



Office of the City Manager

CONSENT CALENDAR
November 12, 2024

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Peter Radu, Assistant to the City Manager, Neighborhood Services
Subject: Cooperative Agreement with East Bay Regional Parks District

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into an agreement with East Bay Regional Parks District from October 15, 2024, to October 14, 2029, to collaborate to manage free-roaming cat populations in East Bay Parks, educate the public, and minimize the impact on sensitive wildlife areas.

FISCAL IMPACTS OF RECOMMENDATION

There will be minimal to no fiscal impact, as the agreement is what Berkeley Animal Care Services has been doing.

BACKGROUND

East Bay Regional Parks District has been working with local municipal animal shelters for years to Trap Neuter Release (TNR) free-roaming cats in the parks, to reduce the population, limit the impact on the environment, and prevent the unnecessary euthanasia of healthy cats in the East Bay. The City of Berkeley has collaborated with EBRPD in the management of animal welfare within McLaughlin Eastshore State Park. Since wildlife moves across municipal boundaries, this collaboration has also applied to adjacent properties, including Tilden Park and the areas where McLaughlin Eastshore State Park adjoins the Albany Bulb. This agreement defines and outlines both party's responsibilities and creates a more cohesive partnership.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This agreement will benefit the East Bay Parks, and the delicate and sensitive ecological and wildlife areas. The project is exempt from the California Environmental Quality Act (CEQA), as per the attached Notice of Exemption.

RATIONALE FOR RECOMMENDATION

Entering into this agreement will ensure cooperation between animal services and East Bay Regional Park District, help preserve and protect sensitive land, and humanely reduce the number of free-roaming cats.

Cooperative Agreement with East Bay Regional Parks District

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ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Mike St. Pierre, Manager, Animal Services, 510.981.6603

Attachments:

1. Resolution
2. Notice of CEQA Exemption

RESOLUTION NO. ##,###-N.S.

COOPERATIVE AGREEMENT WITH EAST BAY REGIONAL PARKS DISTRICT

WHEREAS, EBRPD and the City of Berkeley have successfully cooperated on animal-related issues in East Bay Parks for many years; and

WHEREAS, free-roaming cat populations in East Bay Parks are at risk of exponentially increasing without intervention; and

WHEREAS, Trap, Neuter, Release (TNR) is widely considered the best practice for managing free-roaming and feral cat populations and is recommended by leading animal welfare agencies; and

WHEREAS, EBRPD and the City of Berkeley have been successful in managing the free-roaming cat populations previously addressed; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley to enter into a contract and any necessary amendments with East Bay Regional Parks District (EBRPD) for a term of five years to cooperatively trap, neuter, release, and, where necessary, remove free-roaming cats in the East Bay Regional Parks to manage and protect wildlife and public spaces effectively.



State of California - Department of Fish and Wildlife
2021 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 01/01/21) Previously DFG 753.5a

Print StartOver Save

AC RECEIPT # 3004212

RECEIPT NUMBER:
 01 -06/21/2021-247
 STATE CLEARINGHOUSE NUMBER (# applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY EAST BAY REGIONAL PARK DISTRICT	LEAD AGENCY EMAIL	DATE 06/21/2021
COUNTY/STATE AGENCY OF FILING ALAMEDA	DOCUMENT NUMBER 21 - 247	

PROJECT TITLE
UPDATES TO CURRENT FREE-ROAMING CAT MANAGEMENT POLICY (ATTACHMENT A)

PROJECT APPLICANT NAME KRISTINA KELCHNER	PROJECT APPLICANT EMAIL	PHONE NUMBER (888) 327-2757
PROJECT APPLICANT ADDRESS 2950 PERALTA OAKS CT. P.O. BOX 5381	CITY OAKLAND	STATE CA
		ZIP CODE 94605-0381

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,445.25 \$ _____ 0.00
- Mitigated/Negative Declaration (MND)(ND) \$2,480.25 \$ _____ 0.00
- Certified Regulatory Program (CRP) document - payment due directly to CDFW \$1,171.25 \$ _____ 0.00
- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)
- Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ _____ 0.00
- County documentary handling fee \$ _____ 50.00
- Other \$ _____

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ _____ 50.00

SIGNATURE X CBACA	AGENCY OF FILING PRINTED NAME AND TITLE CBACA, DEPUTY CLERK
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ALAMEDA COUNTY CLERK-RECORDER
 1106 MADISON STREET
 OAKLAND, CA 94607
 (510) 272-6362

ISSUED 10:5
 EAST BAY REGIONAL PARK DISTRICT

RECEIPT # 3004212
 DATE 06/21/2021 09:45:14 AM
 SERVICE PGS Q1Y FEI

CASHIERING
 HANDLING FEE 1 1 50.00

Total Amount Due \$50.00

CHECK 160 50.00

Total Amount Paid \$50.00

MELISSA WILK
 County Clerk-Recorder
 Deputy: Cindy B

*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

East Bay Regional Park District
2950 Peralta Oaks Ct.
P.O. Box 5381
Oakland, CA 94605-0381

FOR COUNTY CLERK USE ONLY

**ENDORSED
FILED
ALAMEDA COUNTY**

JUN 21 2021

MELISSA WILK, County Clerk
By CA Deputy

FILE NO: 21-247

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,354.75 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,271.00 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

3. OTHER: _____

*****A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.*****

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

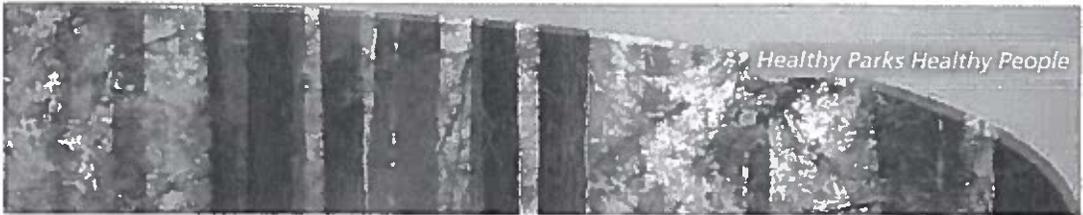
IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPES.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2019

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK



2950 PERALTA OAKS COURT • OAKLAND • CALIFORNIA • 94605-0381 • T. 1-888-EBPARKS • F. 510-569-4319 • TRS RELAY: 711 • EBPARKS.ORG

June 16, 2021

Alameda County Clerk
1106 Madison Street
Oakland, CA 94607

**ENDORSED
FILED
ALAMEDA COUNTY**

JUN 21 2021

MELISSA WILK, County Clerk
By  Deputy

SUBJECT: NOTICE OF EXEMPTION

PROJECT TITLE: Updates to Current Free-Roaming Cat Management Policy (Attachment A)

**LEAD AGENCY/
APPLICANT:** East Bay Regional Park District
Attn: Kristina Kelchner
2950 Peralta Oaks Ct.
P.O. Box 5381
Oakland, CA 94605-0381
Telephone: 888-327-2757

PROJECT LOCATION: The updates to the existing Free-Roaming Cat Management Policy would go into effect over all East Bay Regional Park District (the Park District) owned property. The Park District manages 73 parks and many miles of regional trails across both Alameda and Contra Costa Counties. This NOE was also filed in Contra Costa County.

PROJECT DESCRIPTION: The Park District proposes to update the current Free-Roaming Cat (*Felis catus*) Management Policy. As part of the Park District’s mission to preserve “a rich heritage of natural and cultural resources” the Park District manages parklands for the protection of biodiversity, including protecting and encouraging the recovery of threatened or endangered species. The original feral cat management program was enacted in 1999 following an extensive study of the impacts of free-roaming cats on endangered species. Free-roaming cats are non-native predators that pose a significant threat to endangered species on Park District properties, particularly within protected shoreline habitats.

The Park District’s parks protect fragments of natural habitat that used to occur throughout the East Bay. These parks serve as habitat for federally and state listed endangered species. For example, shoreline parks protect what used to be an extensive complex of tidal wetlands that occurred throughout the San Francisco Bay Area. Today, only 5% of those wetlands remain (USGS 2021). Two federally- and state-endangered species, California Ridgway’s rails (*Rallus obsoletus obsoletus*) and salt marsh harvest mice (*Reithrodontomys raviventris*) live exclusively within salt or brackish marshes. These species have declined along with the loss of their habitat, and currently only persist in isolated fragments. In order to protect these endangered species, the Park District conducts predator removal required by federal and state laws protecting endangered species and under the requirements of regulatory permits.

Board of Directors

Dee Rosario President Ward 2	Colin Coffey Vice-President Ward 7	Beverly Lane Treasurer Ward 6	Dennis Waespi Secretary Ward 3	Elizabeth Echols Ward 1	Ellen Corbett Ward 4	Ayn Wieskamp Ward 5	Sabrina B. Landreth General Manager
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Free-roaming cats are unfortunately one of the predators that threaten endangered species. The term “free-roaming” is used for cats that live exclusively outdoors. Free-roaming cats can be either feral and wild with a low tolerance for humans, or abandoned pets that are tolerant and friendly towards humans but are unowned. An average of 2.4 billion birds per year are killed by domestic and free-roaming cats in the United States (Loss et al. 2013). Worldwide, domestic cats have been linked to the extinction of 63 different species of reptiles, birds, and mammals (Doherty et al. 2016). Cats are the single largest direct cause of bird mortalities, followed by window strikes and automobiles (Loss et al. 2013). Due to these impacts, the Park District is obligated to manage and control free-roaming cat populations that occur in or near endangered species habitat.

The 1999 policy included a series of escalating steps to control free-roaming cat populations. The 2021 update to the Free-Roaming Cat Management Policy will provide improved practices to ensure the protection of threatened and endangered species and ensure the best possible outcome for free-roaming cats. These updates include:

- Increased efforts in education, especially in prevention of cat abandonment;
- Regular coordination meetings and collaboration with the directors of local animal shelters, rather than solely with volunteers as in the 1999 program;
- Consideration of current science and best practices regarding effective management including other methods of capture for trap-shy cats;
- Increased restrictions and protocols on lethal control. These include requirements for advanced coordination with animal services agencies, enhanced education, and trapping and rehoming efforts. It also restricts the use of lethal control to parks where federally or state endangered species are known to occur;
- Increased record-keeping and transparency, including issuing an annual report of Park District activities in implementing the revised Policy.

The goal of the updated policy is to protect endangered species, provide a transparent accounting of Park District efforts to control free-roaming cats. The Park District hopes that with increased education, communication, best practice trapping methods, and open communication with the public, lethal control will greatly reduced or eliminated.

DETERMINATION: The Park District has reviewed the project and determined it to be exempt from the California Environmental Quality Act (CEQA). The Free-Roaming Cat Management Policy is merely an update to the Park District’s existing adopted policy and is not subject to CEQA. CEQA applies only where the public agency’s approval causes a “physical change in the environment” (Pub. Resources Code § 21065). Here, the Policy reaffirms the District’s commitment to humane removal of free-roaming cats and clarifies the District’s procedure for such removal. To the extent that there are new policies, these are administrative measures—such as improved practices to emphasize education and prevention, partnership with local animal service agencies, and increased collaboration and transparency with the community—that will not cause a physical change in the environment.

However, if the update to the Free-Roaming Cat Management Policy is considered a project under CEQA, the Park District has determined it would be categorically exempt from the CEQA under the following sections of the California Administrative Code:

- **Public Resources Code 15307. Class 7 Actions By Regulatory Agencies For Protection of Natural Resources:** The Class 7 exception allows public agencies to take actions that would protect natural resources. Free-roaming cats prey on local endangered species, which are considered biological

resources under CEQA. As was the purpose of the original program, the primary purpose of the revised Policy is to protect endangered wildlife through improved management of free-roaming cats. Therefore, the updated policy is exempt under Class 7.

- **Section 15308 (i) – Class 8 Actions by Regulatory Agencies for the Protection of the Environment:** The Class 8 exception allows public agencies to take actions that would benefit the environment. Free-roaming cats prey on local endangered species. As was the purpose of the original Policy, the primary purpose of the revised Policy is to protect endangered wildlife through improved management of free-roaming cats. The management and removal of these free-roaming cats would protect the environment, and therefore the updated policy is exempt under Class 8.

Kristina Kelchner

Signed by: Kristina Kelchner, Assistant General Manager
Acquisition, Stewardship, and Development
kkelchner@ebparks.org

REFERENCES

Doherty, T. S., Glen, A. S., Nimmo, D. G., Ritchie, E. G., & Dickman, C. R. (2016). Invasive predators and global biodiversity loss. *Proceedings of the National Academy of Sciences*, 113(40), 11261-11265.

Loss, S. R., Will, T., & Marra, P. P. (2013). The impact of free-ranging domestic cats on wildlife of the United States. *Nature communications*, 4(1), 1-8.

US Geological Survey (USGS). (2021). Coastal Wetlands and Sediments of the San Francisco Bay System. <https://pubs.usgs.gov/fs/coastal-wetlands/>