



# Shore Lines

News from Citizens for East Shore Parks

Fall 2008

## Yes on Measure WW means Yes for Parks!

### Measure WW — EBRPD open space bond measure extension

In November voters in Alameda and Contra Costa counties will again have a chance to *Say Yes to Parks!*

Measure WW will preserve vanishing open space and shoreline and help communities meet their recreational needs.

In 1988 voters approved bond Measure AA, which allowed the East Bay Regional Park District to establish our current network of parklands, recognized as one of the best of any urban region in the U.S.

That measure provided funds to secure 34,000 acres, created 17 new parks and facilities, and added more than 100 miles of trails. Since the 1988 measure expires this year, future park projects depend on its extension.

Measure WW will authorize total bond sales of \$500 million. Importantly, if approved, the property tax rate will **not** increase beyond its current tax rate of 0.01% per year— \$10 per year, per \$100,000 assessed valuation.

The extension will authorize another 20 years of continued funding for 67 current and future parks, open space, and projects. Of the revenue raised, 25 percent will benefit local parks and recreation projects, while 75 percent will fund regional park acquisition and development, open space preservation, and habitat restoration.

CESP is particularly focused on the following shoreline areas:

- **Eastshore State Park:** \$27 million to restore and expand while completing segments of the Bay Trail
- **Point San Pablo/Point Molate:** \$4.5 million to acquire and restore the shoreline, complete Bay Trail
- **North Richmond wetlands:** \$3.6 million to preserve marshes and develop public access for education programs and wildlife viewing
- **Point Pinole:** \$7.5 million to develop new road, parking, recreational areas, visitor center, maintenance facilities; complete park boundary; and restore wetlands



- **San Pablo Bay Shoreline** (above): \$855,000 to acquire, restore, and provide public access.

Although public support for Measure WW is already high, the proposition requires a 2/3 YES vote from Alameda and Contra Costa County residents to pass.

CESP strongly supports the continuation of a modest tax that has already been in place for 20 years. In the face of a growing population, determined developers, and a demand for parks and open space, **Measure WW is vital to preserving the East Bay's precious shoreline and wildlife habitat.**

More information and updates about Measure WW are available at [www.YesForParks.org](http://www.YesForParks.org).

# On the Horizon for CESP

from Patricia Jones, Executive Director

Dear Friends of Shoreline Parks!

Welcome to the second edition of our newsletter, *Shore Lines*. In this issue you will find news about the work CESP has been doing to protect our shoreline, what's on the "Horizon" and how you can get involved.

But first, I want you to relax and take your time to think back about how much FUN you had as a kid playing outside.

Which visions come to mind? The first rush of the surf hitting you and the smell of salt in your nose and mouth? Building a tree house in the backyard or a fort in the nearby trees where you imagined all sorts of scenarios? Just lying in the grass watching the flight of dragonflies or lightning bugs? Perhaps you were more scientific and you caught tadpoles in the creek and watched them grow. Makes you nostalgic, doesn't it?

Guess what? Kids today don't share those experiences. Many are simply afraid to go outside and others "experience" nature through the television or computers.

This conclusion and more compelling information is shared in Richard Louv's book, *Last Child in the Woods—Saving Our Children from Nature-Deficit Disorder*. The name says it all. Louv concludes it is "free play" as described above that is most beneficial to the mental development and safety of children in the



modern world. "Natural play strengthens children's self-confidence, and arouses their senses—their awareness of the world and all that moves in it, seen and unseen."

What better way to facilitate "play" for local children (of all ages) than to achieve CESP's goal to create a necklace of shoreline parks

from the Oakland Estuary to the Carquinez Strait?

CESP continues its work with Richmond community activists to promote parks and

*"I played around our yard some and talked to the fence posts, sung songs and made the weeds grow..."*

— Woody Guthrie

open space as the preferred alternative in Richmond's general plan. City Council will be back in session in September and will no doubt engage the question of which option is to be preferred for developing the

required environmental impact report. The City's final decision about workshops requested by the Planning Commission is unclear.

We are happy to report that our North Richmond outreach activities have again been supported by grants from the **San Francisco Foundation** and the **Richard and Rhoda Goldman Fund**.



CESP is especially grateful to Nancy Strauch for her efforts to secure grant funding for our work to preserve places for kids to play and explore.

There is much more to do, and we cannot do it without you! Active volunteers are what makes CESP successful.

Our successes also depend upon the financial support we get from our friends. **Your tax-deductible contributions are crucial to the work that CESP does to create a world-class necklace of shoreline parks along San Francisco Bay.** We are grateful for your help.

*Patricia V. Jones*

Executive Director

## Shore Lines

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for East Shore Parks

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Supporting organizations include: Golden Gate Audubon Society • Sierra Club • Save the Bay • NRSOSA  
Oakland Waterfront Coalition • Berkeley Partners for Parks • California Native Plant Society  
Environmental Defense • Citizens Committee to Complete the Refuge • Friends of Aquatic Park  
Oceanic Society • Regional Parks Association • Urban Creeks Council • Contra Costa Hills Club  
California State Parks Foundation • Citizens for the Albany Shoreline • Ecology Center

## Could Golden Gate Fields be sold?

by Brian Parker, Albany Waterfront Committee Chair

As the City of Albany proceeds with plans to engage the community in a comprehensive Waterfront Visioning Process, Magna Entertainment Corp, the owners of the privately held waterfront lands at Golden Gate Fields, face financial turmoil.

According to recent financial disclosures, Magna posted a loss of \$21.3 million in the second quarter of 2008, with losses totaling \$67.7 million year-to-date, and an accumulated deficit of \$577.8 million.

For the past year Magna has tried to sell off half of its racetracks to reduce accumulating debt that threatens the corporation's future. These offerings were characterized as sales of "fringe assets and smaller tracks", and Golden Gate Fields is not among the properties for sale.

Magna's goal is to sell enough properties to lower the debt to the point they can handle the remaining payments while breaking even. This asset sale plan has been largely unsuccessful because of poor real estate market conditions.

On August 6, Magna announced that another track sale might be in the offing. A press release detailing the company's second-quarter financials said that the sale of certain assets was being "reconsidered," and it was widely assumed that certain previously disclosed tracks Magna had placed on the market might be withdrawn. Frank Stronach, Interim CEO and controlling shareholder of Magna, instead said the company might be willing to sell up to 60% of Santa Anita Park to help the company reduce its staggering debt load.

While the announcement has no clear bearing on Albany, Magna had always considered the Santa Anita and Albany tracks part of its core holdings that, with the paying down of the company's debt, could be operated on a profitable ongoing basis. Now all plans are being reconsidered.



## Albany waterfront planning update

by Brian Parker, Albany Waterfront Committee Chair

On July 8<sup>th</sup> Fern Tiger, principal of Fern Tiger Associates (FTA), presented a progress report to the Albany Waterfront Committee. After only two months on the task, FTA has made substantial progress on the public phase of the Waterfront Visioning Process.

The firm has gathered and reviewed earlier plans and City documents, including relevant technical studies, meeting minutes, and materials from the last election.

Albany's planning efforts are driven by a deep concern that new development plans will be proposed by Magna for Golden Gate Fields or grow out of its sale to another owner. The City's Visioning Process is intended to guide the next iteration of landowner and development plans, thereby avoiding another divisive fight over development of the property.

The City's investment in waterfront planning is looking like a wise investment that might be needed sooner rather than later.

As part of the groundwork to craft a planning process responsive to Albany's unique local circumstances, they have interviewed 50 people, including Council members, City staff, Waterfront Committee members, Planning Commissioners, environmental and community leaders, and other Albany residents.

FTA has also had discussions with Golden Gate Fields' local management and is reaching out to meet and engage Magna's corporate leaders.

In early September FTA will brief the City Council and the Albany Waterfront Committee on additional details of planned work. They will continue outreach to the community and City commissions after that.

The Visioning Process is expected to kick-off in early 2009.

To stay abreast of the visioning efforts, send CESP your email address (to: [Pjones@eastshorepark.org](mailto:Pjones@eastshorepark.org)) and check our website often for updates: [www.eastshorepark.org](http://www.eastshorepark.org)

# Richmond accepts polluted Point Molate

by Shirley Dean, CESP Board Member

On July 29, 2008, the last meeting before the Richmond City Council's August recess, CESP board members Sylvia McLaughlin, Betty Olds, and Shirley Dean attended to express CESP's opposition to the early transfer of land at Point Molate from the US Navy to the City. We three grandmothers became a rather notorious team when our picture appeared in the *New York Times* after climbing a tree to make a point about saving the Memorial Oak Grove. That night we were excited and eager to urge the Council to stand up for open space at Point Molate.



Five-and-a-half-hours of political theater and emotional testimony on other issues sorely tested our enthusiasm by the time the Council finally reached the Point Molate item. Most of the 33 speakers had gone home by the time we were called.

We expressed appreciation for the many community members who worked countless hours as the Point Molate Restoration Advisory Board, to stand firm against a Navy plan to just walk away, claiming that the site was clean.

Under the Comprehensive Environmental Response Compensation and Liability Act, the Navy can prepare a Finding of Suitability for Early Transfer (FOSET) if it concludes that the property is environmentally suitable for early transfer despite incompleteness of all remedial action necessary to protect human health and the environment. In an early transfer, the City assumes responsibility for achieving regulatory compliance for the environmental cleanup of the site.

In the proposed agreement, the Navy will pay \$28.5 million for the City to perform environmental services to satisfy the San Francisco Bay Regional Water Control Board Order for the site cleanup.

After the transfer is complete, the City proposes that Upstream Point Molate LLC will perform the cleanup, relieving the City of cleanup obligations. Upstream is headed by James Levine who is well known for his past involvement with the unsuccessful Zeneca cleanup.

Upstream now seeks to develop the Pt. Molate site with a huge Indian-based casino, hotel, retail shops, and housing. The City proposes to buy insurance to cover the City and Upstream against losses or costs arising from unknown conditions and environmental lawsuits.

We asked the Council who or what will protect the public against mistakes like those connected to the disastrous cleanup of Zeneca. How much time will be lost, how many problems intensified, how many people put at risk if the City fails to ensure that the cleanup is done right the first time?

To avoid these mistakes, CESP recommended that the FOSET be submitted to the Department of Toxic Substance Control for a full and adequate analysis *before* approving it or transferring the property.

Early transfer is premature. At this point, we don't even know whether the developer will actually obtain the necessary approvals for this massive casino development.

CESP opposes the use of this priceless natural resource for an urban casino and we urged the Council to instead provide a safe place for all to enjoy the magnificent shoreline.

Unfortunately, the Council voted 7-0 (the Mayor and one member absent) to proceed with the early transfer.



Visit [www.pointmolateresort.com/ProjectConcepts.htm](http://www.pointmolateresort.com/ProjectConcepts.htm)

## Better judgment prevails sometimes

On August 20, Superior Court Judge Barbara Zuniga issued a tentative ruling that the 2006 Municipal Services Agreement for the City of Richmond to provide police, fire and other services to a North Richmond casino planned on Richmond Parkway by the Scotts Valley band of Pomo Indians violated the California Environmental Quality Act (CEQA).

The city's mistake was to intentionally postpone (perhaps avoid) compliance with CEQA. As witnessed in the Council's decision to accept responsibility for a polluted Pt. Molate Navy site, fiscal appeal seems to trump environmental and public safety concerns with this City Council.

Oakland attorney Stephan Volker represented a coalition of plaintiffs that included CESP, the Parchester Village Neighborhood Council, the Sustainability, Parks, Recycling and Wildlife Defense Fund and Richmond environmental activist Whitney Dotson.

### Office & meeting space available

CESP is located at 520 El Cerrito Plaza, above Trader Joe's. We have office space we'd like to share and a meeting area available to community groups for a small fee.

Also, we would put to good use some equipment if you or your company would like to make a tax-deductible gift of a Powerpoint projector, laptop PC, conference phone, digital camera, easels, or a folding tradeshow display board.

## We Love Volunteers!

CESP always appreciates some help! Big needs right now are website maintenance and tablers for the events below.

We could really use in-kind donations of website publishing, computer networking, printing, and laminating. Please contact Patricia Jones at 524-5000 or [pjones@eastshorepark.org](mailto:pjones@eastshorepark.org).

**Sept 14: SOLANO STROLL, 10 a.m.-6 p.m.** Come visit CESP at our booth in Environmental Alley, relocated this year to the top of Solano Ave between Fresno Ave and The Alameda, by WaMu Bank. Free admission.  
[www.solanoavenueassn.org/strol.htm](http://www.solanoavenueassn.org/strol.htm)

**Sept 20: COASTAL CLEANUP.**  
**Albany 9 a.m.-noon.** Meet at foot of Buchanan near the racetrack.  
**Richmond 8:30 a.m.-noon.** Meet at Shimada Park at Marina Bay.  
[www.coastal.ca.gov/publiced/ccd/ccd.html](http://www.coastal.ca.gov/publiced/ccd/ccd.html)

**Oct 3, 4, 5: HOMEFRONT FESTIVAL.**  
Richmond celebrates its history with a festival at Marina Bay. Free admission.  
[www.homefrontfestival.com](http://www.homefrontfestival.com)

**Wednesday, Oct 29, 3-6:30 p.m.**  
*Cruise San Pablo Bay with CESP.*  
*Your donation of \$125 will help CESP's efforts to promote Measure WW. To reserve space on board the Delphinus, please contact Vicki Lee at 510-741-1201*

## Zeneca clean-up must include Stege Marsh

By Pierre Thompson

The Zeneca/former Stauffer Chemical Company site is notorious for its toxic soup, and that toxic soup is paralleled by bureaucratic soup. Four government agencies have some say about the timing and sophistication of the Zeneca cleanup: the U.S. EPA, State Department of Toxic Substances Control (DTSC), the State Water Board and San Francisco Bay Regional Water Quality Control Board (Regional Board).

CESP is anxious to see the maximum area of the Zeneca site cleaned, restored, and preserved as parkland, including the 20-acre Stege Marsh south of the Bay Trail. The marsh has always had dubious ownership. Neither the University of California, operator of the adjacent Richmond Field Station, nor Cherokee-Simeon Ventures is willing to pursue cleanup beyond their domain.

Later this year DTSC will circulate a Lot 3 draft Remedial Action Plan to clean up unsafe levels of metals, pesticides, volatile organic compounds, and other hazardous waste. Cherokee-Simeon Ventures, the developer that proposes to build a high-rise condominium on Lot 3, will be primarily responsible for the cleanup, under DTSC oversight. The previous cleanup attempt, which lasted from 1998 to 2004, failed.

However, clean up limited to Lot 3 would still leave Stege Marsh highly contaminated, as revealed in a recent research report. Mud sucker fish were found to have severe reproductive impairments and spartina salt exudates

contained sedimentary toxicants. Such disruptions to the local ecosystem have serious implications for human health.

When the State Water Resources Control Board submitted its most recent 303(d) list of water quality limited segments to EPA, they placed the marsh on an auxiliary list for impaired waters being addressed by other actions. The State Board, and later EPA, based this decision on the misinformation that the Regional Board's implementation of its Cleanup and Abatement Orders would be more effective. But the Regional Board's cleanup efforts failed and cannot serve as an adequate substitute for the standards that would be created and enforced if Stege Marsh were assigned to its proper place on the primary 303(d) list for impaired waters.

So what can be done to facilitate the cleanup? State agencies must consider potential 303(d) sites every two years. Southeast Shoreline Citizen Advisory Committee member Sherry Padgett believes that the key to triggering cleanup is to have the Regional Board add Stege Marsh to the EPA's 303(d) list for California. Once listed, the marsh would undergo a Total Maximum Daily Load assessment to determine what's needed for cleanup, followed by an implementation plan. The 303(d) listing guarantees that site cleanup will occur in a timely manner under federal oversight.

What You Can Do: Exercise your right as a citizen. Attend CAG meetings and add your voice to the call for clean up-- both north and south of the Bay Trail.

**Yes,** I will help CESP continue the work to complete a necklace of shoreline parks. Here is my gift of:

\$50  \$100  Other \$ \_\_\_\_\_

Clip and mail this coupon with your tax-deductible donation to support our core program of citizen advocacy.

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Phone \_\_\_\_\_ E-mail \_\_\_\_\_

Citizens for East Shore Parks  
PO Box 6087  
Albany, CA 94706



# September 6! Opening Day for the Ballfields in Eastshore State Park



**Saturday, September 6 from 10:30am-11:30am**

## North Synthetic Field

400 Gilman Street, Berkeley (west of Frontage Road at the Bay)

Refreshments will follow immediately after the ribbon-cutting and closing ceremony. Please RSVP to Brenda Montano, 510-544-2200 or [bmontano@ebparks.org](mailto:bmontano@ebparks.org).

Join CESP and East Bay sports field users to celebrate the grand opening of the **Tom Bates Regional Sports Complex**. CESP is a big fan of the cooperative effort of the five East Bay cities to provide this much needed place to play!

The program begins at 10:30 a.m. Pat O'Brien, General Manager of the East Bay Regional Park District, will open the festivities. The speakers will be:

- Loni Hancock (California State Assembly)
- Nancy Skinner (EBRPD Board Member, Ward 1)
- Mayor Tom Bates, City of Berkeley
- Mayor Robert Lieber, City of Albany
- Mayor William Jones, City of El Cerrito
- Mayor Ken Bukowski, City of Emeryville
- Mayor Gayle McLaughlin, City of Richmond
- Doug Fielding, Association of Sports Field Users
- Robert Cheasty, Citizens for East Shore Parks

## Temporary Trail Closure at Berkeley Meadow, Eastshore State Park

**August 25–October 15**

During weekdays from August 25–October 15, EBRPD will close the north-south trail at the Berkeley Meadow for public safety during Phase II of the Meadow restoration project. The 1/3-mile trail bisects the eastern and western parts of the Meadow. The other trail will not be affected. Perimeter trails will be open except when trucks are entering the construction site. For more information, contact Isa Polt-Jones in Public Affairs at 510-544-2207.



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Friends,  
Please help CESP continue the work to complete a necklace of shoreline parks.  
A coupon is on the reverse for your much-needed contribution. All donations to CESP are tax-deductible.  
Thank you!

**Shore Lines**  
  
Citizens for East Shore Parks  
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510-524-5000