

Greg Schneider

Being the edited transcript of an interview by Mike Hudak

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Western Turf Wars: The Politics of Public Lands Ranching

Nothing from his upbringing in Detroit, nor from his education in electrical engineering, provided Greg Schneider with an interest in livestock or in the environmental degradation that their improper management can cause. But when Schneider moved to the suburban East Bay Area of California, where the county parks were overrun with cattle, the conditions they created were more than he could ignore. Appalled by the grazing-induced environmental damage that he witnessed on his daily hikes, Schneider in 1998 founded the Friends of Sycamore Valley to inform the public about his findings. Then, as his awareness increased of the threat that these cattle posed to the safety of park visitors, he founded Citizens for Safer Parks to lobby elected officials.

Schneider's collective experiences provide but one example that not all public lands abusively grazed by livestock are under the jurisdiction of the federal government.

Greg Schneider made his remarks on the 9th of August 2004 in Danville, California.

Chapters

1. Schneider's early life and education
2. Overview of the EBRPD
3. Schneider's early experiences with cattle in the EBRPD
4. Alameda Creek Alliance and Southwest Center for Biological Diversity lawsuit against the EBRPD (2 Oct 1998)
5. Cattle attack Schneider
6. Cattle attack numerous people in the parks
7. Cattle damage riparian areas
8. Cattle damage vegetation
9. Environmental impacts of fences at Sycamore Valley
10. Arguments advanced by EBRPD to justify livestock grazing
11. Some East Bay Regional Parks open to ranchers but not to recreationists
12. The Grazing Review Task Force (April 2000–June 2001)
13. No environmental monitoring conducted by the EBRPD
14. Ranchers supplementally feed cattle on EBRPD lands
15. Livestock grazing discontinued at Mt. Diablo State Park
16. Managing the East Bay Regional Parks like a corporation
17. Final thoughts on the impacts of livestock grazing in the East Bay Regional Parks

CHAPTER 1

Schneider's early life and education

I was born in Detroit, Michigan, and lived there until I was in my sophomore year at Michigan State University studying electrical engineering. My parents were transferred to Northern California in the San Francisco Bay Area in 1968. I followed them out and finished college at San José State, where I received my bachelor's degree in electrical engineering in 1972.

Then I entered the Air Force—was initially told to report to Detroit in the summer of 1971 because the Vietnam War was still going on, and my draft deferments had expired even though I had one more semester to go. As an alternative to being drafted, I joined the Air Force, which allowed me to finish school and get my degree. This gave me the benefit of going into the Air Force as an officer—a “90-day wonder.”¹ I ended up training and serving as an electronic warfare officer on a B-52 crew for about four years.

When I finished my tour of duty in the Air Force, I worked for the Navy in San Diego for less than a year. Soon I was able to get a job with a defense contractor in Sunnyvale, California—the area I lived in prior to entering the Air Force. Shortly after starting this work in Sunnyvale, my employer paid for me to go back to school and get my master's degree in electrical engineering at the University of Santa Clara. I went to school part time as I was working, and received my degree in 1980.

I worked for the defense contractor until 1984 when I started a consulting firm. I've been consulting ever since that time in the area of servo control systems, doing hardware and software development for high-tech companies. I've lived in various places in the San Francisco Bay Area—San José, Milpitas, Pleasanton, and here in Danville for about twenty years.

In reflecting on my upbringing, or anything that might have related to the grazing activism that I'm involved with now—except for living in a rural area in Detroit when I was eight or nine years old—I didn't really have a lot of involvement in nature. When I was in high school living in the Detroit area, I enjoyed the outdoors, but I wasn't really a hiker or a camper. Although, I used to go camping with the family once in a while.

CHAPTER 2

Overview of the EBRPD

The East Bay Regional Park District (EBRPD) was formed in 1934 by community leaders who had the foresight to preserve open space lands in the East Bay Area for public recreation. The EBRPD has grown from ten thousand acres at its inception to a little over ninety thousand acres

1. Schneider's reference to being a “90-day wonder” pertains to the ninety days of officer training that he received.

in two counties—Alameda and Contra Costa. About two-and-a-half million people live in those two counties combined, and there are about seventy parks and preserves that make up the park district.

Within the district’s ninety thousand acres it grazes about eight to nine thousand cattle. In the whole Bay Area there are nine counties with open-space districts like the EBRPD. If you combine all of the cattle grazed by those other districts, they don’t exceed more than a thousand. And so the EBRPD has eight or nine times the combined number of cattle grazing as compared to the rest of the Bay Area park districts.

One of the frustrating aspects of dealing with the park district is that it is a “special district,” which under California laws operates as a stand-alone entity. Special districts report to no higher authority and have no regulatory oversight at the state or local level, in spite of having an annual budget that exceeds \$100 million of which 70 percent is expenditures of public tax revenues. If the public is dissatisfied with the park district’s policies and spending practices, the only recourse, outside of filing a costly lawsuit, is to vote elected board members out of office. This is not an efficient method for rectifying problems because board members have a four-year term.

CHAPTER 3

Schneider’s early experiences with cattle in the EBRPD

I used to run five or six times a week. But about eight years ago, I got to the point where I couldn’t run anymore as the running was affecting my knees. So I decided to take up hiking, which opened a whole new world for me. I really enjoyed being in the outdoors with the wildlife.

In Danville there are two land parcels, each about 360 acres, that comprise the Sycamore Valley Open Space.² These parcels are very close to my home—a five minute walk.

When we first moved to our home in 1988, the south parcel had just been taken over for management by the park district. They’d constructed a fence and put cattle out there. In the mornings, I would often take my dogs for a walk on this land. I was often chased by the cattle, and my dogs always seemed to like rolling in the cow crap. Soon I got tired of dealing with that and decided to go across the street to the northern parcel, which had no cattle and was not under management of the park district because local developers were still negotiating its boundaries.

I began hiking at the north parcel in 1992 and hiked there for seven or eight years before the EBRPD took over the management and began putting up a fence. Local Danville residents had been using this land for many years without fencing or cattle. The area is big enough that you can go out and enjoy a hike for a couple hours and get away from things. Sometimes I would go up there to just sit and read under a tree. I was commuting daily to Silicon Valley in the South Bay Area. Getting on the roads and fighting the traffic was more tolerable if I was first able to enjoy the outdoors for a couple hours.

It took the contractors about six months to put up the fence. Then about December—I think

2. Since my interview with Greg Schneider, the EBRPD has named these parcels the “Sycamore Valley Regional Open Space Preserve.” Information about the preserve can be found on the EBRPD website <http://www.ebparks.org/parks/sycamor.htm> (last visited 30 March 2008).

it was 1999—the cattle arrived. Because we had really heavy rains that December, I hadn't been out hiking for several weeks. When I got up there after the rains had tapered off, I couldn't believe my eyes when I saw the destruction that had occurred. After only a couple of more weeks of this ongoing devastation, I couldn't even walk the trails without being ankle-deep in mud. I think that I was in a unique position, having hiked there for so many years that I knew the land intimately before grazing was introduced. This gave me a perspective that permitted me to see just how rapidly the devastation from the grazing had occurred.

I soon called the park district and said, "You must be making a mistake here. These cattle are destroying the land and the trails. I can't even walk the trails because the cattle have turned them into mud and there is cow manure everywhere."

But the district's grazing program manager gave me no solace at all when I called. He was very rude on the phone, and said that the district has policies to manage the vegetation, and sometimes there's a trade-off to protect against fire.

So that launched me on a campaign. I wrote a report³ of approximately thirty-five pages, which I distributed to the park district's board members with the hope that it might provide more visibility on the grazing issue. Soon after receiving the report, the director from my ward, Beverly Lane, asked me to go have a cup of coffee to discuss it. At first I thought this director was interested in getting my perspective on the problem. But in hindsight I realize that she was just trying to assess how much of a problem I was going to be to the board and the district because they had recently been involved in a lawsuit over their grazing practices with the Southwest Center for Biological Diversity⁴ and the Alameda Creek Alliance, Jeff Miller's organization. At our meeting, Director Lane did indicate that the district was planning to form a task force to look at this issue closer. That happened in 2000, which was about a year-and-a-half after I had started pursuing this matter.

CHAPTER 4

Alameda Creek Alliance and Southwest Center for Biological Diversity lawsuit against the EBRPD (2 Oct 1998)⁵

I was just coming on the scene to address the grazing problem in the park district when they were about to renew some grazing leases. It was a contention of the two plaintiff organizations in the lawsuit that the park district needed to address lease renewals with an environmental impact, or California Environmental Quality Act (CEQA) study. The lawsuit contended that the park district should have studied the potential negative environmental effects of the grazing before renewing the leases for the parks.

3. The report to which Greg Schneider refers was released on 24 July 1999 and is titled "The Year Ned's Cattle Came to Danville," <http://www.rangenet.org/projects/wplgalbum/page4/index.htm> (last visited 30 March 2008).
4. The Southwest Center for Biological Diversity was renamed the "Center for Biological Diversity" at the beginning of 2000. Kieran Suckling (policy director of the Center for Biological Diversity, e-mail message to author, 7 November 2006).
5. "Grazing Lawsuit," Alameda Creek Alliance Newsletter 4 (October 1998): 1. For more information about the lawsuit, see Dennis Akizuki, "East Bay Parks' Endangered Species Cited," San Jose Mercury News (Alameda County edition, 3 October 1998): 1B. Available online at http://www.alamedacreek.org/Media_Articles/San%20Jose%20Mercury%20News%2010-3-98.pdf (last visited 30 March 2008).

The judge refused to let the plaintiffs bring in evidence that wasn't in the park district records. And because the park district does not monitor the condition of its grazing lands, there was nothing that would represent what might have been impacted by district grazing practices. While they have management policies that dictate grazing monitoring procedures, they don't implement or enforce them. And so the court decided in favor of the park district. I think because of the finances of both organizations they chose not to appeal the decision.⁶

CHAPTER 5

Cattle attack Schneider

There were many times that I've been chased by cattle. I remember an occasion at one of the regional parks when there were about thirty or forty cattle on the trail. To avoid them, I took my dog down a hill where I could get below 'em so that if you looked up you couldn't even see the cattle and they couldn't see us.

I came back up the other side a good couple hundred yards away from 'em on the trail. It was fairly open there, and after two or three minutes of walking, I happened to look over my shoulder at the cattle up there. They were coming full blast down the hill—thirty or forty of 'em chasing us. I ran as fast as I could into a patch of trees where dead brush prevented the cattle from following me.

Another time at Sycamore Valley, I was walking my two dogs on leash on a park trail.⁷ As I headed up a hill, I saw a calf on the trail up ahead. There were approximately eight other cows and calves in my immediate view at this point. As I tried to get around the calf by going to its left, the mother cow, up the hill to my right, came after me and my dogs. I tried to run, but had to stop and release the dogs from their leash because I couldn't run with them tethered to me. After running up the trail away from the cow and calf, they ran off the trail to my left and then ran up ahead back onto the trail in the area where my dogs had gone. The cow then stood in the way of where I needed to go to round up my dogs.

Despite the cow, I got one of the dogs back on leash. Then I attempted once again to stay on the trail to look for the other dog who was frightened because I was yelling at the cow to stop coming at us. This dog, which we adopted, had previously been abused and is very sensitive to anyone who raises their voice.

6. Alameda County Superior Court Judge James Richman ruled on 9 March 1999 that the park district's grazing policy did not violate the California Environmental Quality Act. Jeff Miller, executive director of Alameda Creek Alliance states that there were two fundamental reasons why the ruling was not appealed. First, as Greg Schneider has stated, the plaintiffs could not afford the cost of an appeal. The second reason, and, in Miller's view, the more significant, was a desire to avoid setting a bad precedent. Because the court record was so lacking in substantive information about grazing (due to the judge having prohibited the inclusion of information that wasn't in the park district's files) Miller thinks that they probably would have lost on appeal. Jeff Miller, e-mail message to author, 14 November 2006. An alternative response by plaintiffs to appealing the ruling of 9 March 1999 was to threaten the park district with a lawsuit under the Endangered Species Act in regard to the California red-legged frog. Greg Schneider speaks about this action in Chapter 7 of his interview.

7. The cattle attack occurred on 19 April 2002 at approximately 7:15 AM. Greg Schneider, e-mail message to author, 27 October 2006.

As I attempted to move farther, another cow joined in and began to chase us as well. I yelled at this one and attempted to get away again in the direction of my other dog. We were then approaching an area where the trail crosses the top of the ridge and a ridgeline trail. When I reached this intersection there were another 120-plus cattle in the area. As we crossed over the trail to reach the other dog, yet another cow accosted me and the dog I had on the leash. I once again yelled and tried to run away, but the cow continued to chase us part way down the hill before it stopped.

Now I was able to get the other dog back on leash. Then I needed to get back on the ridge trail so I could return to my vehicle. I made every effort to get as far to the left of the cow that had just chased us without going down the steep embankment. As I attempted to get by, the cow again began to chase us, but we were able to get far enough away that the cow once again stopped.

Finally, I got back to the ridge top and onto the ridgeline trail where we were accosted almost immediately by two other cows. I had to run off the trail and part way down the hill before they would stop. This hillside is covered with deep pockmarks that made it very difficult to walk on. And so after passing these cattle, I attempted to get back up on the trail.

I didn't go more than thirty yards before I saw a cow and a calf off the trail about twenty yards to our left. They both came after us as we approached. Once again I had to run down the pock-marked hill to get away. At that point, I decided it was futile to use the trail, so we carefully moved down the treacherous hillside to where there were no cattle. Then we backtracked to my vehicle.

I was fed up with having to deal with these circumstances at Sycamore Valley and at other parks for that matter. I had reported numerous such incidents in the previous year, and the district just did not seem to care.

Public safety is an issue that I've pursued as an alternative to the environmental approach because it was clear that the park district had no concerns about the environmental condition of its parks. Perhaps they would be more concerned about the safety of those who used the parks.

It turned out that public safety did not matter to the park district board either. What mattered most to them was providing a place for ranchers to graze their cattle, no matter what the impact was to the park ecosystems or the potential hazards to the public.

CHAPTER 6

Cattle attack numerous people in the parks

I've found that this problem of people being attacked by cattle is actually quite pervasive in the parks. There are a lot of people getting chased or put in precarious situations. Some people have been seriously injured. The park district recently admitted that three or four people are injured every year as a result of incidents with cattle. Some of these injuries have resulted in broken bones and severe trauma from trampling. Pets that were attached to their owners by a leash have been trampled and killed as their owners were attacked and severely injured.⁸

8. Additional examples of people being attacked by cattle in the East Bay regional parks can be found online at <http://www.regionalparksassociation.org/newsletter.html> (last visited 30 March 2008) in the section titled "Links to Other Information."

I think dogs may be an element that provokes this aggressive behavior from the cattle because there have been a number of people with dogs that have been attacked. But I know of others who don't have dogs that have also been attacked. If the park district chose to eliminate dogs so that cattle could continue to roam, there would most likely be an uproar because there's a large contingent of park users that expect to bring their dogs to these parks, just like there is a large contingent of avid bicycle users that expect the park district to allow them continued access to trails.

There have even been equestrians that were attacked. In May of 2003, in Pleasanton Ridge Park, a rider and his horse were chased by a group of steers. His horse went into complete run-away, making it very difficult for him to regain control. He had not gone more than a mile before he had to ride past yet another group of steers, which also charged him and his horse. This time he was forced to ride cross-country and down a dangerous hill to avoid them.

He stated in a letter to the park district that this was a frightening experience for him. He shuddered to think what could have happened if there had been a family of hikers with small children, or a woman with a baby stroller, several of whom he had seen on the trails. He asked the park district board: "Does the district have enough liability insurance to cover such a dangerous situation?"

Recently I got a letter from a woman who wrote that she and her husband were chased by cattle in the park at Sunol. They had to climb a tree to escape, and they didn't have any pets with them. But I think there is something about the pets, or the dogs. Maybe the cows think they're coyotes or something.

Many people have been unsuspectingly attacked. I know a guy that lives around the corner from me who owned horses and was not intimidated by large animals. Prior to his attack, he had no problem walking through a herd of cows on the trail. He would say, "You just have to be cool and not act as though you're scared of them."

One time he was taking his own advice, walking and whistling as he hiked on a trail next to a pond in one of the district's parks. Before he knew it, bam! He went flying eight or ten feet into the air and landed in the pond. Now he's petrified. He won't go in the parks anymore if cows are grazing there.

One last thing about the safety issue is that these cows are like wild animals. The only time they have any human contact is when they get rounded up and hauled to someplace else. They get yelled at, and have trucks beeping at 'em, and harassing them in various ways to get them loaded onto the trucks. Outside of that they don't have any good human interaction. So it's not surprising to me that sometimes, if they feel threatened, they will go after people.

CHAPTER 7

Cattle damage riparian areas

At Sycamore Valley there isn't a lot of water. There is a creek that comes under the boundary fence and opens up into a big pond, which was probably used as a water source for cattle way back who knows when. As long as I have been hiking there, the pond has been a great natural resource for a variety of creatures. Before the park district

took over management of Sycamore Valley, the area was used by a lot of birds—waterfowl. That was one of the first places where I saw how much damage the cattle could cause.

The cattle got into this pond and started destroying the edges by trampling and then taking down the surrounding vegetation. I was quite disturbed by that, so I took a lot of pictures, which I sent to park district board members.

They didn't do anything until the Southwest Center for Biological Diversity sent the park district a letter⁹ threatening to sue them for take because when Jeff Miller went out there he found a great big California red-legged frog,¹⁰ which is a threatened species. We took photos of the frog and had Professor Robert Stebbins, an undisputed authority on Western amphibians, validate our photographs. Thomas Mikkelsen, then assistant general manager in charge of the district's grazing program, responded to the letter¹¹ claiming that grazing was not having a primary impact on the red-legged frog population at Sycamore Valley.

In early January 2000, Peter Galvin, a biologist and one of the principals at the Center, informed the district in writing that they were violating the Endangered Species Act. These letters from the Center finally prompted the park district to avoid a potential confrontation by fencing off the riparian area. However, they were not completely responsive to our request because another area farther down the creek was left open, which allowed cattle access to the red-legged frog area. So we threatened to monitor that area for harm to red-legged frogs, and within a month or two they put up another fence which stopped the damage.

That's really the extent of the riparian area in the park, except for an ephemeral stream that feeds that region where we found the red-legged frog. It just so happens that this year they graded a new trail through this ephemeral streambed, so that the rancher wouldn't have to drive so far in the park to find his cows.

Anyway, that's potential red-legged frog habitat that they graded through.¹² Since the park district did the excavation for this trail without permits, Friends of Sycamore Valley brought this to their attention and threatened to report this to authorities. About six months later, the park district attempted to mitigate the damage by eliminating the trail and re-seeding the area. Without a more in-depth investigation it is not clear whether any of the red-legged frogs were affected.

9. The letter from the Southwest Center for Biological Diversity to the East Bay Regional Park District was sent 16 November 1999. Greg Schneider, e-mail to author, 27 October 2006.

10. California red-legged frog (*Rana aurora draytonii*) was listed as a threatened species by the US Fish and Wildlife Service in June 1996.

11. The written response from Thomas Mikkelsen to the charges by Southwest Center for Biological Diversity came on 3 December 1999. Greg Schneider, e-mail to author, 27 October 2006.

12. The US Fish & Wildlife Service specifies that estivation habitat for the California red-legged frog is potentially all aquatic and riparian areas within the range of the species and includes any landscape features that provide cover and moisture during the dry season within three hundred feet of a riparian area. Greg Schneider, e-mail message to author, 27 October 2006.

CHAPTER 8

Cattle damage vegetation

When I started hiking in the park in 1992 there were foxes, rabbits, pheasants, quail, and deer. I even saw a golden eagle out there one year. But all of those species that use the taller grasses and shrubbery for cover disappeared from the park within a couple years of grazing by the park district. And conditions have continued to go downhill from there because of the overgrazing.

There's a shrub called coyote brush,¹³ which is a native plant to California, and is a good habitat for birds. There were two of these shrubs that got demolished by cattle within a couple of years. The coyote brush is very susceptible to damage because even the largest limbs are only a couple of inches in diameter and are easy prey for a hungry bovine. One shrub in particular that was probably fifteen or twenty feet tall, and roughly the same in diameter, is now completely chewed to the ground.

Another plant species that takes a hit from the cattle are the oak seedlings. About four years ago, we had a lot of acorns in an area along one of the park's trails that resulted in literally two hundred seedlings coming up. Now there are just a dozen or so surviving because they have been so heavily browsed and trampled by the cattle. That same year, near the fenced Sycamore Valley riparian area, there were several dozen new oak seedlings growing. Five or six years later, we are able to compare those oak seedlings because some are within the grazing area, while the others are inside the fenced riparian area. Those within the fenced area are very healthy and growing with full vegetation. The ones in the grazed area have little or no vegetation and are about 20 percent as tall, even though they both started growing in the same year.

CHAPTER 9

Environmental impacts of fences at Sycamore Valley

Because the Sycamore Valley parklands are created from parcels of multiple land owners, there are a number of internal fences. After the park district put up the perimeter fence for the park, they required the rancher to tear down the internal fences so that the cattle could graze the areas evenly.

When the park district, or the rancher, started tearing down these internal fences, I found them thrown onto private property—thrown down gullies where they would go out of sight if you weren't paying attention. I found them in creeks. I found them rolled up inside the park. This is irresponsible land stewardship by the park district and its tenants.

In one location on the south parcel at Sycamore Valley, the park district put up the perimeter fence parallel to an existing one. And because they put them only about six feet apart they

13. Coyote brush (*Baccharis pilularis*).

became a hazard for deer. Once I saw a deer panic because the two parallel fences prevented it from leaping over either one. As a result, the deer tried to go through the first barbed-wire fence and got stuck in it. And by the time it got out of the barbed wire, its face was all bloodied. It took off down the hill in between the two fences and then got stuck in this barbed-wire fence at the bottom where the fences came together. It finally got out and went the opposite direction, but it was in pretty sad shape. I came home and was extremely upset from seeing that happen.

CHAPTER 10

Arguments advanced by EBRPD to justify livestock grazing

The major argument in favor of grazing, and it's quite effective, is fire protection. The park district claims that they need to protect all of the homes that are surrounding these parks since they are in suburban/urban areas. However, there are parks like the Sunol Regional Wilderness that do not require an urban buffer because they are in wide open spaces not surrounded by homes. Yet the park district insists on using the fire protection argument as justification for grazing. And the fire department is fully behind the park district in its argument.

Jon E. Keeley, who's a fire ecologist at the USGS Western Ecological Research Center, gave a talk on fire in the Bay Area a couple months ago to the Regional Parks Association. He indicated that even where there are major fires, like those in Los Angeles and the Southwest, that it's very effective to stop these fires by simply having a buffer zone. It's not necessary to reduce vegetation everywhere in the park, only at the buffered boundaries.

Locally, what the fire departments and the home owners do to protect themselves from grass fires is to have a thirty-foot buffer. But for the raging wildfires, like those experienced from Santa Ana winds in Southern California, a two-hundred-foot buffer is most effective.

I'd be happy if the park district said, "Okay, we're gonna put up a double fence that will provide a buffer zone at the urban interface that we'll let the cattle chew up. And then we'll preserve the remaining land and natural aspects of the parks."

The other argument for grazing is that it improves the biodiversity of the parks. But that's yet to be seen. The parks are pretty denuded at this point. Most of them are overgrazed year after year. And as I've documented,¹⁴ species of plants disappear rather than re-appear.

The park district also claims that the grazing is controlling exotic vegetation—weeds. As long as the cows are eating the weeds, sometimes it looks like they're controlling them. Unfortunately, what they're doing is actually proliferating them.

There are seven hundred acres of open space that surround the 360 acres of the northern parcel of the Sycamore Valley Open Space. When I surveyed those seven hundred acres, I looked for the presence of star-thistle. I documented in my report that there was virtually none on those seven hundred acres. Yet I think something like 35 percent of the park was completely covered with star-thistle, 30 percent of the open area in the park where star-thistle could germinate

14. Greg Schneider, "An Assault on Biodiversity in the Name of Wildlands and Habitat Preservation" (25 February 2002), <http://www.rangenet.org/directory/schneiderg/2002report/> (last visited 30 March 2008).

wasn't covered with star-thistle, and the remaining 35 percent was covered with oaks. The only significant difference between land in the park and the land in the surrounding seven hundred acres outside the park was that the park was grazed.

So yeah, there's a claim that the cattle are controlling these exotic weeds, but the reality is that the diversity of exotic plants in the parks is significantly higher than that found on ungrazed plots.

But fire protection, I would say, is the primary reason they give for the grazing. If you talk to any board member, that's what they'll say is the reason. However, there is not valid justification for this position.¹⁵

CHAPTER 11

Some East Bay Regional Parks open to ranchers but not to recreationists

When the park district acquires land, it may not be ready for public access. It may need fencing, or some infrastructure that's required to "make it safe." And so the park district puts the land into what they call land-bank status. The land is on the books and it's "protected." But the public isn't allowed access until they officially open it.

Sycamore Valley just happens to be one of those kinds of parks. It's two 360-acre parcels. One is north of the main highway through the Sycamore Valley, and the other is south. The northern parcel is what I wrote most about in my report,¹⁶ and where I documented many examples of typical cattle damage to parklands.

The south parcel of the Sycamore Valley Open Space has been under park district jurisdiction for over fifteen years. And this was one of the selling points of the home that I'm sitting in right here—that we have this open space that was donated by our developer for us to enjoy. I purchased this home in 1988 and that park still isn't open.

What is interesting is that the park district didn't take over the Sycamore Valley north parcel until about six or seven years ago. I had been hiking on that land for seven or eight years before that and the Town of Danville had no fences and no gates. The park district came in to make the land a public park, and they put up a barbed-wire fence and put locks on all the gates to keep the people out and the cows in. The people of Danville weren't going to put up with that and so they would often hop the fence.

It was on this northern parcel that I had the experience of being chased by the four cows in fifteen minutes as I described earlier. After I complained, I wrote a long e-mail to the chief of public safety about the situation. I think they became concerned, because this wasn't the first time I'd reported incidents of being harassed by cattle.

15. In the late 1980s, while preparing an environmental impact report for Mt. Diablo State Park, state officials did some fire studies on grasslands that are very similar to those found on lands of EBRPD. Static fuel models developed by the US Forest Service at their Northern Forest Fire Laboratory for assistance in planning fire suppression activities were used to develop estimates of the rate of spread and fire intensity for the most common fuel types at Mount Diablo. These models indicate that the rate of spread between grazed and ungrazed grasslands is identical. Greg Schneider, e-mail message to author, 27 October 2006.

16. See Note 13.

In response, they put up signs on the gates indicating that the parks were officially closed to the public, and they began restricting people's access, even though people had been informally using the area for some time.

The disturbing part of this whole situation is that we have a piece of land that was purchased fifteen years ago and it's still in land-bank status, while over in Alameda County the park district is spending half a million dollars to renovate a restroom in a park, and they used another million dollars to add fishing access at another park. All the while we've got a park that's been sitting here for fifteen years, and they claim they don't have the money to open it. So their spending priorities are those that are satisfying their political needs, while the people here in Contra Costa County are paying the bill and not getting their parks opened.

The ranchers get a really sweet deal. They sell their land to the park district, put the cash in their pocket and then let the taxpayer pay the taxes on the land for them while they continue to graze their cattle and keep the public locked out.

The problem with this land-banking policy is that by the time the public actually is allowed access, the land has been transformed into a wasteland—most of the natural beauty denuded by cattle ranchers who just don't seem to care. The advantage to the EBRPD of such an approach is that the public cannot complain about this loss of natural beauty because they never knew it existed in the first place.

In 1988 a bond measure allocated funds to the park district for all of the parks, including Sycamore Valley. Through a Public Records Act Request—basically like the Freedom of Information Act—Friends of Sycamore Valley found that none of the targeted funds went toward opening or improving the park. Instead the park district gave the funds to the Town of Danville to pave a parking lot. The park district also spent \$93,000 on cattle grazing infrastructure while the public did not even get a park bench or a picnic table.¹⁷

CHAPTER 12

The Grazing Review Task Force (April 2000–June 2001)

In 1998 the park district had unsuccessfully tried to raise money through Measure W, a parcel tax measure that narrowly failed to get the two-thirds vote required. Some say the measure failed because the park district was not specific about how the funds would be used.

In the year 2000, they planned to put a similar measure on the ballot in that November's election. They knew that getting this measure passed was going to be a close vote. The grazing lawsuit brought by the Southwest Center for Biological Diversity and the Alameda Creek Alliance against the park district was still fresh in their minds, and they didn't want any more negative publicity about grazing if they could avoid doing so. In 1999 there had been several articles written about cattle grazing in the parks, and Friends of Sycamore Valley began to get publicity

17. In 2005 due to mounting public pressure, the EBRPD opened both of the parcels at Sycamore Valley to the public. Although the park district had claimed that it could not open this park until it was made safe for public use, all they did when they opened these parcels was unlock the gates. The park district did not make one improvement on behalf of the public. Greg Schneider, e-mail message to author, 27 October 2006.

for the problems at Sycamore Valley. So the park district began putting all of their ducks in a row so that they could present themselves in the most favorable light to the general public.

In an attempt to counter any potentially bad press relating to the grazing issue, the park district established the Grazing Review Task Force. A strategic decision on their part was to start the task force investigation six months before the election, and they planned its completion to occur six or eight months after the election. That way, if anything came up from environmental activists, or people concerned about the impacts of grazing, they could always say, "We're having hearings. People are contributing. We're taking public comment. And we're gonna make changes to our program based upon public input." So they had themselves covered if there was any controversy that came up in the newspapers or wherever.

But they shot themselves in the foot because of a financial scandal. This Grazing Review Task Force had started in April 2000. Well, the following June, the auditors for the park district found that one of the employees had been embezzling money. They found things like large checks in drawers that hadn't been cashed. And it became a real embarrassment. Their public relations advisors told them that it would not be in their best interest to put the bond measure on the ballot. Perceived fiscal irresponsibility would surely be the demise of the ballot measure. They also knew that they couldn't afford to have the ballot measure fail in back-to-back elections.

In spite of this decision to not put the measure on the ballot, the task force continued on its path to completion. But the leverage that they could have gained from this public process was lost.

It wasn't until 2002 that they tried to do it again with Measure K. Of course, the task force was over by that time. The delay of the measure did not help the park district. The arrogance of the park district management and board of directors was beginning to hurt their image. The people of Contra Costa County voted the measure down in a big way because the park district was focusing on the parks in Alameda County and not paying sufficient attention to acquisitions and park openings in Contra Costa, which, by the way, is where Sycamore Valley is located.

But anyway, the idea of the task force was that they would hear from several Bay Area groups. Every month a different group would be invited to speak, such as environmental groups, ranchers, fire departments, and agricultural organizations. The public comment consisted primarily of three-minute sound bites from members of the public. Occasionally, written comments would be submitted, but that was rare. Jeff Miller and I made it a point to flood the park district public record with as much grazing-related information as we could because we knew that there would most likely be another grazing lawsuit against the park district. We weren't going to lose the next lawsuit for the same reason the previous one had been lost, which was because the judge only allowed information in the park district's records to be admitted as evidence.

During the Grazing Review Task Force session where ranchers were invited to provide comment, the park district showed its true bias. While the public was strictly held to three minutes per speaker during its session, the park district timekeeper allowed ranchers to speak well over the three-minute limit. One of the first speakers spoke for nearly ten minutes. When the timekeeper initially noted that this individual's three minutes were up, the speaker just laughed and kept on speaking. Not one of the Grazing Review Task Force members objected. The camaraderie between this group and the park district was quite evident throughout the meeting.

Another example of bias toward the ranchers is that during the Grazing Review Task Force they intentionally shortened the grazing season. Normally, cattle are allowed to graze from

November through June or July. The year of the task force, they started the cattle in February and took them off in April. They grazed something like three months that year, about one-third of the normal grazing season. Then they removed the cattle from the parks about six weeks prior to taking the public out to see the impacts of grazing. Before the tours, they scooped all the cow feces off the trails, graded them, and made them look really nice. So they “whitewashed” the parks in an attempt to deceive the public.

And during the tour to Sycamore Valley, which I couldn’t attend because I had another commitment, Jeff Miller mentioned that I had taken photographs showing what the trail looked like before they had whitewashed it. Jeff said he believed that Tom Mikkelson, the assistant general manager in charge of the grazing program and the tour leader, was going to hit him because he was so irritated that Jeff mentioned that somebody had graded the trails just prior to the tour.

They claimed they didn’t do it. So whether the rancher did it or the park district did it—who knows? Ultimately it achieved the same end—public deception in favor of the grazing program.

At the conclusion of the Grazing Review Task Force, the park district took all of the three-minute speeches that everyone had made, and they condensed them into a report. There was no scientific study done on park district lands by any experts or the park district for this review. The task force’s proposed actions from this fifteen-month process were summarized into about three hundred words of changes to their grazing policies document. The new version basically said, “We’re gonna try to put in more water sources for the cattle so that they stay out of the riparian areas.” Well, I’ve been monitoring the area, and additional water sources have not changed anything. The cattle are still destroying the riparian areas. So the bottom line is that the task force was just a political exercise.

CHAPTER 13

No environmental monitoring conducted by the EBRPD

The park district’s 1992 “Wildlands Management Policies & Guidelines,” a vegetation management plan, and the grazing lease both call for certain levels of monitoring. And the outcome of that monitoring is supposed to determine whether or not they allow the cattle on parklands. The documents also define when cattle should be removed. The park district provides a Residual Dry Matter (RDM) Index to their staff to assist them in assessing when the level of grazing has exceeded acceptable limits.

When I started writing my 2002 report,¹⁸ I did a public records request to get all of the monitoring reports. The park district admitted that there were no monitoring reports and no monitoring data that they could provide. This was because they had never done any monitoring. And so I took their RDM standards and used them as the basis for the measurements I made at Sycamore Valley for inclusion in Appendix A of my report. I took forty-five unique, detailed measurements throughout the park with photographs that matched the RDM photographic index that they were supposed to be using for their assessments. On a scale of A being the best, and F being the worst, the north parcel at Sycamore Valley was assessed a grade of E, which was a rating of severely overgrazed.

18. See Note 13.

So while their “Wildlands Management Policies & Guidelines” document specifies the monitoring that the park district should be doing, the district still does not do any monitoring even after having gone through the Grazing Review Task Force process.

CHAPTER 14

Ranchers supplementally feed cattle on EBRPD lands

If there’s not sufficient forage on the parklands for cattle to graze, the park district’s grazing license specifically states that ranchers may not introduce livestock onto the premises. In spite of the many legal requirements stipulated in the park district’s grazing lease, which are intended to protect the land, the ranchers consistently get approval from the district to introduce the livestock, even though RDM standards are way below minimum. Then they allow them to supplementally feed the cattle to compensate for the lack of forage. This violates the lease and prevents the land from ever recovering from the constant overgrazing that occurs.

I photographed such activity for my 2002 report.¹⁹ You can see areas where the cattle are all gathered together and there’s hay or whatever they want to feed them. They’re having to do the supplemental feeding because they’re putting the cattle on at the beginning of November just when it starts raining. But the grasses haven’t grown enough by then to provide sufficient forage for cattle. I’ve got pictures of cattle on their knees trying to get outside the fence to get something to eat. It’s not until February or March that the grasses have grown sufficiently to feed the cattle and meet RDM standards.

CHAPTER 15

Livestock grazing discontinued at Mt. Diablo State Park

The East Bay Regional Park District covers two adjacent counties—Alameda and Contra Costa. Mt. Diablo actually sits in the middle of Contra Costa County. And Mt. Diablo State Park is the highest peak in the Bay Area.²⁰ There’s nothing unique there, except for the elevation being maybe fifteen hundred feet higher than any of the ridges that occur inside the park district. Consequently, the environment there is real similar to what’s in all of the East Bay Regional Parks.

In 1979 grazing was such a big issue for the state park system that it began a study to examine whether grazing was beneficial to their mission of preserving the natural resources of the parks. The California Department of Parks and Recreation (DPR) took nearly ten years to evaluate the pros and cons of cattle grazing at Mt. Diablo before making their final decision. They did scientific studies on long-term vegetational responses at grazed and ungrazed sites within the park. They also studied the effects of grazing on the standing biomass, the reductions of fire

19. See Note 13.

20. The summit of Mt. Diablo is 3,849 feet above sea level.

fuels, water quality, and much more. Then, as part of DPR's 1989 "General Plan for Mt. Diablo State Park," they made a well-informed decision to eliminate cattle grazing from the park.

DPR came to the conclusion that the grazing doesn't really improve the fire situation. And, in fact, it can create worse conditions than by leaving some of the grasses that grow later into the year and are still green in June and sometimes into July. The annual grasses that characterize the grasslands at Mount Diablo are especially productive under grazing pressures and are highly flammable once they have dried out. However, over the long term, under no grazing pressures, native perennial grass species would be promoted in the understories of the oak forests on the mountain. In addition to remaining green well into the summer season, these native perennial grasses tend to produce much less biomass on a yearly basis than annuals, resulting in less total fuel loading.

Their general conclusion was that the consequences of grazing were contrary to a lot of the claims that have been made for it. The biggest claim made by EBRPD is that grazing is required for fire protection. DPR concluded from their studies that the restoration of the grasslands and woodland understories to native perennial species carries more promise for reducing fire hazard in the state park by reducing fuel loading and decreasing flammability.

And again, I want to stress, this was a full environmental impact study. The park district has never done an environmental impact study on grazing. What's even more curious is that the park district continues to ignore the DPR findings even though that state park sits right in the middle of their district. Park district staff claim that there's something different about the rest of the district compared to the state park system. So this topic is something you will rarely hear them talk about because all of their justifications would be shot down by the environmental studies that were done for the "General Plan for Mt. Diablo State Park."

At Mt. Diablo they also found that many of the predictions about the supposed adverse impacts from removing cattle have not occurred. Those who advocated the continued use of grazing predicted the accumulation of hazardous amounts of biomass and the proliferation of exotic weed species like star-thistle. To the contrary, such conditions did not materialize. And over the last two decades, DPR has successfully managed to satisfy their requirements for fire safety with means other than cattle. They found that undesirable effects of fire suppression activities²¹ can be avoided by using a planned program of modified fire suppression—dividing the park into compartments bordered by existing natural and artificial firebreaks. By planning a fuel modification zone they can substantially reduce the threat and spread of wildfire. Preparation of these zones may include mowing and plowing of grassland fuels, and pruning and thinning of brushlands to reduce fuel in strips that would prevent the spread of wildfire.

21. The "undesirable effects" of fire suppression carried out by the use of livestock include 1) replacement of native perennial bunchgrasses with introduced annual species that are highly flammable once they have dried out, and 2) large areas of grass untouched because of uneven grazing. Greg Schneider, e-mail message to author, 11 November 2006.

CHAPTER 16

Managing the East Bay Regional Parks like a corporation

All through the process of investigating the grazing within the park district and watching the destruction occur at Sycamore Valley, the question in my mind has always been, “What is motivating this behavior by the park district that is so biased toward the ranchers?”

When I first started doing this, I was convinced that somebody was being paid under the table. And I’m still not convinced that that may not be the case. But I’ve talked to a lot of people, even people within the park district, and time after time they say they don’t believe that people are making money under the table from grazing.

But the park district management runs the parks like they’re running a corporation. The amount of money they spend on public relations is over \$2 million a year. They have a helicopter that is used for park surveillance.

It is highly questionable, in my opinion, whether the park district needs to lease and maintain a helicopter for use 365 days a year. Would the public not be just as well served by sharing such a resource with another local agency that has a helicopter?

What is most troubling is that they have a public relations campaign that includes television advertising to tell us to come to the parks. I know of no other park agency that has money to regularly advertise.

They have the perspective of creating a corporate image to promote themselves, so that when it comes time to get more money from the public they can refill the coffers. The park district regularly initiates media campaigns prior to important elections. These are not blatant campaigns telling the public to vote for their ballot measures, but they do focus on telling the public what a great job they are doing and how much we need the parks.

The focus of the park district board is on generating revenues, not protecting the natural resources they are stewards of. And so, I’m really believing what people have told me, even from inside the park district, that what really motivates their management is the cash that’s coming in from the ranchers—that three or four hundred thousand dollars each year. If they take the cattle off, they’ve got to replace that revenue with some other source.

There’s a big question, though, as to whether the grazing program is economically beneficial to the park district. What they don’t factor in are the costs associated with trail repair, fence repair, loss of natural resources, and a variety of other costs associated with the grazing program. They don’t weigh these in because then having the cattle in the parks would show as a negative economic benefit in the financial data. If the public requests financial data from the park district management in order to make an independent assessment of the grazing program economics, they will claim the information is not available.

Unlike the corporations in this country that have had to cut back and lay people off for the last three or four years, the park district hasn’t made any staff reductions. Recent budget cuts at the state level have caused them to claim that they will have to start shutting down parks, rather than making the hard decisions of cutting back some staff, or having someone else provide the helicopter service.

You will never see an old truck in the park district. They're all the newest models. There is little fiscal restraint. And that's really where their focus is. They're about creating this empire. Their motivations are not about the people or the environmental vision that the park district founders had. It's sadly about their political ambitions.

CHAPTER 17

Final thoughts on the impacts of livestock grazing in the East Bay Regional Parks

I was on a hike two weeks ago with the Alameda Creek Alliance to look at a mountain they're gonna cut in half to create a quarry in the South Bay. And we had just come across a part of the trail that was so covered with cow feces that you didn't even want to look at it. We had just walked through this area and were walking down a hill, when an elderly gentleman looked over at me and said, "Greg, this grazing is a good thing, right?" And he started to quote a book he had read about some grassland in one of those Midwestern states, in which someone claimed that the cows had regenerated a population of raptors because the cows were able to take the grass down and make more squirrels available for them.

The park district makes the same claim here in the East Bay about the golden eagle population. At times I think that the general public doesn't think deeply enough about what is going on around them. They listen to the hype of those who are taking advantage of public lands for their personal financial gain. One doesn't stop and think that grazing gives raptors a hugely significant advantage over all of the wildlife that rely on the brush and grasses for their habitat and very survival.

It's amazing to me that someone can walk through the park, see that most of the vegetation and wildlife are gone, and then say that because he had read some book, he thought that grazing was a good thing. All I had to do was look around and point out a few things to this individual and he began to see that grazing is not such a good thing for the parklands.

The East Bay Regional Park District's pro-grazing stance has become so obvious that in 2003 they came under fire from a key agency in the San Francisco Bay Area for their recent proposed land use plan for the Sunol Regional Wilderness. The San Francisco Bay Regional Water Quality Control Board—the agency that is responsible for water quality for the San Francisco Bay Area—wrote a nine-page letter to the park district strictly about its proposed grazing plan for this park. They wrote nine pages criticizing them for their policies that show no consideration for the public, no consideration for wildlife, no consideration for water quality. This land use plan received a great deal of criticism from the environmental community.

So the pressure's mounting, and I think the park district is feeling it. Their current strategy is to hold the line on their grazing policy as stipulated in the Sunol Regional Wilderness land use plan, which will ultimately generate a lawsuit from environmentalists.²²

22. As of November 2006 the land use plan for the Sunol Regional Wilderness had not been implemented. As neither Jeff Miller, director of Alameda Creek Alliance, nor Greg Schneider still live in the East Bay there is much less pressure on EBRPD to resolve the issue than there was at the time of my interview with Schneider.