



Shore Lines

News from Citizens for East Shore Parks

Spring 2009

CESP files lawsuit to protect Pt. Molate (Again)

By Robert Cheasty, CESP President

To protect Point Molate, CESP has once again had to file a lawsuit against the City of Richmond, Upstream Point Molate LLC, the U. S. Navy, and the two Indian Tribes involved in the proposed development project at Pt. Molate. This is the second lawsuit that CESP has filed against the City of Richmond and the developers (Upstream) regarding Pt. Molate. Our last suit was successful and we have retained the same legal counsel, Steve Volker.

The timing of the lawsuit was dictated by certain statutes—CESP had to file or miss the window to act. Lawsuits are not a preferred tactic for CESP. We are engaged in an education and advocacy program to protect the East Bay Shoreline from development. This strategy has produced successful results on numerous fronts from Oakland north through Richmond, educating and sometimes coaxing stakeholders to see the long-term wisdom of open space on the shoreline.

But sometimes developers and their allies in public office act precipitously, without allowing the full processes of the law to unfold. CESP is willing to take legal action to protect the public's rights, and as a last resort, to fight in court for the shoreline.

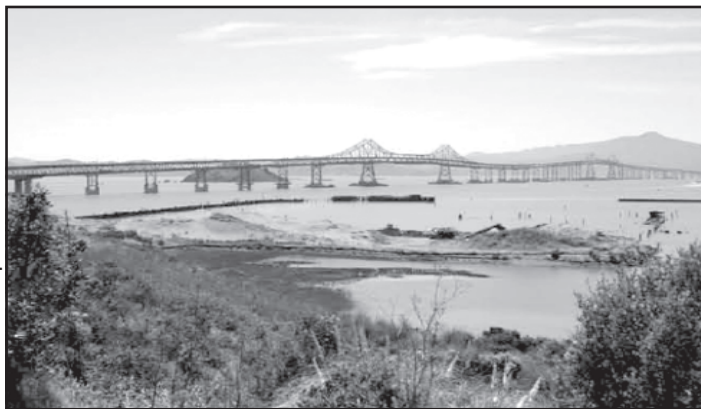
The grounds for the current lawsuit are multiple, including the fact that the latest steps involving the developer and the City run afoul of the terms of the settlement agreement they made with CESP when we won the first lawsuit against them over Pt. Molate.

CESP filed that lawsuit in 2004 on grounds that the City of Richmond and Upstream planned to proceed with the proposed Pt. Molate development project (by entering into a binding agreement) without going through the environmental review required by the California Environmental Quality Act (CEQA). Once we filed that action we were joined by the East Bay Regional Park District and the California Attorney General.

In the settlement with CESP, Richmond and Upstream not only accepted the requirement that the Pt. Molate project comply with CEQA, they agreed to certify an EIR prior to "...any approval of a transfer and/or lease of land to Upstream." (See the Navy story on page 4.)

All parties have been meeting to see what potential grounds there are for resolution of the matter. As always, CESP seeks to show the opposing side the public benefits of our vision of maximizing open space for the entire Richmond shoreline and to enlist the developers to join in this vision. People can change their points of view and join the preservation effort when given the right information and incentives.

CESP is joined in this legal action by SPRAWLDEF, an organization that shares our vision to protect the Richmond Shoreline.



Citizens must step up to ensure the best possible Richmond general plan

By Patricia Jones, CESP Exec Dir

Richmond residents have long expressed a shared desire to have access to their entire 32-mile shoreline. Already having repeated that mantra for years, they will get more chances to deliver this simple message to City officials when the General Plan Update debate resumes. A public input and review process that began last January, and stagnated over the fall, is about to move ahead on February 27.

Next steps are outlined below. CESP asks you to urge the City to envision and plan for greatness. Richmond's shoreline could be planned for public ownership and become a dazzling jewel in the Bay's necklace of shoreline parks.

Feb 27: The Draft General Plan will be released for public review. It will include goals, policies, and actions for 15 elements, such as parks and recreation, land use options, conservation, natural resource/open space. The public

Continued on page 5

On the Horizon for CESP

from Patricia Jones, Executive Director

Shore Lines

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Dear Friends of Shoreline Parks!

Happy New Year! Can you feel the fresh air of change? You know things are moving in the right direction when one of the first actions by the Obama administration is to order the EPA to reconsider its stubborn denial of California's request for a waiver of the Clean Air Act. Attorney General Jerry Brown said: "Today's dramatic announcement marks the first time that an American president has taken decisive action to deal with global warming."

And, here in the East Bay, thanks to voters like you, we can celebrate the passage of Measure WW, which is essential for improvements at Eastshore State Park and expansion of parklands and amenities along the remainder of the shoreline. Thank you!

Knowing that we all face economic challenges, take heart from the public works done during the Great Depression. As Gray Brechin said in the July 2007 *Berkeley Daily Planet*, "With practiced eyes, you begin to see remains of the New Deal everywhere in the East Bay. WPA workers created or improved virtually every older park in the East Bay in places such as Berkeley's Cragmont and Codornices Parks, Richmond's Alvarado Park, or in Oakland's Montclair and Joaquin Miller parks. Few who enjoy Berkeley's Aquatic Park or Yacht Harbor probably realize that they are heirlooms left by hundreds of men working with picks, mules and scrapers."

Back then citizens understood that conservation was an investment of lasting value, and they worked to create our now vast East Bay Regional Park System. Wildcat Canyon, Tilden, Sibley, Lake Temescal and Redwood parks all opened to the public between 1936 and 1939.

But 80 years ago, citizens didn't yet understand the need to defend the shoreline from industrial dumping.

With your help WE CAN do it now! Since CESP was founded in 1986, citizens through-

out the Bay Area have joined in our mission to create a necklace of shoreline parks from the Oakland Estuary to the Carquinez Strait. Today, that mission faces several challenges.

Point Molate, with Richmond's most spectacular views of the Bay, is public land. It comes from the U.S. Navy and it should be preserved and put into a use that maximizes the public benefit. **Your help is needed** to preserve this precious resource as a legacy for our children and grandchildren.

Breuner Marsh, along the North Richmond Shoreline, was saved thanks to the hard work of CESP, EBRPD, and citizens like you. And now we must save the adjacent wetlands by ensuring that development doesn't adversely impact the wildlife at the Marsh. Richmond's general plan update shows housing on the shoreline, and we must stop that.

At the **Albany Waterfront**, the owner of Golden Gate Fields has hired bankruptcy counsel. CESP needs to be ready to negotiate with new landowners over redevelopment of the site for the benefit of everyone, the creation of a park, and the completion of the Albany section of the Bay Trail.

At the **Brickyard** in the Berkeley portion of Eastshore State Park we are urging the state and regional park agencies to collaborate, with existing budgets, to eliminate the unsightly dirt mounds stored there and create an inviting public recreation area that balances the habitat conservation area protected at the Meadow.

Our success depends on the financial support from our friends. We have an immediate goal of \$50,000, and a generous Board member has pledged a \$5,000 challenge gift IF we raise \$45,000. We're more than half-way there, so **please use the enclosed reply envelope to make your tax-deductible contribution and help us meet our challenge goal.**

Together, we can create a world class necklace of shoreline parks along San Francisco Bay. Thank you!

Patricia V. Jones

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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 • Regional Parks Association • Urban Creeks Council • Contra Costa Hills Club • Ecology Center
Oceanic Society • California State Parks Foundation • Citizens for the Albany Shoreline

Building a Community Vision for the North Richmond Shoreline

by Rich Walkling, CESP Board Member

On January 24, forty people showed up on a cold, gray Saturday for a spirited tour and discussion of the future of the North Richmond Shoreline. The tour was hosted by the North Richmond Shoreline Academy.

More than half of the participants were residents of Parchester Village and North Richmond. Also attending were former Richmond City Council candidate Jovanka Beckles, Nicole Valentino, assistant to Richmond mayor Gayle McLaughlin, and four East Bay Regional Park District (EBRPD) staff.

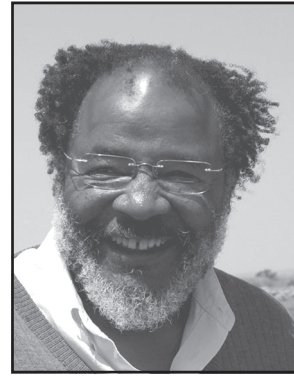
Newly elected EBRPD Director Whitney Dotson welcomed the group and discussed the importance of the shoreline. Doria Robinson, of the Urban Creeks Council, described restoration activities in the Wildcat Creek watershed. EBRPD Naturalist Bethany Facendini spoke about the value regional parks can provide to the local community.

The group visited the flooded Wildcat Creek Regional Trail where it goes under the Richmond Parkway. Persistent flooding prevents North Richmond residents from accessing the shoreline. At the Landfill Loop Trail, Mike Lynes, Conservation Director at Golden Gate Audubon, described the recent year-long bird census on the North Richmond Shoreline and the value of the shoreline to birds on the Pacific Flyway.

At Breuner Marsh, EBRPD planner Brian Wiese described the process the District will use to design the Breuner Marsh area and the nature center at Pt. Pinole. The group brought up the need for the District to provide local jobs when restoring the marsh.

After touring the Wildcat Creek Staging Area, the Landfill Loop Trail, and Breuner Marsh at the mouth of Rheem Creek, the group had lunch and participated in a visioning exercise at the Parchester Village Community Center. The enthusiastic group returned prepared to articulate a positive future for the shoreline. Specific points included acquiring lands south of Breuner Marsh and converting them to parkland, restoring the bay and shoreline so that people can eat what they catch without fear of getting sick, restoring native plants, creating community gardens, providing green jobs for Richmond youth and adults, and providing interpretive information on the history of the shoreline from the Ohlone to the dynamite factories.

The Shoreline Academy will hold a follow-up community meeting to confirm the results of the visioning exercise. CESP board members Whitney Dotson, Mike Lynes, and Rich Walkling are active with the North Richmond Shoreline Academy.



Whitney Dotson Elected to the Parks Board!

We are pleased to congratulate CESP Board Member

Whitney Dotson on his election to represent Ward 1 on the East Bay Regional Parks District, including Albany, Berkeley, Emeryville, El Cerrito, El Sobrante, Kensington, a portion of Oakland, a small part of Pinole, Richmond and San Pablo. Parks in his ward include: Brooks Island, Eastshore State Park, Kennedy Grove, Miller/Knox, Point Isabel, Point Pinole, Sobrante Ridge, Tilden, and Wildcat Canyon. Prior to his election, he was an appointed member of the Park District Park Advisory Committee.

A long-time resident of Parchester Village in Richmond, Dotson is a well-known community activist who served as president of his neighborhood council and now serves as Vice Chair. He was Associate Director of the Neighborhood House of North Richmond, and is Vice Chair of the Community Advisory Group monitoring the clean-up of Campus Bay and UC Berkeley Richmond Field Station.



Photo courtesy Michelle LeBeau

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.

Navy's Early Transfer of Pt. Molate

By Jeff Ingliss, North Richmond Shoreline
Open Space Alliance

The U.S. Navy has been working to clean up the Pt. Molate site for years, but significant contamination remains. In 2008, the Navy offered \$28.5 million to the City of Richmond and Upstream in return for the Early Transfer of the Pt. Molate site to the City.

The Early Transfer process allows a federal department like the Navy to transfer a contaminated site before clean-up is complete. The city then assumes the obligation to clean-up the rest of the contamination. Richmond and Upstream responded to the Navy's offer by signing a series of agreements, including moving ahead with the Early Transfer. The EIR they previously agreed to certify has still not been released for public review. (See Lawsuit on page 1.)

There may be some reasons for this apparent haste on the part of Richmond and Upstream. The Land Disposal Agreement between them, initiated in November of 2004, lasts for 5 years. This means that Upstream loses its exclusive right to develop Pt. Molate in November 2009.

It also seems possible that Richmond and Upstream worry that any delay to the planned Early Transfer may result in the Navy's redirecting its money to other priorities while the issues causing delay here are resolved. That would not change the Navy's legal obligation to clean up the site. Nor does it seem likely to change its interest in proceeding with Early Transfer.

Upstream has stated publicly that it is prepared to pay the difference if the Navy's \$28.5 million is not enough to pay for the remaining clean-up.

CESP is concerned that flaws in the Early Transfer arrangement might leave the City exposed to costs of clean-up or lead to major delays in the clean-up.



Dangerous Bay Trail

Gap Persists

by Bruce Beyaert, TRAC Chair

In January the State Lands Commission dashed hopes for closing a dangerous gap in the planned Bay Trail route to/ from Pt. Molate and the Richmond-San Rafael Bridge. The Commission refused to require Chevron to pay part of the trail's cost as mitigation for a new 30-year lease of State submerged lands for operation of Long Wharf.

400 organizations, individuals, and city, county, and state elected officials were united in urging the Commission to require the mitigation.

A Bay Trail spur is planned to run from Pt. Richmond under I-580, through Pt. Molate and around Pt. San Pablo to the Yacht Harbor.

The critical problem now is the lack of a safe Bay Trail connection between Pt. Richmond and the south side of the bridge toll plaza where an existing trail built by Caltrans runs under the bridge to Western Dr. To reach Pt. Molate, bicyclists must ride on the narrow shoulders of I-580 and its exit ramps where one was killed and another left wheelchair bound after being hit by a car in 2006.

In 2001, Chevron, the City and ABAG Bay Trail Project funded the "Feasibility Study of Bay Trail Routes to the Pt. San Pablo Peninsula". There was consensus that a route from the end of Tewksbury Ave. over Chevron property near the I-580 corridor to reach the south side of the toll plaza would meet Chevron's security concerns while providing a workable, though not optimal, Bay Trail connection.

However, Chevron refused to even discuss closing this gap until last year when it needed the City of Richmond's approval for its billion dollar refinery Renewal Project. This led to Chevron signing a Community Benefits Agree-

ment wherein it would provide the needed easement and pay up to \$2 million for "security enhancements *after* the 0.6-mile trail was built— but no money to build the trail.

Commission Chair Garamendi had earlier proposed a "stone soup" package to fund design and construction of this \$13 million trail segment with Chevron and Caltrans each providing \$5 million. Richmond City Council responded by voting unanimously to join EBRPD in providing the remaining \$3 million. However, the Commission backed down when Chevron declined to provide any funds the trail. Their primary focus was getting Chevron's \$6.7 million payment to the State's General Fund for rents due.

Visit www.ci.richmond.ca.us/TRAC

After the vote, I was left with the feeling that we had brought back the broomstick of the Wicked Witch of the West only to be sent away callously by the Wizard of Oz. We will continue to seek ways to seek a brain, a heart, courage, and a way back to Kansas – not to mention this critical segment of Bay Trail.

—Richmond City Manager Bill Lindsay

Measure WW Passes!

Thanks to parks supporters like you, voters in Alameda and Contra Costa counties overwhelmingly said Yes to Parks! Measure WW, the EBRPD open space bond measure extension, passed with a 71% YES vote, easily meeting the 2/3 majority needed.

The passage of Measure WW is a ray of sunshine in the current dark economic times and crucial to CESP's vision of more and better East Bay shoreline parks and restoration.

With the funds from WW, Eastshore State Park will be able to develop access improvements, restore upland and wetland areas to enhance wildlife habitat, and to complete segments of the Bay Trail.

For more information and to see projects near you, go to <http://www.ebparks.org/ww>

and the General Plan Advisory Committee will have 60 days to comment. The Planning Commission will hold 1-3 study sessions. The GPAC and the public are urged to attend to share their thoughts and feedback.

While the Planning Commission conducts study sessions of the elements, the Draft Environmental Impact Report will be released for a 30- or 45-day public review. It will include several land use alternatives. The Planning Dept. will select the "preferred" alternative to serve as the basis for the DEIR analysis.

The Planning Commission will review and approve the general plan elements, land use alternative, and the DEIR before it all goes to City Council for consideration. During this iterative process, there will be a series of comments, changes and drafts, with an end "goal" of adoption by October 2009.

It may sound like there is plenty of time to act, but it is essential that the City hear from the public about the environmental, economic, recreational, and social values of protecting the Richmond Shoreline at every official milestone.

What's At Stake?

The North Richmond shoreline is important habitat for migrating birds. Its tidal marshes, mudflats, and eelgrass bed shelter many threatened and endangered species. Preserving this shoreline corridor as open space offers a unique opportunity to create a visible edge to the city with stunning long views in every direction.

Pt. San Pablo Peninsula, including Point Molate. Pt. Molate's scenic 5 miles of shoreline include a tranquil beach, open space, historic buildings, stunning views of Mt. Tam, and populations of native fish offshore and grasses on shore.

South Richmond Shoreline. North of Pt. Isabel Park, south of Marina Bay, Zeneca/Campus Bay is an integral part of the S. Richmond Shoreline, with great views and a stretch of the Bay Trail. We envision it as an extension of the Eastshore State Park.

What You Can Do

Write or email City Planning Commissioners at Richmond City Hall, 1401 Marina Way South, Richmond, CA 94804. E-mail can be sent to:

Virginia Finlay: finlaysell@aol.com

Nagaraja Rao: ranii@aol.com

Jeff Lee: jefflee3@sbcglobal.net

Stephen Williams: steve_a_williams@dot.ca.gov

Charles Duncan: charlesgduncan@gmail.com

Attend Planning Commission Study Sessions. Check City website www.cityofrichmondgeneralplan.org/ or send us your email so we can alert you when they are scheduled: pjones@eastshorepark.org.

Share this information with your neighbors and urge them to participate in the general plan process.

Donate money to support our effort to save the shoreline!

Ask the Planning Commission to . . .

- Oppose development of the shoreline.
- Support open space, parks and recreation along our shorelines for cleaner air and better public health.
- Provide permanent protections for the bay shores that are part of the Public Trust.
- Support public access to the shoreline for all Richmond residents.

The general plan must include policies that firmly state and assure specific measures to prevent damage caused by development, including:

- Any mitigation money should be spent in Richmond.
- Any shoreline properties with commercial designations should be zoned with the lowest intensity possible under the law.
- The City should adopt a "Transfer of Development Rights" ordinance to enable land owners to transfer development rights from shoreline properties to inland parcels better suited to development.

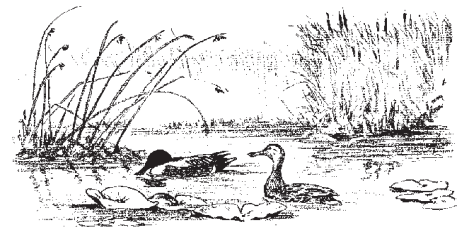
For more details about CESP's position on each of these Richmond shoreline areas, visit www.eastshoreparks.org.

Albany Waterfront Update ⁵

Before the end of February, Fern Tiger Associates will mail out a "newspaper" chock full of information about the waterfront to Albany residents. Then FTA will divide the City up into 47 sections and invite people from each section to attend a visioning meeting in groups of about 20 each.

Richmond Honors the CAG

On Jan. 27, Mayor Gayle McLaughlin presented the Martin Luther King, Jr. Richmond Community Leadership and Service Award to six groups, including two CESP allies: the Richmond Southeast Shoreline Area Community Advisory Group and the North Richmond Shoreline Open Space Alliance.



2 Urban Restoration Success Stories

From Wasteland to Wetland

Thursday, February 19 6-7:30 pm
Pt. Richmond Community Center
139 Washington Ave

Come learn about best practices and how grassroots efforts turned the tide for two urban wetlands.

Heron's Head Park presented by Literacy for Environmental Justice. Built on a former landfill, youth and community members maintain this thriving 24-acre marsh project.

Crissy Field presented by the National Park Service. The project engaged the community in creating this world-class waterfront park from a contaminated military ground, raising \$34 million in private funds.

Free food and refreshments will be served. For more info, contact Juliana Gonzalez at (510) 665-3597 or juliana@thewatershedproject.org.

CESP & State Parks Foundation Advocacy Briefing

Wednesday, February 18, 7:30 pm at the CESP office

With California facing an historic deficit, it's more important than ever for park advocates to speak up for the protection and enhancement of our 279 state parks. California State Parks Foundation holds briefings throughout the state to discuss the current impacts and the challenges that face our state parks. Topics will include:

- Current threats to state parks
- State budget issues
- Proposed legislation that would impact state parks
- March 23rd Park Advocacy Day in Sacramento

Representatives of California State Parks Foundation and CESP will deliver an information-packed presentation on how to effectively advocate for state parks and share insights about the political environment. Not only learning about critical financial impacts on state parks, you will have a chance to network with colleagues who share your interest in protecting our state park system.

Join us on **Wednesday, February 18, at 7:30 pm** at 520 El Cerrito Plaza and let's let State Parks know how they can make improvements at Eastshore State Park!


Refreshments will be served. 520 El Cerrito Plaza is above Trader Joe's – take stairs or elevator up to second floor, go through two sets of doors to the end of the hallway. **Please RSVP to pjones@eastshorepark.org or call (510) 524-5000.**



Conservation is an investment that does not lose its value. Please help CESP secure future parks.

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