



SIERRA CLUB SAN FRANCISCO BAY CHAPTER

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REPLY TO: 802 Balra Drive, El Cerrito, CA 94530

January 19, 1997

Ms. Mimi Cary, Chair
and Members of the Task Force to Study Ordinances
Governing Dog Use Of Parks in Berkeley
Parks and Waterfront Dept. Office
201 University Ave.
Berkeley, CA 94710

Dear Ms. Cary and Members of the Task Force:

The Sierra Club East Bay Public Lands Committee provides the following comments as a statement of the Sierra Club's position regarding the issue of dog use in Berkeley parks. These comments regard issues pertaining to Cesar Chavez and Acquatic Park. These comments do not apply to the other parks. Other Club entities may comment on dog use in those parks. The Public Lands Committee deals with issues pertaining to the East Bay shoreline and the relationship of that shoreline to Acquatic Park.

CESAR CHAVEZ PARK

At the outset it is important to remember the history of the area that is now called Cesar Chavez Park. The Sierra Club is very disturbed by comments it has heard from members of this Task Force that there is no Master Plan for this site, that no EIR was prepared, etc. A short history is necessary so that all of us, both the City and the public know exactly from where we start.

In the early 1970's a court mandated agreement between the City of Berkeley and the U.S. Army Corps of Engineers and the Regional Water Quality Control Board required that the 90 acre dump now known as Cesar Chavez park be turned into a park. At that time the public insisted that seven acres be converted into wetlands.

In 1977 the City prepared and adopted (June 1977) a Master Plan for the Park. An EIR was also prepared and certified by the City in that year for that Park. The 1977 Master Plan remains the official guide to development and use of the Park. That Master Plan provided that the Northern half of the park be set aside for the development of a wildlife sanctuary and protection of wildlife.

In 1983 the City prepared a Conceptual Plan to respond to the Regional Water Quality Control Board's closure order. This Conceptual Plan was prepared by the City and attached to and became part of the Regional Water Quality Control Board's Order. Therefore, it remains a legal document controlling the City's actions on the Waterfront. Any change to that plan would be in violation of the Water Board's order unless agreed to by the Water Board.

The Sierra Club has adopted positions in support of the existing Master Plan and Conceptual Plan. In 1979 pursuant to Resolution 6-79-6 the Club urged the City to complete the development of the park according to the plans approved by the City. In 1985 pursuant to Resolution 4-8/85 the Club supported the development of the Park as a restored natural environment as set forth in the Master Plan and Conceptual Plan.

In 1993 the Club provided comments to the City regarding unleashed dog use in the park. The Club has not changed its position.

Therefore, the official position of the Sierra Club is as follows:

1. The City must comply with and abide by its existing Master Plan and Conceptual Plan as part of the Water Board's Order.
2. Any use inconsistent with the Master Plan is a violation of that Master Plan.
3. Any use inconsistent with and not provided for in the Water Board's order for closure is a violation of the Water Board's order.

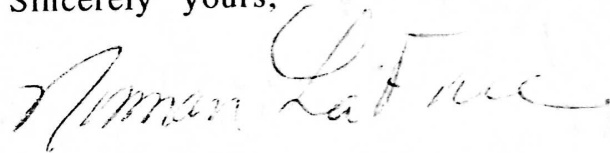
4. As with any land use issue and any entity dealing with land use issues, the Club will take whatever action it considers appropriate to ensure that a City such as Berkeley complies with its Master Plans and remains in compliance with any order of the Water Board. This includes, but is not limited, to filing suit.
5. Since unleashed dog use is not provided for in the 1977 Master Plan or the Water Board order, it may not be permitted in the Park. Should Berkeley officially permit such use, it will be in violation of the Water Board's order and in non-compliance with its own Master Plan.
6. Any changes to allow for unleashed dog use for the Park should go through a proper planning process, i.e., through amendment to the Mater Plan with any EIR prepared as necessary.
7. Unleashed dog use will require a full EIR to evaluate its impact on the existing environment, wildlife, and water quality. In particular, with the requirements under the Federal Clean Water Act for control of non-point source pollution, the City of Berkeley will, perforce, have to prepare an EIR to evaluate the impact on water quality of unleashed dog use because of the amount of contaminant run-off that results from dog feces left on the site.
8. Because Cesar Chavez Park is connected with and may well become part of the East Bay Shoreline State Park, any changes in use in that park must be planned in conjunction with the Master Plan for the new park. No changes in use should be permitted now until the Park District goes through its Land Use Development Process for the new park.
9. By Resolution 93.07.05 the Sierra Club supports the current policy of the City of Berkeley forbidding unleashed dog use in Cesar Chavez Park.

ACQUATIC PARK

The Club has consistently opposed any use that would adversely affect the birds that use this park for resting and feeding. In the past the Club has opposed uses that impact the birds. The Golden Gate Audubon has documented over and over again that unleashed dogs negatively impact birds in the areas that allow such a use. Therefore, unless it can be shown that unleashed dog use will not negatively impact the birds that use Aquatic Park, the Club cannot support such a use.

I trust this explains and clarifies the Sierra Club's position at this time. Please feel free to call me to discuss this further.

Sincerely yours,



Norman La Force, Chair East Bay
Public Lands Committee and Legal
Chair, San Francisco Bay Chapter
Tel: (w) (415) 981-5200
(h) (510) 526-4362

cc: Mayor and Members of the Berkeley City Council w/ enc.

P.s. Please note that the enclosure entitled "Support the Sierra Club Plan" comes from the campaign materials that Sierra Club used in the 1986 election campaign to pass Measure Q, dubbed "the Sierra Club Plan for the waterfront." The Sierra Club's position in that campaign was that Cesar Chavez Park and Aquatic Park were existing Parks with existing uses and Master Plans and that no changes were to be made to those two parks as part of the Sierra Club Plan for the Berkeley waterfront. The Sierra Club Plan remains the Sierra Club's current official position on Waterfront uses.

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