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By electronic delivery

Board of Directors
East Bay Regional Park District (EBRPD)
2950 Peralta Oaks Court
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RE: Public Comment regarding the Proposed Wildcat Canyon Flow Trail

Dear EBRPD Board Members and staff,

I am writing on behalf of Sustainability, Park, Recycling, and Wildlife Legal Defense Fund, Inc.¹ (“SPRAWLDEF”) concerning the proposed project to construct a “Flow Trail” in Wildcat Canyon Regional Park. The purpose of this letter is to respectfully request that the Board approaches this significant new use of park lands and through a Land Use Plan Amendment (LUPA) process and prepare an Environmental Impact Report (EIR) to ensure careful consideration of potentially significant environmental impacts and to evaluate potential alternatives to the present proposal before committing to a specific location and design.

SPRAWLDEF is particularly concerned that the heart of Wildcat Canyon Regional Park is not a suitable location for this type of activity. Flow trails are distinct from other types of trails and pose unique challenges for resource protection and public safety. Without a careful examination of potential impacts and alternatives, this choice of location could inadvertently create more problems than it solves by inviting conflicts between users and causing impacts that could be identified and avoided with a more circumspect analysis. This is not a minor alteration of park trails, but a significant new activity that requires proper planning.

Flow Trails warrant a Land Use Plan Amendment and an EIR.

Flow trails were never examined within EBRPD’s Wildcat Canyon Regional Park Land Use Plan (LUP). In addition, bicycle use in general is mentioned only sparingly in the LUP as

¹ As the Park District is aware, SPRAWLDEF was a key litigant in the effort to save Point Molate as a Regional Park. Along with Citizens for East Shore Parks, it was instrumental in blocking the proposed commercial development of the site.

one of many uses to be accommodated by multi-use trails.² The plan does mention in passing that certain areas within nearby Tilden Park are too steep for bicycle access, but provides no detailed analysis.³ There is no analysis of any type of single-use bicycle trails or any impacts from mountain biking or any other type of bicycling. Now, decades later, mountain biking has increased the popularity of trail riding dramatically, but the impacts and implications for other management objectives still have not been properly evaluated. This is long past due. In addition, the proposed, Wildcat project would introduce an entirely new type of mountain bike trail that has never been evaluated for its potential to result in significant environmental impacts. Authorizing new uses or recreational units in a piecemeal fashion would undermine the purpose of planning to ensure that new activities are aligned with the full range of Park objectives and will not impair other uses, natural resources, or public safety.

Flow trails have unique characteristics that are different than traditional multi-user and single-use hiking trails. They are specifically designed for mountain bikers to use momentum-gaining techniques like “pumping” to gain velocity as they navigate technical features like berms and jumps. This allows for high-speed trail riding that can be dangerous to wildlife and other trail users. These are also one-way trails, so unless the trail is designed as a loop, riders must use a different route to return to the top of the trail, which increases bike traffic on nearby trails thereby increasing the impacted area and the potential for conflicts with other trail users. Preventing adverse impacts requires thoughtful design and placement to ensure that vulnerable wildlife and other park users will not be harmed. When flow trails are located near sensitive habitat or hiking trails, the potential for conflicts increases. Once a new flow trail is opened, it may also attract increased use as a result of popular online mountain biking apps and websites that feature trail directories and ratings.⁴

It must not be overlooked that unauthorized use of hiking trails by mountain bikes is already a well-documented and growing problem throughout EBRPD Regional Parks, including within Wildcat Canyon Regional Park and nearby Tilden Regional Park.⁵ (See **Exhibit A**) There are few places, if any, where East Bay hikers and walkers can now go to observe and enjoy nature without encountering mountain bikes. Bicycle use has become common on narrow trails designated for hiking only as well as multi-use trails. This is not just a nuisance; for elders and people with small children, as well as people with leashed pets, this can pose a significant safety hazard. In addition, while it is typically the hikers who are expected to step aside so that bicycles can pass, some bikers have caused trail widening and side cuts in the effort to bypass hikers.⁶ Multiple use trails and fire roads that allow bikes are also not without hazards caused by high-speed trail riding, which has been tracked and documented by some mountain biking apps that

² Wildcat Canyon Regional Park, Final Land Use-Development Plan and Environmental Impact Report (Sept. 10, 1985).

³ *Id.* at 31.

⁴ See e.g., Trailforks, “The Best Mountain Biking Trails in California,” <https://www.trailforks.com/region/california/trails/>; Singletracks, “Find Mountain Bike Trails Near You,” <https://www.singletracks.com/mountain-bike-trails/>; MTB Project Trail Directory, <https://www.mtbproject.com/directory/areas>.

⁵ See generally, Exhibit A: (Presentation) Public planning, process, and park management problems associated with a mountain biking biking-only downhill trail in Havey Canyon -Wildcat Canyon Regional Park (SPRAWLDEF, April 21, 2023).

⁶ See e.g., Exhibit A at p. 7, showing examples of bicycle damage and widening of hiking-only trails.

allow users to share and compare their top speeds on specific trails.⁷ These wider trails are also affected by trail widening and unauthorized violations of closures.⁸ To date, the EBRPD has generally failed to enforce trail restrictions and developed no clear strategy to protect hikers and trails from being impacted by unauthorized bike use. The fact that the proposed trail corridor appears to cut across the existing Mezue Trail is also very concerning, as this will likely increase user conflicts and risk. Rider safety is also an issue, with many riders of diverse skill levels sharing an unregulated, high-speed downhill technical trail. These safety hazards raise potential liability issues that may require an amendment to Ordinance 38 to address flow trail safety.

Notably, many communities are opting to develop special areas for bike-only trails and “bike parks” in order to distance intensive biking activity from other types of trails and reduce the potential for conflicts between users – and to reduce the risk of injuries and costs of enforcement. For example, Marin County Parks has developed a bike park that features multiple flow trails to accommodate different skill-levels, including special trails for kids.⁹ Similarly, Truckee and other communities have also introduced bike parks to accommodate the growing interest in technical mountain biking and flow trails.¹⁰ One clear advantage of this is discouraging hikers and bikers from easily encroaching onto one another’s trails, which reduces risk of injury and the need for enforcement, a complicated issue that has no easy answer. Much as “skate-parks” did for skateboarders, creating dedicated spaces where mountain bikers can hone their skills without adversely impacting other activities could go a long way to reduce trail user conflicts.

In addition, the potentially significant environmental impacts of new and unauthorized mountain biking trails must be carefully examined. The proliferation of unauthorized mountain biking trails is another serious problem in many Bay Area parks and open space areas throughout the Bay Area. This issue has been documented in the case of Briones Hills Regional Park, where a survey revealed an extensive and growing network of unauthorized “bootleg trails.”¹¹ Indeed, as of June 2022, EBRPD staff had documented 31 miles of unauthorized bike trails in Briones Hills Park alone. Similar issues exist in many other Parks that have not yet been properly surveyed, including Wildcat Canyon Regional Park. There are already several unauthorized new biking trails within Wildcat and nearby Tilden Regional Park, as well as other trail damage and trail widening.¹² (See **Exhibit A**) Additional data is needed to assess the full scope of the problem, both here and across EBRPD lands. Poorly designed trails can increase soil erosion causing adverse impacts on water quality, while increased trail density can lead to a variety of adverse impacts on plants and wildlife. Bringing more mountain bikers into an area could easily exacerbate this problem. The existing need for trail maintenance and repair, and closure of unauthorized trails, is already substantial and needs to be examined on a Park-wide basis to

⁷ See Exhibit A at p. 6; for more information *see also*: Strava, “Maps: What’s New,” <https://www.strava.com/whats-new?f=maps>; (last visited April 19, 2023).

⁸ See Exhibit A at p. 9, showing fresh tire tracks on trail that was closed due to wet conditions.

⁹ Marin County, Stafford Lake Bike Park, <https://www.parks.marincounty.org/parkspreserves/parks/stafford-lake-bike-park> (last visited April 12, 2023).

¹⁰ See e.g., Truckee Bike Park, <https://www.truckeebikepark.org/trails> (last visited April 12, 2023).

¹¹ Park Advisory Committee Mtg. Staff Report, June 27, 2022; link to presentation: <https://ebparks.primegov.com/Portal/Meeting?meetingTemplateId=2874>.

¹² See Exhibit A, at pp. 5, 8-10.

properly allocate resources. Simply building a new flow trail will not address these broader problems.

With respect to soil erosion and water quality, scientific studies have found that mountain biking causes significantly more soil damage and trail incision than hiking, due to the faster velocity and “cutting” action of bike tires, as well as slipping and skidding on inclined trails.¹³ Trail degradation is often worse on steeper slopes. For example, a 2006 study found that trail slope had a significant effect on the degree of trail incision and soil loss caused by mountain biking.¹⁴ Trail widening was also more pronounced on steeper slopes. More generally, the International Mountain Bicycling Association (IMBA) has recommended that: (a) trail grades should never exceed 15%, and (b) the maximum sustainable grade should be 5% for sandy/fragile soils, and 10% for loamy soils or soils with mixed textures.¹⁵ In addition, the propensity for landslides in Wildcat Canyon could exacerbate these issues and therefore requires further site specific analysis.

Mountain biking also impacts biological resources. Unauthorized trails and bootlegs can disturb vegetation, fragment habitat, and increase trail density. Impacts to vegetation include trampling of plants and creating soil disturbances that allow invasive plants to take root.¹⁶ A proliferation of side trails and bootleg trails can also fragment existing plant communities into smaller islands divided by invasive weed corridors. Invasive species, once established, often outcompete native species and undermine ecological integrity and biodiversity. This also impacts the pollinators and other insects that rely on native plant communities. Habitat fragmentation also impacts wildlife by creating new obstacles to animal movement that can impact migration corridors, foraging, and reproduction. Expanding human activity and noise into new areas can also deter wildlife from using an area. In addition, some species, like snakes, may use trails for movement or basking, placing them at risk for being run over or injured by fast moving bikes.¹⁷

Notably, the preliminary Biological Resource Assessment for the proposed Wildcat Canyon Flow Trail (Wildcat BRA) provides no detailed analysis of potentially significant

¹³ See e.g., Davies, C., and D. Newsome, 2009. *Mountain bike activity in natural areas: impacts, assessment and implications for management—a case study from John Forrest National Park, Western Australia* (2009); White, D.D., M.T. Waskey, et al., A Comparative Study of Impacts to Mountain Bike Trails in Five Common Ecological Regions of the Southwestern U.S. *Journal of Park and Recreation Administration* (2006) 24(2):21-41; Evju, M., D. Hagen, et al., Effects of mountain biking versus hiking on trails under different environmental conditions. *Journal of Environmental Management* (2021) 278(2):111554.

¹⁴ White, D.D., M.T. Waskey, et al., A Comparative Study of Impacts to Mountain Bike Trails in Five Common Ecological Regions of the Southwestern U.S. *Journal of Park and Recreation Administration* (2006) 24(2):21-41.

¹⁵ International Mountain Bike Association, *Managing Mountain Biking: IMBA's Guide to Providing Great Riding*. The International Mountain Bike Association, Boulder, CO. (Webber P., ed., 2007).

¹⁶ See e.g., Esby, E.M.S., *Edge effects: Native and non-native plant distribution along single use and multi-use trails in the Santa Monica Mountains National Recreation Area, California*. Montana State University: Bozeman, MT (2011). See also Harper, K.A., S.E. Macdonald, and P.J. Burton PJ, Edge influences on forest structure and composition in fragmented landscapes. *Conservation Biology* (2005) 19(3):768-782; California Department of Food and Agriculture, California Invasive Weed Awareness Coalition, *California Noxious & Invasive Weed Action Plan* (2005).

¹⁷ See e.g., Miller, A. and J.A. Alvarez, Habitat Use and Management Considerations for the Threatened Alameda Whipsnake (*Masticophis lateralis euryxanthus*) in Central California. *Western Wildlife* (2016) 3:29–32. See also Rochester, C.J., S.A. Hathaway, et al., *Herpetofaunal monitoring in MSCP region of San Diego*. U.S. Geological Survey (2001).

impacts from trail construction or from the probable development of bootleg trails along the perimeter and in between the new trail and adjacent trails. In fact, the project description consists of three short sentences:

This project will involve the installation of a newly created directional flow bike trail in the northwest section of Wildcat Canyon Regional Park approximately 1.86 miles (3 kilometers) southeast of the Alvarado Staging Area. Low impact grading will occur along the proposed directional flow bike trail corridor. No trees or shrubs will be removed.¹⁸

The impacts of mechanical trail construction and grading work that is necessary to create a momentum-resistant trail bed and technical flow trail features are not addressed. The characterization of the grading as “low-impact” is thus presumptive and potentially misleading, particularly when the grading will occur on a previously undeveloped section of hillside within a natural area.

Accordingly, the existing impacts from mountain biking – and potential new impacts from the construction of high-speed flow trails – are potentially significant and the appropriate placement of such trails requires careful analysis to minimize use conflicts and damage to natural resources. While the Wildcat BRA states that the site was chosen to “create a more predictable and safer environment for all trail users” and to minimize biological or botanical impacts, the basis for this selection is not fully explained or justified.¹⁹ In particular, there is no comparison data to indicate that any other locations were evaluated or what factors were considered. Accordingly, this site selection is premature until the larger land use implications and potential conflicts and impacts associated with intensive mountain biking have been adequately examined on a Park-wide or system-wide basis.²⁰ Planning that encompasses all Parks is the best way to provide locations for mountain biking that will protect natural resources and prevent conflicts with hikers and equestrians – rather than this piecemeal approach that fails to evaluate alternatives.

Furthermore, in light of the many potentially significant environmental impacts of intensive mountain biking, including flow trails, the preparation of an EIR will be necessary to adequately consider these impacts in accordance with the California Environmental Quality Act (CEQA).²¹ As courts have noted, the primary purpose of CEQA is to enable decisionmakers and the public to identify the potential environmental consequences of their decisions *before* they are made.²² In keeping with this principle, the environmental impacts of an entirely new type of trail and related mountain biking activity should be properly examined before a particular site is selected. This is especially true when the new activity is proposed to be sited in the heart of a sensitive natural area and vital preserve of regional biodiversity.

¹⁸ Nomad Ecology, Biological Resource Assessment for the proposed Wildcat Canyon Flow Trail, at 1 (November 2022).

¹⁹ *Id.*

²⁰ This should include a full evaluation of the still-unfolding pilot project at New Briones Hill Regional Park; *see* Park Advisory Committee Mtg. Staff Report, June 27, 2022; link to presentation: <https://ebparks.primegov.com/Portal/Meeting?meetingTemplateId=2874>.

²¹ Public Resource Code §§ 21000 et seq.

²² *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

Importantly, the BRA acknowledges that the proposed Wildcat Canyon Flow Trail corridor is located in an area that may provide habitat for protected and sensitive species, including Alameda whipsnake (*Masticophis lateralis euryxanthus*), California red-legged frog (*Rana draytonii*), Crotch bumble bee (*Bombus crotchii*), Western bumble bee (*Bombus occidentalis*), White-tailed kite (*Elanus leucurus*), Golden eagle (*Aquila chrysaetos*), and Monarch butterfly – California overwintering population (*Danaus plexippus* pop. 1).²³ It is also home to sensitive plant species. Preservation of biodiversity is an essential value of Wildcat Canyon, which provides an important refuge from the more intensive recreational use of surrounding parklands – not only for plants and wildlife, but also for human health and well-being.²⁴

Conclusion

For the above-stated reasons, it is important to proceed with proper planning level analysis and environmental review before committing to locate a flow trail in the heart of Wildcat Canyon Regional Park. A planning process that considers all park resources is necessary to provide locations for mountain biking that will ensure protection of habitat and provide for the safety of hikers and equestrians. Accordingly, SPRAWLDEF respectfully requests that the Board approach this through a Land Use Plan Amendment process and prepare an EIR that will ensure careful consideration of potentially significant environmental impacts and evaluate potential alternatives to the present proposal before committing to a specific location and design.

Thank you for your consideration.

Sincerely,



Jessica L. Blome
Susann Bradford
Greenfire Law, PC

Enclosure: Exhibit A

²³ See Nomad Ecology, Biological Resource Assessment for the proposed Wildcat Canyon Flow Trail, Appendix C, pp. C-1 – C-8 (November 2022).

²⁴ See Wildcat Canyon Regional Park, Final Land Use-Development Plan and Environmental Impact Report, at 26 (Sept. 10, 1985).

Exhibit A



Havey Canyon looking south – Wildcat Canyon Regional Park

Public planning, process,
and park management
problems associated with
a mountain biking-only
downhill trail in Havey
Canyon - Wildcat Canyon
Regional Park

Planning and process issues with this biking-only trail project.....

- Project proceeded with **no evident agendized Board item or approval.**
- The project would add a “Recreation Unit” in the middle of a Regional Park with **no “Land Use Plan Amendment” with consideration of alternatives** so that planning for Wildcat sustains park wildlife and flora and achieves a desirable trail experience for all.
- No plan or funding to repair **damage to nearby walking-only trails** arising from illegal mountain biking.
- No plan to **close and restore rogue trails** in Wildcat and Tilden.
- The claim that opening mountain bike-only trails will remove rogue trail building and unpermitted mountain bike use of narrow hiking trails is the intended purpose of the **2 year Briones trails pilot that’s just beginning.**
- ALL trails in Wildcat are **open to mountain biking already**
- **An overall trail plan is needed** to achieve a safe and desirable trail experience for ALL trail users in light of issues recognized by the Park District: increased trail use, trail conflicts between hiking/equestrian and mountain biking uses, trail disrepair, estimates of a growing future regional population, and providing healthy habitat for park flora and wildlife in a time of climate stresses.

WILDCAT BIKE TRAIL PROJECT

The East Bay Regional Park District invites you to learn more about a potential bike trail in Wildcat Canyon Regional Park.



**Tuesday, April 25th, 2023
at 7pm at the link on our website
(click the QR code below)**

To address increased popularity of mountain biking, the Park District is exploring additional bike access in Wildcat Canyon Regional Park. Park District staff has identified a conceptual trail corridor that avoids or minimizes impacts to sensitive plant and animal communities based upon preliminary resource surveys. These studies and feedback from the community will be used to further develop a trail project that benefits the park experience for all.

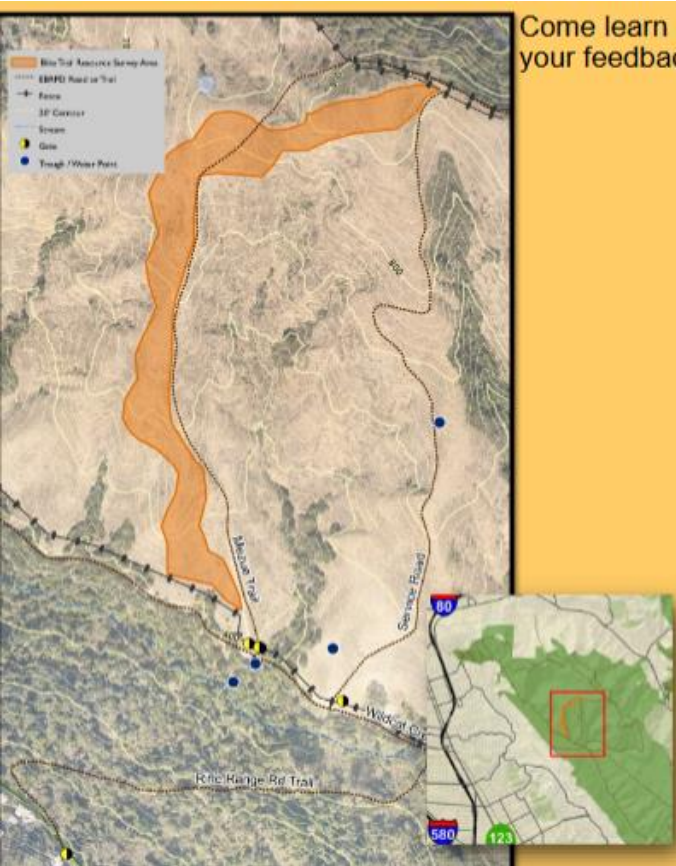
Why isn't the acknowledged increase in hiking included so that there is an overall planning approach to current and future park trail needs for all trail users?

Aren't all Wildcat trails open to both mountain biking and hiking?

Through what public process?

What is the evidence and explanation behind this claim?

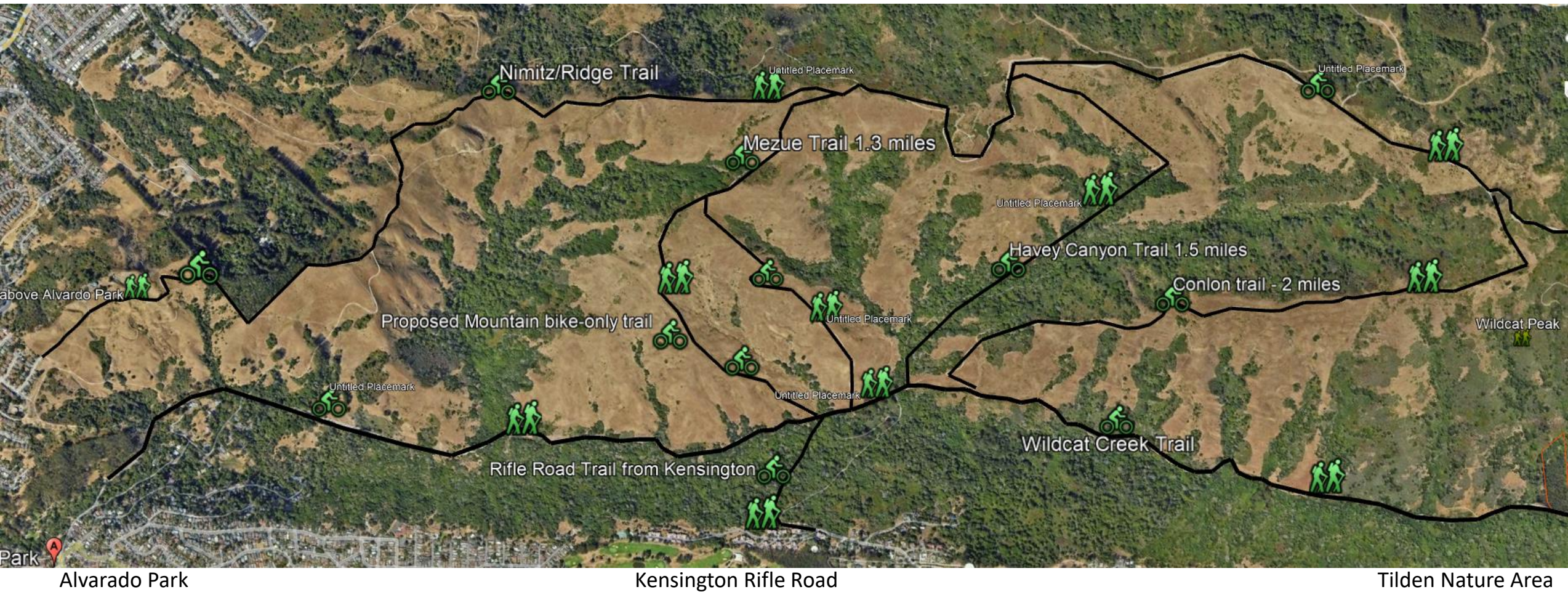
Bigger picture – Other trails and trail experiences are impacted by adding a recreation unit in Havey Canyon



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Bigger Picture – there are many trails in Wildcat Regional Park that are legally open to both mountain biking and hiking



————— *Some of the major existing trails open to both mountain biking and hiking*

There are also unaddressed Wildcat-Tilden area trail issues:

Safety on walking trails

*Nearby narrow **walking trails** in the Tilden Nature area with accompanying online MTB speed records:*

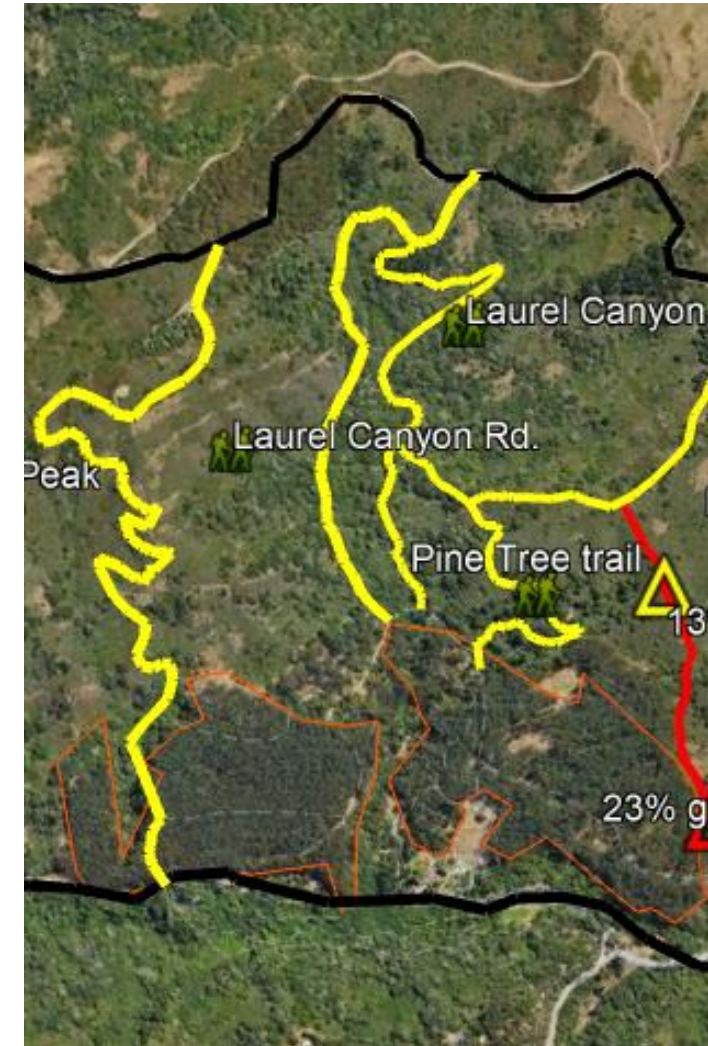
Wildcat Peak Trail – aka “Peek a boo”, 1463 online recorded attempts, top speed: 21.4 mph

Laurel Canyon Road Trail – aka “Laurel Canyon descent”, 269 online recorded MTB attempts, top speed: 24.6 mph

Laurel Canyon Trail – MTB aka “Laurel Canyon Trail DH”, 198 recorded online MTB attempts, top speed: 13.8 mph

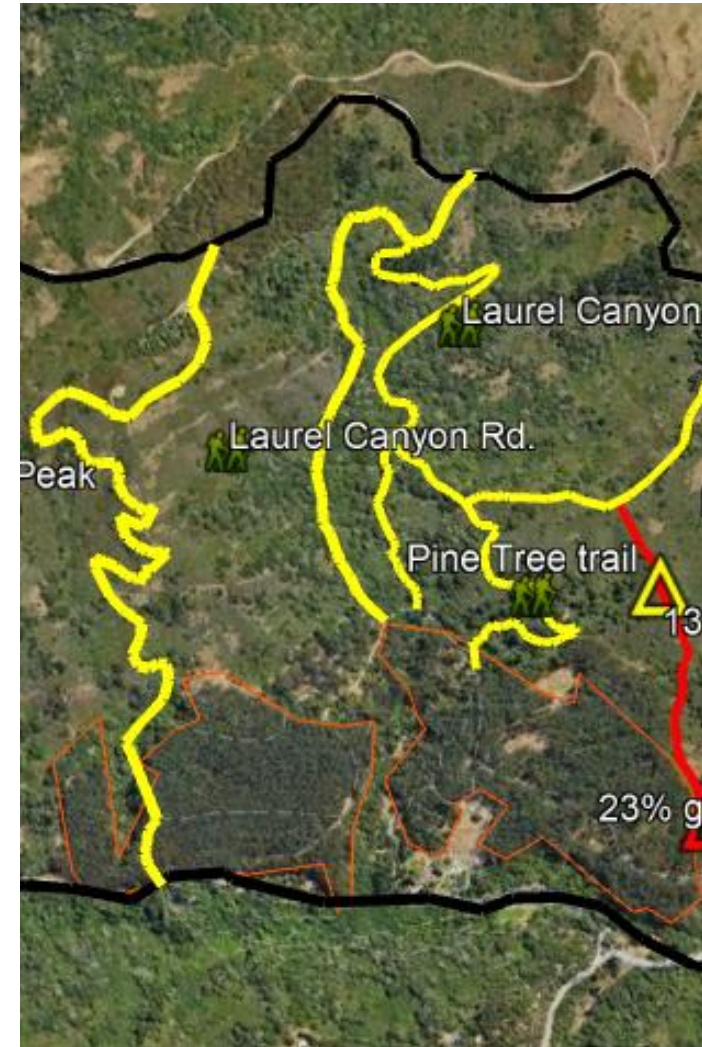
Pine Tree Trail – aka “Power Pine”, 48 recorded MTB online attempts: top speed 10.2 mph

Reference: Strava records 4/2023



Unaddressed Wildcat-Tilden area trail issues:

Damage to walking trails



Photos taken from nearby hiking-only trails in Tilden Nature Area (yellow lines)

Unaddressed Wildcat-Tilden area trails issues: Rogue MTB trails



Some existing nearby rogue MTB trails



Reference: Strava records 4/2023

Unaddressed Wildcat-Tilden area trails issues: Havey Canyon Impacts



The **Havey Canyon Trail** runs along a creek and is arguably the most desirable walking trail in Wildcat Regional Park

Walking the trail, one knows that trail rules are not followed by MTB's, including high downhill speeds and by biking the trail when it is closed due to muddy conditions.

Because it has a *milder grade* than the surrounding access trails to this proposed MTB downhill speed trail, it has been, and will continue to be used by MTB's to reach the ridgetop.

Currently, it is also very attractive as a *downhill* speed trail. Aka "Havey Canyon Downhill" has 13,587 recorded online MTB attempts (top speed: 26.5 mph). There's no reason to suggest that the trail's biking popularity would change by building a new MTB trail only.



Havey Canyon Trail



MTB activity while trail closed for wet conditions

Unaddressed Wildcat-Tilden area trails issues: Current park conditions

In addition to the problems of placing a recreation unit in the middle of a Regional Park, no overall park Land Use Plan Amendment, lack of repair or safe use of nearby walking trails, there are evident park repair issues requiring attention and resources. A few examples are:



Major slide on Wildcat Creek
Trail prevents emergency access



Wildcat Creek Trail
condition at parking
area



Conditions of Briones Diablo
View (left) and Alhambra
Creek bank trails (below). The
Alhambra Creek Trail is not
scheduled for restoration as
part of the Briones Trails Pilot
despite years of wear from
mountain biking and hiking.



Unaddressed Wildcat-Tilden area trails issues: Public information

Very limited notification of 4/25 public meeting to park users who would be affected by adding a major MTB downhill trail

One small 8.5 x 11" flyer in small type stapled at Alvarado Park Staging Area (see blue



Note: A 8.5x11" and a larger flyer was posted on the Rifle Range Rd. entrance fence, but below eye level. A 8.5 x 11" flyer was posted on at the Tilden Nature Area gate leading to Wildcat.

The location of the proposed downhill trails from the is unclear from the flyer.

No public meeting notifications in Havey Canyon area where the proposed MTB downhill trail would be constructed - Mezue Trail gate (above) and Wildcat Creek Trail entry (below)