13 CONCLUSIONS

This report is a case study in mismanagement, incompetence, bureaucratic double-speak and betrayal of the public trust. Unfortunately it is our public land and wildlife that are paying the price.

There was a considerable amount of scientific information submitted to the District for its GRTF Review. The District strategically chose not to include any of this information in its final report, other than a list of what papers were submitted and a one-sentence description of each. The District did not quote or reference any of this information in its conclusions. Therefore, some of the conclusions reached by others are included here.

**Sierra Club Casts Doubt on District’s GRTF Conclusions**

The following are excerpts from a letter written by Mr. Norman LaForce of the Sierra Club to the President and Members of the Board of the EBRPD:

*The Club believes that the Park District must look critically at its grazing program. It is troubled by recent remarks from staff that appear to defend the existing program, to cast doubt on evidence that questions elements of that program, and to accept without adequate support claims as to the effectiveness of grazing in preserving native biota. All of this suggests that the District’s year-long review of grazing is merely done for the purpose of approving the existing program without changes. The Club does not believe that this is a productive approach both in terms of responding to the community and in dealing with real and troubling issues with the grazing program.*

*The Club believes that the District must review and amend its Wildland Management Policies and Guidelines through a process that includes the appropriate scientists to properly evaluate the District’s grazing program. The District needs better monitoring of the actual grazing to determine the long term impacts and benefits of grazing.*

*Finally, the District must do an accurate cost accounting of the program to determine whether it is cost effective. Currently, the District does not consider “indirect” costs (to use Park District terminology) of grazing in analyzing the costs of grazing. If the District intends to go to the voters for additional taxes, whether for maintenance or acquisition, it must make sure it can show the public that it is not subsidizing a special use at taxpayer’s expense.*

*The Club urges the Board to ensure that the evaluation of the grazing program is done with an open mind and with the intent of improving the native habitat of which it is the steward. A process that rubber-stamps the existing program will not be credible with key constituent groups that the Park District looks to for support on a myriad of issues.*
The following is the Sierra Club Policy for grazing that was submitted with the above letter.

_Sierra Club Policy on Grazing the EBRPD Lands_

This is the Sierra Club's position paper on the issue of grazing on East Bay Regional Park District (Park District) lands. The Club has studied the issue and had members attend the meetings of the Park District's Grazing Task Force. This position also reflects the Sierra Club's view on grazing on federal public lands, although there are some differences. Nevertheless, that position should also be consulted for further explication of the position on Park District lands.

The primary goal of the grazing program on Park District lands should be to protect and to restore native biodiversity (native biota and local habitats) while achieving functional and self-sustaining ecosystems. The Sierra Club recognizes that the preponderance of scientific evidence documents that grazing by non-native species has led to severe and sometimes irreversible degradation of native ecosystems. Park District lands are a public trust and must be managed to maintain their long-term ecological integrity. The Club supports the following land management practices to protect the Park District lands from the negative effects of non-native grazing.

1. Grazing by non-native herbivores is not appropriate on Park District lands except where it is shown by science that some grazing is needed to achieve specific and identifiable ecological objectives. These objectives must work directly toward the primary goal stated above of restoring and protecting native biodiversity and habitats while achieving functional and self-sustaining ecosystems. The burden is on the Park District to establish with reasonable scientific certainty that non-native herbivore grazing will achieve the desired ecological objectives. Absent that showing, such grazing should be prohibited.

2. Grazing should not be permitted in areas with sensitive wildlife habitat, or areas inhabited by threatened or endangered species. Water quality must be protected and streams, ponds, springs, lakes, and other riparian habitats should be given protection from grazing.

3. The Club recognizes the need for certain limited types of vegetation management to reduce fire risk on the Park District lands. However, the Park District needs to document where grazing is necessary to reduce fire risk and how the alternatives to grazing are not cost effective and are more damaging to the environment over the long term.

4. While the Park District's Wildland Management Policies and Guidelines (WMP&G) on grazing expresses laudable goals and policies, it is clear that the Park District has not sufficiently funded the management of the grazing programs or the monitoring of grazing’s impacts, costs, and benefits. In order for grazing to continue when and where appropriate, the Park District must adequately fund such management and monitoring. Funding of the grazing program should derive fully from the grazing license fees. The Park District should establish a Grasslands Habitat review committee to review the Wildlands Management
Policies and Guidelines document and make recommendations to the Board as to appropriate policies and practices to achieve the goal of protection and restoration of the native grassland biota, and to make recommendations regarding the amount of funding necessary to fully meet those goals and guidelines. The committee must include adequate representation from the major local environmental organizations. This committee should also include independent restoration ecologists, conservation biologists, and experts in natural resource management, along with Park District management staff and representation of relevant segments of the park user community including ranchers and hikers.

5. This committee should review the Wildland Management Policies and Guidelines with the goal of allowing the EBRPD to issue a revised set in 2002. The current WMP&G fails to adequately address a number of seemingly conflicting goals related to native biota restoration and preservation, elimination of exotic invasive species, fire risk management, recreational use, and regional economic values, and thus has created an ambiguous set of policies, and even more discordant set of management guidelines and practices. These goals, policies, and practices must be more sharply defined and must be more centrally focused on leading to the primary goal of restoring and protecting our rich heritage of native grassland biota and other natural features.

6. The current practice of using residual dry matter (RDM) measure, as an indicator of the status and health of grazed land, must be thoroughly reviewed and revised. There is a need to measure progress towards restoration and maintenance of the native biota in park grassland habitats. The RDM does not provide this information in any manner or form. The current "Grazing Management" section of the WPM&G manual provides no guidance much less any systematic methodology for measuring and monitoring the progress towards restoration and maintaining a healthy native habitat. The Chapter urges adoption of this action by the time of the conclusion of the EBRPD Grazing Review Task Force deliberations (but no later than June 2001).

7. The Park District must do a comprehensive EIR on its entire grazing program as a whole with a full analysis of all cumulative impacts from grazing. No grazing leases, licenses or permits should be extended, renewed, or granted until this EIR is certified. The Chapter urges adoption of this action by the time of the conclusion of the EBRPD Grazing Review Task Force deliberations (but no later than June 2001).

8. The Park District must do comprehensive cost analysis of grazing which includes all direct and indirect costs of grazing on Park District Lands.

Adopted June 8, 2001
Center for Biological Diversity: EBRPD Violating CEQA & ESA

The Center for Biological Diversity (CBD) is a national organization dedicated to protecting endangered species and wild places of North America and the Pacific through science, policy, education, and environmental law. The following are excerpts from a letter submitted to the GRTF by Ms. Kassie Siegal, Conservation & Litigation Associate, & Attorney at the Center for Biological Diversity.

...as a threshold matter, the format of the [GRTF] review is inappropriate and inadequate to address the primary problem, which is that the EBRPD is currently in violation of both the California Environmental Quality Act ("CEQA") and the Endangered Species Act ("ESA").

The EBRPD must conduct environmental review, in the form of an Environmental Impact Report, on its grazing program at both the site specific and programmatic levels under CEQA. The EBRPD must insure that its grazing program is not harming federally listed species under the ESA. These laws were enacted, in part, because issues such as the environmental consequences of livestock grazing on public lands are politically sensitive and cannot be appropriately resolved by a consensus process between user groups, the livestock industry, and public agencies. The environmental laws in place today were enacted to ensure that the environmental consequences of public agency action are fully evaluated and mitigated. It is impossible for the EBRPD to provide endangered species and other sensitive resources with the protections they are guaranteed by law when the EBRPD fails to follow the proper environmental review procedures. Until the EBRPD complies with CEQA and the ESA, and provides endangered species and other resources with at least the minimum protections required by law, other recommendations the Task Force may adopt are of little value to the public or the environment.

While the EBRPD master plan and some individual park Land Use Plans ("LUPs") may have been analyzed in Environmental Impact Reports, to date no environmental review document has even attempted to analyze the overall impact of livestock grazing on the EBRPD lands, nor have cumulative impacts been addressed. Environmental Impact Reports are needed for the EBRPD grazing program at both the site-specific and programmatic levels.

If the EBRPD takes the position that its livestock grazing is exempt from CEQA, the issue will eventually be resolved at the Appellate level. It would be far better for the environment and for the citizens of the East Bay if the EBRPD conducted the necessary review of its grazing program under CEQA without further litigation.
CNPS Statement on Cattle Grazing

The California Native Plant Society made the following statement about cattle grazing (obtained from their website: www.cnps.org):

Livestock Grazing

Livestock grazing impacts more acres of wild native plant communities in California than any other activity. Livestock affect all aspects of native ecosystems from plant and animal species composition to water quality. CNPS has long been a leader in the search for livestock management techniques that maintain the health native plant and animal communities. We focus our grazing advocacy work on Federal lands, particularly National Forests and BLM lands, where strong resource protection laws mandate that sustainability and good science must guide all land management.

Issues Statement

CNPS has been a leading voice for improved livestock management on Federal lands for almost two decades. In California, livestock graze almost every plant community that occurs on Federal lands, from the hot deserts on BLM lands in the south, to the high mountain meadows and lush stream corridors on Sierra Nevada National Forests, to coastal prairies on the Los Padres National Forest, Pt. Reyes National Seashore, and elsewhere.

Improperly managed livestock can wreak havoc in ecosystems, spreading invasive non-native weeds, destroying wetlands, accelerating erosion, and killing rare species. Many California plant communities are too fragile to support any use by livestock. High mountain meadows, for example, dormant much of the year under snow and freezing temperatures, must be protected as much as possible during their short growing season. However, some California ecosystems can withstand conservative, properly managed livestock grazing. The focus of CNPS grazing program is (1) to determine which ecosystems are incompatible with livestock use and to exclude livestock from these areas, and (2) to develop sustainable, scientifically sound livestock management systems for those ecosystems which can support livestock.

CNPS develops detailed management proposals for both the BLM and Forest Service and works with the media and Congress to influence grazing legislation. Our members and staff comment on agency management proposals and develop reviews and digests of scientific literature on grazing management issues. We also spend a great deal of time in the field, evaluating the health of grazed plant communities and reviewing grazing management schemes.

The CNPS, California Trout and the US Forest Service (USFS) have conducted focused research and advocacy on California’s USFS. In a report titled US Forest Service Grazing Management Assessment [2001, California Trout & CNPS] the multi-faceted project was discussed. For example, one facet was the Sunshine Project, an ongoing effort to expand public access to monitoring data. The goal is to use public scrutiny of
livestock program administration to increase agency monitoring and improve on-the-ground management.

Using the Freedom of Information Act, project staff found that the USFS often failed to perform required monitoring of ecosystems health. Project staff also reviewed USFS compliance with legal requirements for management planning and environmental analysis under the National Environmental Policy Act (NEPA). It was found that USFS was far behind in performing the required reviews and updates of grazing management plans required by NEPA. There was only 33% compliance with the Congressional schedule for such reporting and monitoring. [While this performance is poor, it is significantly better than the 0% reporting and monitoring being done by the EBRPD.]

Finally, the project included a proposal to the USFS for the use of science-based livestock management practices. Proposed livestock management practices have been put into effect on some allotments and are resulting in improved ecosystems on these allotments.

**The EBRPD Grazing Management Program Is a Farce**

The information provided in this report clearly illustrates that there are serious problems with the District’s management of its grazing program. The problems are so serious that they beg the question, is the program simply a front to achieve other surreptitious objectives? The District’s Master Plan 1997, Wildlands Management Policies & Guidelines (WMP&G) and Grazing License (i.e. Lease for grazers) all provide very specific management objectives that are all geared towards preserving and protecting the natural resources of all lands within the Districts purview. It is also clear that District management is doing everything possible to avoid compliance, while at the same time making feeble attempts to try to convince the public that it is indeed complying.

Federal and state environmental laws were put into place because private and public entities choose to do as they please. In this day and age there is normally an awareness of these environmental laws and a realization that non-compliance will lead to trouble. So it’s better to comply because those individuals and organizations concerned about the environment are watching. The EBRPD has been eluding these laws for decades by issuing Negative Declarations and then telling environmental regulators and the public that it will address environmental laws with its Land Use Plans (LUPs). The District has failed miserably in this regard.

Only 38% of the grazed parks have LUPs and only one third of those have been written since 1992 when the WMP&G was written. This means that 87% of the grazed parks do not have LUPs that have been written or updated to reflect the impacts of the WMP&G policies. Not one LUP or LUP/EIR adequately addresses the impacts of cattle grazing. For some odd reason, the District stopped preparing EIRs with its LUPs about 15 years ago. This coincidentally occurred at about the same time that the General Manager, Pat O’Brien and Assistant General Manager, Tom Mikkelsen were hired by the EBRPD. So the current genre of managers and board members at the EBRPD apparently consider themselves supremely exempt from compliance with environmental laws of California. This level of arrogance is one of the reasons the author was compelled to prepare this report.
Board and Upper Management Should Be Replaced

The District can not be allowed to continue to thumb its nose in the face of the public any longer while it caters to the special interests of the cattle producers. New leadership is an absolute must. The dozen or so individuals that control the EBRPD are responsible for 80,000 acres of public wildlands. These individuals can no longer be trusted as our chosen land stewards. It is time for Mr. O’Brien to step down immediately and for a publicly appointed panel to select an executive that can exercise the leadership needed to take control of an organization that is spinning out of control and headed towards environmental disaster. Significant damage has already occurred and continues to occur at parks that are not even open to the public yet. This is a crime, and current managers should be held legally responsible. Unfortunately, there is little documentation other than Sycamore Valley to prove what is happening. This is most likely the reason why the District does not monitor and record the conditions of the parks per its management guidelines, because it would be incriminating.

The remainder of this section provides some additional examples as to why the EBRPD Board and upper level managers must be replaced.

**EBRPD Goes to Court to Avoid Grazing EIR**

An agency that claims “an environmental ethic guides us in all that we do” and then sends its lawyers to court, as the District did in 1998, to fight having to do an EIR addressing the environmental impacts of cattle grazing is grossly deceitful. Such an action says a great deal about this management team.

**Conflict of Interest with Ranching Community**

The District has an obvious conflict of interest with cattle producers. The manner in which the District has dug in its heels to protect its internal ranching business is highly suspect. It is the author’s opinion that a government investigation should be initiated into why this is so.

**Grazing Management Objectives Lack Specificity & Accountability**

The grazing management objectives of the District are too broad and as a result are being exploited by the District’s management to promote their own agendas. It becomes much more difficult to prove mismanagement without specific quantifiable management objectives. This is one of the major deficiencies within the District – no accountability.

**Lack of Honesty and Integrity**

The most troubling aspect of the GRTF process was the lack of honesty and integrity often exhibited by EBRPD management. An illuminating example of this behavior occurred in September 2001.

The SVOS-N park was on a seasonal grazing schedule – a point of praise by District staff that was duly and gleefully noted by grazing program managers during the GRTF review. This meant that cattle would be brought into the park only when sufficient forage was available after the start of winter rains and taken off late in the spring. While the wet winter season is the worst time for cattle to be present in the parks, as shown by this report, the public had no say in this decision. This grazing
schedule normally left the park open for use by the public, cattle-free, for the 6 months of June through November.

On Sunday, September 9, 2001 the author was surprised to observe that cattle were present in the park. The following Tuesday the author contacted Mr. Mikkelsen, the manager in charge of the grazing program at EBRPD, by e-mail asking for the current grazing schedule for SVOS-N. This e-mail and Mr. Mikkelsen’s response follows:

Author’s e-mail:

Subj: Sycamore Grazing Schedule
Date: 9/11/2001 5:28:23 AM Pacific Daylight Time
From: GrazingReformer
To: tmikkels@ebparks.org

Mr. Mikkelsen,

Could you please tell me what the grazing schedule for Sycamore Valley is for the remainder of the year?

Thanks.

Greg Schneider
Danville

=============================================================

Tom Mikkelsen’s e-mail response:

Subj: Sycamore Grazing Schedule -Reply
Date: 9/13/2001 9:51:32 AM Pacific Daylight Time
From: tmikkels@ebparks.org (TOM MIKKELEN)
To: GrazingReformer@aol.com

The San Ramon Fire District has identified several areas of the Sycamore Valley Open Space property that present a fire hazard and have requested that the District address this hazard condition. Accordingly, on September 15, 2001 approximately 80 head of cattle were brought on to the property in response to this concern. The cattle are expected to be removed by October 15th.

Cattle will be allowed to return on December 1 or later depending on weather and forage conditions and will be removed in late spring 2002, again depending on weather and forage conditions at that time.

=============================================================

Mr. Mikkelsen indicated that the San Ramon Valley Fire District (SRVFD) had directed the EBRPD to address a fire hazard at SVOS-N. In response to his e-mail the author requested information on where in the park this problem existed. Since the author had just finished a detailed inspection of the entire park for the purposes of mapping the starthistle and found only overgrazed conditions throughout the park, he was surprised to hear that such a request would be made by the fire department. So the author also requested the name of the contact at the fire department who made this request to EBRPD.
Author’s e-mail response:

**Subj:**  
Re: Sycamore Grazing Schedule -Reply

**Date:** 9/13/2001 12:52:52 PM Pacific Daylight Time

**From:** GrazingReformer

**To:** tmikkels@ebparks.org

Mr. Mikkelsen,

*Could you please identify the location in the park that is of concern and provide me with the name of the contact at the SR Fire District that identified this concern?*

*Thanks.*

Greg Schneider

Danville

Mr. Mikkelsen then referred me to the park supervisor for this specific information.

Tom Mikkelsen’s e-mail response:

**Subj:**  
Re: Sycamore Grazing Schedule -Reply -Reply

**Date:** 9/13/2001 2:28:27 PM Pacific Daylight Time

**From:** tmikkels@ebparks.org (TOM MIKKELEN)

**To:** GrazingReformer@aol.com

*Please contact Jim Wolfe, Park Supervisor at (925) 837-3145 or Jack Kenny, Unit Manager at (925) 846-4915 for this information.*

Since no one was in the local park district office when the author called, he left a message with Mr. Wolfe indicating that Mr. Mikkelsen had referred this request to him and asked that he provide me with the information. The park supervisor never returned the call.

Therefore, the author contacted the SRVFD directly. There are two contacts in the Weed Abatement Department of the SRVFD, Ms. Natalie Probert (telecon: 9/17/01 9:05AM) and Mr. Eric Hubbard (telecon: 9/18/01 8:40AM), who interface with the EBRPD regarding issues of this nature. Both of these individuals confirmed that no such request had been made by them or anyone else at the SRVFD to the EBRPD. It is very clear that the EBRPD fabricated this story to justify the need to release an alleged 80 head of cattle into the SVOS-N park, which was already overgrazed, during the off-season. [The author later verified with video 10/6/02 that there were actually over 120 head of cattle in the park – another false statement!]

The author being notably disturbed by this display of dishonesty sent a letter to the General Manager, Mr. Jim O’Brien, asking why his staff can not be honest with the public. The letter that was sent to Mr. O’Brien is on the following page.
Mr. Pat O’Brien
General Manager
East Bay Regional Park District
2950 Peralta Oaks Ct.
Oakland, CA 94620

Dear Mr. O’Brien:

I am writing this letter because I am deeply troubled by the dishonesty and lack of integrity that your staff exhibit when dealing with the public. After going through the Grazing Review Task Force process and a recent experience with Mr. Mikkelsen, I have very little confidence that I am getting the truth from your staff, especially when it comes to cattle grazing issues.

Let me give you a very recent example. Prior to the GRTF process, the Sycamore Valley Open Space – North (SVOS-N) was grazed 12 months out of the year. During the GRTF meetings Mr. Tom Mikkelsen agreed openly that the park was overgrazed. So during the GRTF review he indicated that grazing would be cut back to seasonal only (no grazing from about June until winter rains returned and sufficient forage available for grazing, usually in December or January). This was indeed the case during the year of the GRTF review.

Therefore, I was quite surprised to find out that cattle were being introduced back into the park on September 9th of this year. I wrote Mr. Mikkelsen an e-mail requesting the current schedule for putting the cattle back on SVOS-N. I did not indicate that I knew cattle were present.

I have attached the e-mail he sent me in regards to this request. I was quite surprised to see that he indicated that the San Ramon Valley Fire District (SRVFD) had directed him to correct some hazardous vegetation conditions in the park. The reason I was surprised is I had just spent the last 10 days walking nearly every square inch of that park for the purposes of a report I am writing for submittal to Governor Davis. If anything, I would describe the park as overgrazed per guidelines set forth in the District’s Wildland Management Policies & Guidelines document. It is interesting to note that Mr. Mikkelsen indicated that cattle were brought on September 15th, when in actuality the cattle were brought on September 9th.

Perplexed by Mr. Mikkelsen’s statement, I sent him another e-mail requesting that he identify where the hazardous conditions were in the SVOS-N park. I also requested that he give me the name of the individual at the SRVFD who informed him of these conditions. His response is also attached to this letter. I contacted the park supervisor, Jim Wolfe as he suggested. Mr. Wolfe has yet to return my phone call. I don’t expect he ever will.
On Monday September 17th I contacted the SRVFD to inquire as to who might have contacted Mr. Mikkelsen about these hazardous conditions. I was immediately referred to the SRVFD’s Weed Abatement Department. There are two individuals who interface with the EBRPD, Ms. Natalie Probert and Mr. Eric Hubbard. After speaking with both of these individuals, they indicated that no such request had been made by the SRVFD.

What is it that the EBRPD hopes to accomplish by being dishonest with the public? I can tell you that the damage at SVOS-N from cattle is only getting worse. This will be demonstrated in great detail in the report I am presently preparing for submittal to you and the board in the very near future. By allowing your staff to break promises that they have made with the public regarding the parks that we cherish, you are doing little to garner support for the bond issue you expect to go forward with early next year. I am certainly very hesitant to support funding for operations that are proven to destroy wildlife habitat and the beauty of OUR parks.

One last point…I continue to inform you and the board of directors about the safety of the parks when cattle are present. There is consistently an attitude from the EBRPD that there is no problem. I was out at SVOS-N on Saturday morning September 15th, off the trail, when I looked up and saw a couple who were running along the trail with a cow on their heels. Fortunately they reached the gate in time and got on the other side of the fence to safety. I talked to them after this and they were quite frightened by the experience. They were lucky to be near a gate. Can you imagine what could have happened to them if there only recourse was to try and hop over a barbed wire fence?

This policy of cattle grazing is one that is more dangerous and damaging than the District seems to be willing to accept or acknowledge. It is unfortunate that the District is not proactive about being responsible and truly protecting the public and its treasured open space resources. Past history has shown that the only thing that seems to move the EBRPD into action is the threat of lawsuits. I hope that it will not be the maiming of an unsuspecting park user and ensuing law suit that brings responsible action on behalf of the District.

Respectfully yours,

Greg Schneider
Friends of Sycamore Valley

cc:
Natalie Probert – SRVFD
Eric Hubbard -- SRVFD
Mr. O’Brien then chose to give the letter to Mr. Mikkelsen and let him reply instead of taking control of the situation and responding to the questions that the author had specifically directed towards him. Mr. Mikkelsen then responded as follows:

October 5, 2001

Mr. Greg Schneider
400 Bridgeside Circle
Danville, CA 94506

Dear Mr. Schneider:

The General Manager has asked me to respond to your letter of September 22, 2001 regarding the Grazing Review Task Force (GRTF) and my recent correspondence to you in response to your inquiry about the grazing schedule for Sycamore Valley Open Space (north).

This property was not grazed year round prior to the GRTF as you state. The EBRPD initiated seasonal grazing on the property when it took ownership in 1998 and has continued the seasonal program since that date. I never stated or agreed in any way that the Sycamore Valley property was overgrazed. Quite the opposite, since assuming ownership of this property, the District has been successful in restoring grasslands to the property. Areas which were once solid mustard patches have been significantly reduced using the grazing strategies prescribed by park staff. This transition has been photographically documented from permanent photointerpoint stations. Disced fire breaks have also been eliminated from the landscape greatly improving the appearance of the property. This was observed by the GRTF during their May 20, 2000 public field trip to Sycamore Valley Open Space (north). I regret that you chose not to participate in this field trip.

The information that I provided to you regarding the current grazing schedule is correct. Cattle were expected to be brought in on the week of September 10th – 15th and are expected to be removed sometime in the week of October 15th – 20th. Cattle will be reintroduced later this year or early next year, as weather and forage conditions allow.

Regarding fire conditions, the park supervisor was informed of the need to abate fire hazard conditions on certain areas of Sycamore Valley Open Space (north) by officials of the San Ramon Fire District in Summer, 2000. To accomplish this the District negotiated with the Town of Danville to tap into a city water line to supply livestock drinking water to a portion of the open space where this was a concern. The water line was installed this year. Livestock were allowed on the open space this September to abate fire hazard conditions and to achieve other District vegetation management objectives, in this case, to continue to control black mustard.

As of this date, the District has not received any complaint regarding harassment by cattle at Sycamore Valley Open Space (north) as alleged in your letter.

Sincerely,

[Signature]
Thomas H. Mikkelsen
Assistant General Manager
Planning, Stewardship, Design and Construction

c: Board of Directors, EBRPD

U:\M-GERRY\MAP\FILE\GRAZING\acro10301.wpd
Mr. Mikkelsen’s response is nothing more than an attempt to twist the facts and to provide some explanation for his original e-mail. Note in the second to the last paragraph of the letter that he indicates that the SRVFD told the District to address fire hazard conditions during the summer of 2000 and that is why the District placed the cattle into the park in September of 2001. This is absolutely ludicrous. How gullible and stupid does Mr. Mikkelsen think we are?

Mr. Mikkelsen digs his hole even deeper by indicating it was necessary to install a livestock water supply in the park to allow the cattle to address this issue identified by the SRVFD over a year earlier [the author did not pursue this any further with the SRVFD to prove its validity]. First of all, when has it ever been necessary for the District to provide a water supply close to an area to be grazed? Especially when there is already an existing water trough not more than 200 yards from the new one that was installed? There is also another year-round water source at the location where the rancher brings the cattle into the park adjacent to EMJAYCO ranch.

There was additional misinformation in this letter but the information provided sufficiently illustrates what the public has to deal with when addressing high level managers within the District. This ongoing display of dishonesty and lack of integrity with the public must stop. How can the public trust anything that this Board of Directors and Upper Management are saying about grazing when they are so often trying to deceive the public?

**Lack of Leadership**

The actions taken by Mr. O’Brien in the previous incident clearly show his lack of leadership. On October 8, 2001 the author sent another letter to Mr. O’Brien and copied it to the Board of Directors, once again asking why Mr. Mikkelsen’s dishonesty continues to go on without any acknowledgement by him or the board. The author received no response from Mr. O’Brien or any Board member.

The findings of this report further demonstrate that the District is seriously lacking in leadership and is in dire need of a responsive board and upper level management.

**The Need for Legislative Action & An Oversight Agency**

The author’s frustration with the lack of response to the public’s concerns about many of the aspects of park operations led to the author’s first report in 1999, *The Day Ned’s Cattle Came to Danville*. That report was written to document the apparent lack of logic used by District management with regard to its insistence on using cattle grazing without first considering its impacts.

The author had hope that the GRTF review process would help bring change. After the first public forum in that process, the hope was gone. It was clear that Mr. Mikkelsen, the grazing program manager, had moved himself into a position where he could dictate and manipulate the entire process. This action discouraged the author and many others who had hoped for change. Soon after this realization it became clear that nothing would really change and that the GRTF grazing policy review was a façade most likely intended to facilitate the District’s hope of passing a new bond measure in the the November 2000 election.
By starting the GRTF process 8 months before the election it would be difficult for those unhappy with current cattle grazing policies in the EBRPD parks to interfere with the District’s goal of getting this bond measure passed. It was also quite likely that the completion of the GRTF review was purposely planned to finish 6 months after the election so that any controversy that might come out of the process would not interfere with passage of this bond measure. However, the District’s strategy was foiled by its own fiscal mismanagement.

An editorial excerpt from the *Tri-Valley Herald* newspaper on May 27, 2000 stated:

**Tri-Valley Herald - Editorial Opinion**
**May 27, 2000**

*Outrageous Mismanagement in Park District*

UNPAID tax bills. An uncashed check for $500,000. Travel and expense advances undocumented. Nearly $44,000 worth of supplies gone missing.

An audit of the East Bay Regional Park District has uncovered these, among other, financial irregularities. We can only wonder what they've been doing over at the park district to end up with such abnormalities. Clearly they weren't keeping the books. Imagine if you handled your household finances so sloppily.

The author strongly believes that regional parks in California must have government oversight. Any agency whose operating budget is funded in excess of 70% by public tax money has to be held accountable for its actions and must be responsive to public opinion. The EBRPD is an anarchy that has shown it is non-responsive and arrogant. District management completely ignores state CEQA laws and makes Negative Declarations like they are going out of style, much to the detriment of the environment and our regional parks.

The only recourse the public presently has is to re-elect new directors that are responsive. This can be a very lengthy process and ineffective. **It is time for state legislators to enact new laws requiring legislative oversight over regional park districts with the goal of reestablishing park districts that will follow state laws and act responsibly.**

*Loss of Vision and Purpose by EBRPD*

The EBRPD *Master Plan 1997* was written to preserve a vision that was established in the 1930’s by the District’s founders. The work that went into defining this vision was a coordinated effort between the public and the District. The District has obviously lost that vision, as it is stated in the *Master Plan 1997*. The public has been duped into believing that the District would follow through on its written promises. What this report has shown is that the District has truly lost its vision and purpose. It is time for some radical changes with District management so that the vision can be restored.

*Restoring the Vision*

The District is an island of arrogance and environmental ignorance. While the rest of the nation takes responsibility for making informed environmental decisions, the EBRPD
simply proclaims that it does not have to comply with such rules and regulations. This attitude must be changed and realigned with the spirit of Master Plan 1997.

To restore the vision, the board and management of the District must be changed. It is a sorry tale to tell when an agency like the EBRPD goes to court in order to avoid being environmentally responsible. It is equally sorry that employees, even those who are retired, are afraid to express their opinions about the cattle grazing program, or any program for that matter, for fear of losing their jobs or some other reprisal. It is time that upper and middle level management be honest and trustworthy with the public. It is short-sighted to forget that it is the public that is putting bread on the table for these individuals. Most importantly, the District needs a general manager who will take a strong leadership position, following through on all policy decisions in a manner that is environmentally responsible, which will go a long way towards restoring the vision of the District’s founders.

The following quotes are from some exceptional environmental visionaries of our past:

“Harmony with land is like harmony with a friend; you cannot cherish his right hand and chop off his left. You cannot conserve the waters and waste the ranges...The land is one organism. Its parts, like our own parts, compete with each other and cooperate with each other.”  
*Aldo Leopold, 1948*

“None of Nature’s landscapes are so ugly so long as they are wild, and much, we can say comfortably, must always be in great part wild, particularly the sea and the sky, the floods of light from the stars, and the warm, unspoilable heart of the earth, infinitely beautiful, though only dimly visible to the eye of the imagination.”  
*John Muir*

“In the meantime, lumbermen are allowed to spoil it at their will, and sheep in uncountable ravenous hordes to trample it and devour every green leaf within reach...”  
*John Muir (writings on the Sierra Reserve)*

“Fortunately, the lately established system of parks and reservations has put a stop to any great extension of the business hereabouts in its most destructive forms. And as the Yosemite Park has escaped the millmen, and the all-devouring hordes of hoofed locusts have been banished, it is still in the main a pure wilderness.”  
*John Muir (writings on the Forests of Yosemite)*