

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, February 2, 2010

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

a. Natural and Cultural Resources Committee (11/18/09) (Sutter)

Committee Members: John Sutter, Beverly Lane, Whitney Dotson

EBRPD Staff: Mike Anderson, Brian Wiese, Gayle Still, Nancy Brownfield, Jessica Sheppard, Neal Fujita, Wilde Legard, Denise Defreese, Di Rosario, Ron Gartland, Ted Radosevich, John Escobar, Dave Drueckhammer, Anne Rivoire, Everett James, Kevin Fox, Anne Kassebaum, Rafael Breines

Public: Peter Rauch, Judi Bank, Ruth Orta, Debbie Treadway, Jakki Kehl, Heather Brady, Laura Baker, Greg Castro, Elonda Castro

A meeting of the Board Natural and Cultural Resources Committee was held on Wednesday, November 18th at District Headquarters, 2950 Peralta Oaks Court, Oakland, CA. Chairperson John Sutter called the meeting to order at 12:45 p.m. The following is a summary of the items discussed:

I. Report on Remediation and Cultural Resource Preservation Actions at Brushy Peak
(Anderson/Wiese)

Assistant General Manager Mike Anderson gave an update to the Committee on the recent actions taken at Brushy Peak Regional Preserve to mitigate damage to a bedrock mortar along the alignment of the Brushy Peak Loop Trail, as well as other cultural resource stewardship efforts occurring and planned for Brushy Peak Preserve.

On July 31, 2009, a letter was sent by Park District staff to the Army Corps of Engineers, the permitting authority for the trail project, notifying them of the District's intent to cover a bedrock mortar discovered within the tread of the Brushy Peak Loop Trail, to protect it from damage. At the same time, other agencies including: the State Office of Historic Preservation (OHP), the Native American Heritage Commission, as well as interested Native American stakeholders were notified. Prior to the issuance of this letter, staff had consulted several times with advocates Jakki Kehl and Greg Castro, and the Native American Heritage Commission, including an on-site meeting with hired archaeologist Jeffrey Fentress to advise on the remediation of this damaged mortar.

The remediation work was undertaken in accordance with OHP guidelines and the advice of the District's archaeological consultant. The subject mortar was capped with a boulder and native soil to protect it from further damage and trail wear. The project was completed in mid-October of 2009.

With the completion of this work, staff feels that the District has adequately protected the mortar from further damage. However, in recognition of the importance of this area as a cultural resource, several additional steps are being taken by staff to insure proper management and protection of this area. The following related and follow-up actions have been initiated:

- The District has contracted with archaeologist Jeffrey Fentress to gather the information needed to have the Brushy Peak native American sites designated as a "Cultural District" and recorded at the Northwest Information Center.
- Staff has provided information on previous Brushy Peak archaeological surveys to the OHP.
- The District has employed three graduate student interns as part of the District's new Academic Internship program to assist in recording archaeological sites and updating information in the District's Cultural Resource Atlas.
- Staff has contacted the Native American Heritage Commission to request technical assistance in developing an ongoing consultation process.

A number of additional details remain to be discussed and resolved:

- Formulating recommendations for ongoing management and monitoring of cultural resources at Brushy Peak.
- The development of signage, brochures and other methods for interpretation of these resources.
- Determining how Indian representatives can play a constructive and meaningful role in this process.

AGM Anderson said that in talking to archeologist Jeffery Fentress, it appears to be a good idea to develop a cultural resource district at Brushy Peak. Since there are so many individual sites there, they would be better protected and managed as one cultural resource district. Chair Sutter asked if there is a law for creating these districts and if so, what are the obligations, responsibilities and benefits. AGM Anderson replied that creating the district is not required by law, but a process of recordation done by a certified archeologist where all of the different sites would be mapped and a formal site record submitted to the Northwest Information Center at Sonoma State. Chair Sutter asked if the information would be a public record. Ms. Debbie Treadway of the Native American Heritage Commission, said it is not a public record, but the information could be shared by the Park District on a need to know basis. Chair Sutter asked if a visitor center would not be allowed if a cultural district was in place. Legal Counsel Ted Radosevich said the area proposed to be protected is a considerable distance from the staging area or from any likely building site. Ms. Treadway said when an archeological site is designated as a cultural district, it gives a better idea of where a visitor center should be to avoid any negative impacts to the district.

Chief of Planning/Stewardship/GIS Brian Wiese gave a slide show presentation of the mitigation that has been completed at the site. Ohlone descendent Ruth Orta asked why the area was not protected like the village at Coyote Hills that has a fence around it. Director Beverly Lane responded that when the Land Use Plan was released for public comment, there was a lot of concern about the sacred site and it was agreed not to have the trail go up the peak to the top of Brushy Peak, which is considered a sacred site. It also should be recognized that the District has close to three million people in its jurisdiction and having only one trail is a minimal use of this land. Now it is important to protect the site and get out interpretive materials so people can appreciate the area. Chair Sutter asked about the letter from the State Historic Preservation Officer faxed this morning. AGM Anderson responded that it was commenting on the District's CEQA and cultural resources processes and he will work with legal counsel on a response. Director Whitney Dotson said this is a very important process and he would like to see a consensus developed between the District and the Native American community. Chair Sutter said we have learned some lessons from this experience and will have opportunities to do things differently in the future.

Ruth Orta, an employee of the Ohlone Intern Program, requested that an Ohlone descendent be employed to interpret the site and protect it like they do at Coyote Hills. Jackki Kehl commented on the agenda summary and the use of the word consulted, which should mean that people are being considered. All of the native people who had been consulted on the plan had objected to it. Chair Sutter said some people consider consultation differently than others, but the concern expressed was the reason for not allowing unlimited access at Brushy Peak. Ms. Kehl said she fears the District's Cultural Atlas is a danger to the site, because it allows people to believe the trail is in the correct spot. She asked why a trail would be put in over 19 mortars. The Atlas can't be relied upon to determine that there are no cultural sites present. CEQA stated that sites were going to be registered and they weren't. Sites registered with Sonoma State were not on the Atlas and sites on the Atlas were not registered with Sonoma State. There are three loop trails at Brushy Peak and another concern is that the District allows people to go off trail and that presents a problem for the protection of the sacred site.

Peter Rauch, representing the CA Native Plant Society, said his concerns are with the ecological artifacts, such as the vegetation and what influence the Native Americans had on the local landscape. He said that while the District putting in one trail is conservative, perhaps closure of the trail should be considered until there is sound information.

Ohlone descendent Greg Castro said that having Dr. Fentress on contract is an inadequate resource to address this issue. He compared Santa Clara County with its archeologist on staff and consultation process with Native Americans who assist in monitoring sites. Guidelines with a framework to work under are done at other regions as well. He also had a concern with the use of the word "consult" since he considers it part of the process to work together. Ms. Treadway said she met with staff before the meeting today and she will assist as liaison in protecting Native American resources.

Director Lane said although people are critical of the District Atlas, the District didn't have one not long ago. As stewards of this land, that is safe from development forever, the District needs to do a better job and hopefully is taking steps to collaborate with Native Americans. Director Dotson repeated that he is committed to this issue and that it is important to know the history of

this area and protect it. Chair Sutter said it would be nice to have an archeologist on staff, but the District is in a budgetary squeeze.

Ms. Kehl said it's been a year and she still doesn't have an answer why the Board thinks it's appropriate to have a trail through a cultural site and no protection for what's up there. Temporarily closing the trail would show a good faith effort, but the site should also be protected like Vasco with restricted access and helicopter monitoring.

2. Status of Weed/Invasive Plants Management in the District (Brownfield/Amme)

Managing weedy, invasive plant species on 100,000 acres of District parkland poses major challenges for District staff and resources. Weedy vegetation is a problem because of the buildup of hazardous fuel loads, constant invasion from adjacent, urbanizing areas and the ability of aggressive, exotic populations to disturb the balance of existing plant communities and threaten native populations and species of concern. Because the problem is so pervasive and the acreage to be managed is so large, the problem exceeds the District's ability to manage it comprehensively. The District must therefore set strategic priorities and target specific weed populations at certain locations.

Stewardship Manager Neal Fujita gave an overview of how priorities for invasive species management are set and carried out by the Wildland Vegetation and IPM programs and the Park Operations Department. The success of these efforts over time is tracked by the GIS program. Botanist Wilde Legard discussed the history, current status and options to manage the District's grasslands, including grazing. IPM Specialist Nancy Brownfield gave an overview of the problem of invasive plants in the District. Invasive plants cost California \$82 million every year. The District spends approximately \$350,000 every year and a third is supported by grants. Sixteen invasive and noxious weeds are prioritized. Managing them promotes a diversified plant community. Briones Park Supervisor Denise Defreeze discussed the progress of the weed management program over the past ten years. Mowing and grazing have been employed to control yellow starthistle and milk thistle, but the invasive species seem to change year by year. Redwood Park Supervisor Dee Rosario spoke of the French broom removal and restoration efforts with volunteers. California Native Plant Society representative Laura Baker said that Bob Case, on the CNPS Invasive Plant Committee and former Agriculture Commissioner for Contra Costa County, would volunteer as an advisor to develop best management practices and possibly an advisory committee to address the overall problem. Director Lane said that with the wide array of conditions over 100,000 acres, she would not want to keep the supervisors from being as creative as possible. Chair Sutter said that it would be more helpful to have available advice rather than as a formal committee. AGM John Escobar thanked CNPS for the free registration to the Cal IPC Conference that several of his staff took advantage of.

3. Public Comment

There was no additional public comment.

Chairperson John Sutter adjourned the meeting at 3:00 p.m.