBRPD parks where this same claim is made.

p. D-1 “Upon acquisition of the properties that comprise the preserves, the EBRPD allowed grazing to continue...livestock grazing activities are regulated and sensitive natural resources are conserved in accordance with the associated Land Use Plan.” There was no LUP for the Sunol or Ohlone Preserves when they were acquired by the EBRPD. As noted in the FSV (2002) report, most EBRPD parks with grazing leases have no LUP or assessment of grazing impacts.

p. D-2 “Monitoring is carried out to verify compliance to established standards for livestock grazing, and to insure conformity to grazing license provisions.” The FSV (2002) report shows that this purported monitoring does not occur in Sycamore Valley and other EBRPD parks.

p. D-3 “Vegetation management activities on the preserves are intended to optimize habitat conditions for resident native plant and animal species...Management strategies will involve modern resource management practices, based on scientific principles, and supported by available research. New scientific information will be incorporated into the management program as it becomes available.” This is simply not true - this is revealed by the selective omission of any negative impacts of grazing in the LUP and MND. The EBRPD

has ignored every single scientific paper and study presented by environmental groups during Grazing Task Force Review that did not support the status quo of grazing (see FSV 2002 for documentation) and ignored scientific information presented in Alternative W. The EBRPD contentions in the LUP and MND on grazing run counter to most scientific information available on biological resources, vegetation responses, wildfire studies and wildlife habitat.

p. D-3 and D-4 The contentions regarding the use of grazing to control wildfires and non-native vegetation are questionable (see C DPR 1989; Stechman 1995) and the EBRPD offers no evidence or studies to back up these claims.

p. D-4 and D-5 The benefits of livestock grazing to wildlife through elevated ground squirrel populations are acknowledged. However, this discussion ignores the negative impacts of livestock grazing on California red-legged frog, California tiger salamander, and Alameda whipsnake, as discussed above. It also ignores the fact that there are negative impacts to San Joaquin kit fox from livestock grazing - grazing that destroys shrub cover and reduces prey abundance may be detrimental, and grazing can reduce denning habitat (USFWS 1998b).

p. D-6 The EBRPD attempts to blame any lack of oak recruitment on everything but livestock grazing, including native species, feral pigs, and sudden oak death, with no data or studies to back up these claims. Joanne Freemire, an EBRPD naturalist who worked at Sunol and Ohlone Preserves for decades, publicly disagreed with the EBRPD assessment of oak recruitment within the Preserves at the April 22, 2003 public hearing and scoping meeting on the LUP.

p. D-6 EBRPD claims cattle grazing will be used to maintain rare plant populations, when in actuality cattle grazing may be a significant threat to these species. According to CDFG (2000) and USFWS (2003c), livestock grazing adversely impacts at least 138 of California's 276 listed plants (50%).

p. D-7 EBRPD claims cattle grazing will be used to control invasive plants, when in actuality cattle grazing is the main cause of weed invasion in much of the western U. S. (Belsky and Gelbard 2000).

p. D-7 EBRPD contends cattle grazing appears compatible with the preservation of cultural resources. This is contradicted by the comment letter from U. C. Berkeley Ph.D. Professor of Anthropology Steven Shackley.

p. D-7 and D-8 EBRPD makes a number of claims about conducting range analysis, monitoring levels of forage utilization and residual dry matter, and maintaining fencing. These claims are contradicted by the actuality of what happens in the parks (see FSV 2002 for examples). There is no discussion of documented destruction of seeps and springs in Sunol Preserve by cattle (see FSV 2002 for documentation). There is no discussion in the LUP of how water development for cattle can impact spring and seep ecosystems.

p. D-14 The discussion of rangeland monitoring contains the caveat that "Monitoring will note change in the status of resources over time through repeated measurements or visual examinations." The park district has never made available to the public any of their monitoring activity on biological resources of concern.

The reference to “visual examinations” appears to be an escape valve for never having to document anything.

EBRPD response to Alternative W

The Planning and Stewardship Department of EBRPD prepared a response to Alternative W (EBRPD 2003). This document offers some extremely biased, one-sided justifications of cattle grazing. The assertions in the document are just that, assertions - not one contention in the document is backed up by any scientific literature or valid study. Most of the erroneous claims in EBRPD (2003) have been discussed above, but a few new claims are worth examination.

The EBRPD cites an unpublished second-hand assertion with no data (p. 3) as evidence that cessation of grazing in a grassland in Sunol Preserve led to a “biological desert.” It is surprising that the EBRPD still references EBRPD’s staff member Steve Edward’s uninformed opinions about grazing. Edward’s ideas and the theories of Holistic Resource Management (which are not specifically mentioned but are generally promoted by the EBRPD and Edwards) have been largely discredited by the scientific community (see Painter 2002 for a specific response to Edwards’ opinions on grazing). The assertion that the area “reverted back to a natural grassland following the return of livestock grazing” (p. 3) is equally ridiculous, as a site visit to the Hayfield area will reveal that the area is dominated by invasive, unnatural annual grasses. The continued claim by EBRPD that cattle merely replace native grazers in grassland habitats adapted to grazing (p. 2-3) is refuted by noted grassland ecologist Elizabeth Painter (Painter 1992).

EBRPD claims (no data or studies are cited) that there is no significant difference in populations of California tiger salamanders and California red-legged frogs in fenced (ungrazed) and unfenced (grazed) ponds (p. 8). If there is no difference, this may be a good argument for removing cattle from these habitats. EBRPD (2003) ignores the fact that these are not the only breeding habitats for these species - the tiger salamander also uses vernal pools and the frog also uses stream habitats, and both species utilize upland habitats for aestivation (hibernation). All of these habitats are negatively impacted by livestock grazing.

EBRPD claims that unnamed “experts” agree that no conclusions can be drawn regarding livestock influence on oak regeneration and plant survival (Executive Summary). Plenty of experts, including the California Native Plant Society disagree; CNPS contends that livestock grazing impacts more acres of wild native plant communities in California than any other activity. The California Oak Foundation (COF 2001) sent a letter to EBRPD during the Grazing Task Force Review expressing concern about livestock grazing impacts on oak regeneration.

EBRPD actually insinuates that biological or genetic deficiencies, not livestock grazing, can somehow be blamed for native plant declines! This is absurd. It is unknown how many, if any, of the 276 state and federal listed plant species in California were listed as a result of genetic or biological deficiencies, but the numbers, if any, would not nearly approach the 138 of these plant species (50%) listed in part due to the negative impacts of livestock grazing (CDFG 2000; USFWS 2003).

EBRPD claims a scientific consensus that grazing is not detrimental to the environment (Executive Summary). This is counter to the majority of published information on endangered species published by the U. S Fish and Wildlife Service, California Department of Fish and Game, California Department of Parks and Recreation, etc.

EBRPD claims scientific papers presented to the Grazing Review Task Force somehow do not apply to California or Bay Area ecosystems (p. 1). This is ridiculous, as the information on listed Bay Area species, such as California tiger salamander, California red-legged frog, Alameda whipsnake, and rainbow trout specifically applies to Bay Area species and habitats, and some of the references specifically mention EBRPD grazing as an impact. To claim that the information about physical impacts to soils, stream morphology, hydrology, and riparian vegetation do not apply is not correct. Site specific information about degradation of Alameda Creek was presented - how does this not apply to the Bay Area? How does information generated by the state Department of Parks and Recreation from studies on Mt. Diablo not apply to the Bay Area? As mentioned before, 64% (89 of 138 species) of listed California terrestrial animal species are imperiled in part due to livestock grazing, as are 50% (138 of 276 species) of listed California plant species. The EBRPD is dead wrong on this issue - the submitted studies are relevant and should be included in an EIR.

We take exception to the EBRPD comments on elk (p. 6). EBRPD claims elk may have a more detrimental environmental impact than cattle on oak trees and other vegetation - this is unsubstantiated by any science and is counter to published papers on elk and cattle impacts (see discussion above). EBRPD then dismisses the "reintroduction" of elk to the area. There would be no need to reintroduce elk, as there is already a herd in the Sunol area, a herd that would likely expand and utilize habitats and forage now dominated by cattle, were the cattle to be removed. The attempt to draw some conclusion from elk overpopulation at Point Reyes is equally ridiculous: the elk at Point Reyes were artificially confined on a small portion of Tomales Point by a large elk fence, to accommodate cattle ranching on the rest of the Point. There was a large impact to vegetation because the artificial barrier kept elk from dispersing. There are no such barriers in Sunol and Ohlone Preserves, and there are plenty of suitable habitats the elk could expand into with minimal impact. A large number of the elk have already been relocated to other areas in Point Reyes where they are not pinned in by livestock ranching activities, and have dispersed widely with no apparent negative impact on the environment. Elk are browsers, not grazers like cattle, and equivalent stocking rates of elk have much less impact on native vegetation than cows. Ranchers (and apparently the EBRPD) like to blame wildlife for spreading ungulate diseases to livestock, but the reality is usually the opposite (see Jacobs 1991). Overpopulation and disease are not significant issues for tule elk in other areas of California where they are not confined, such as at Cache Creek in Lake County.

The EBRPD (p. 6) claims that they have "consulted with the California Department of Fish and Game, who have expressed no interest in reintroducing elk to the area." We would like to see some form of documentation of this consultation. A member of the S. F. Bay Chapter Sierra Club who consulted with the Deputy Director for California State Parks and the CDFG State Elk Coordinator reports there is much interest in reintroducing surplus tule elk from the Bay Delta and Grizzly Island elk populations to the Sunol/Ohlone Preserves if there was an appropriate management plan (which would include reduction or management of cattle).

The EBRPD discussion of alternative fire management options (p. 7) implies that controlled burns would be prohibitively expensive due to the cost per acre and the acreage of the Preserves. However, very few acres of the Preserves would have to be burned in any given year to maintain grassland habitats, so this discussion is somewhat misleading. It is interesting that the EBRPD admits they have refused to talk to Mt. Diablo State Park, the agency responsible for management of the Mt. Diablo, about fire control issues (p. 8), but rather talked to the Contra Costa Resource Conservation District, a lobby organization for area cattle ranchers, to get an estimate of accumulated fuel load on the mountain.

The EBRPD disparages studies of Alameda Creek documenting cattle damage to stream and riparian habitat, claiming they were conducted without any scientific basis. The majority of these studies were conducted by Bookman-Edmonston Engineering Incorporated, a highly regarded consulting firm that was hired by the S. F. Public Utilities Commission to conduct the studies. The other studies were stream surveys conducted by fisheries biologists with the California Department of Fish and Game and by Peter Moyle, acknowledged throughout the field of fisheries biology as the foremost authority on California native fishes. It is hypocritical for the EBRPD to condemn these studies and surveys when EBRPD has never published a single survey or study of their own on the subject, nor bothered to acknowledge the damage to Alameda Creek in any way.

The EBRPD discussion of steelhead trout (p. 9) misstates our concern that potential steelhead habitat is being damaged by cattle grazing - existing resident rainbow trout populations are being impacted by grazing. We already understand that dams and water diversions are the main reason for the demise of the anadromous fisheries in Alameda Creek - that does not let EBRPD off the hook for ongoing habitat damage by cattle to the very stream sections we are working so hard to return anadromous fish to.

EBRPD claims we cite ourselves (p. 10) as the information source for livestock impacts to red-legged frogs. This is incorrect - in past communications we have cited the CDFG and USFWS, as in this comment letter. The only citations relying on "ourselves" were site-specific comment letters on damage to red-legged frog habitat in Sycamore Valley, damage the EBRPD acknowledged by fencing cattle out of the affected areas.

The benefits of livestock grazing to the "keystone" species the California ground squirrel are acknowledged, as are the benefits to its predators (golden eagles, burrowing owls, kit fox) and species that use squirrel burrows (red-legged frog, tiger salamander). However, the severe negative impacts to many of these same species by livestock grazing must also be acknowledged by EBRPD, as is never discussed in the LUP or MND. It is acknowledged that there are some benefits to some native species in some situations, under some livestock grazing regimes. Alternative W and the critics of public lands grazing have not focused on these impacts because the EBRPD has acted as cheerleaders for those few benefits to be found from grazing, while ignoring the bulk of the negative impacts.

We acknowledge the EBRPD's professional staff of biologists, many of whom do tireless work monitoring, protecting, and restoring native species, and some of whom we have worked with cooperatively on fisheries and other restoration projects. However, we have to wonder why not one of them has ever publicly raised their voice in protest of habitat damage due to livestock grazing. Not one word from the

Stewardship Department while cows absolutely destroyed the riparian habitat at Sycamore Valley Open Space, not one word about the ongoing damage to Alameda Creek trout habitat. This is largely due to an extreme bias from upper management and Grazing Program staff at EBRPD to maintain the status quo of grazing at all costs. The conclusion of the EBRPD response to Alternative W (p. 12) is telling and extremely disturbing: “*public agency managers and elected officials will need to make a long-term commitment to livestock grazing and demonstrate resolve when it is challenged.*” This is an ideological battle cry that the most rabid pro-agriculture industry, anti-environmental public relations firm would be proud of, not a suitable stance for a public land management agency that claims that “an environmental ethic guides us in all that we do.”

Sincerely,

Jeff Miller, Director

Attachments:

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Comment letter from Harry Batlin, former California State Parks Superintendent, Central Coast Region

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