

Re: Continued planting in Siesta Valley

Subject: Re: Continued planting in Siesta Valley

From: Eric Neville <oakdpw@eneville.com>

Date: 7/2/21, 1:04 PM

To: Marguerite Young <marguerite.young@ebmud.com>, Lesa McIntosh <lesa.mcintosh@ebmud.com>, John Coleman <john.coleman@ebmud.com>, Andy Katz <andy.katz@ebmud.com>, Doug Linney <douglas.linney@ebmud.com>, William Patterson <william.patterson@ebmud.com>, Frank Mellon <frank.mellon@ebmud.com>

CC: Clifford Chan, Michael Tognolini, Scott Hill, Mark Silva, CNPS Dir Vince Scheidt, CNPS East Bay Pres Sally de Becker, Glen Schneider, CNPS Sacramento Valley Chapter President, State Senator Nancy Skinner, Assemblymember Buffy Wicks, Michele Hammond, Kim Kersh, Ken-ichi Ueda, Katherine Shok, Sierra Club SF Bay Dir Virginia Reinhart, Green Party of Alameda County, Green Party of Contra Costa County, Regional Parks Association, Mycological Society of San Francisco, Claremont Canyon Conservancy

Dear Directors of the Board:

Absent responsiveness, I have found it necessary to publish on this matter, <https://savesiestavalley.wordpress.com>

Respectfully,
Eric Neville

Date: Fri, 30 Apr 2021 10:32:53 -0700

From: Eric Neville

Subject: Re: Continued planting in Siesta Valley

To: Marguerite Young, Lesa McIntosh, John Coleman, Andy Katz, Doug Linney, William Patterson, Frank Mellon

Cc: Clifford Chan, Michael Tognolini, Scott Hill, Mark Silva, CNPS Dir Vince Scheidt, Sally de Becker, Glen Schneider,

CNPS North San Joaquin Chapter, State Senator Nancy Skinner, Assemblymember Buffy Wicks, Michele Hammond, Kim Kersh,

Sierra Club SF Dir Virginia Reinhart, Green Party of Alameda County, Green Party of Contra Costa, Regional Parks Association,

Mycological Society of San Francisco

Dear Directors of the Board:

Acknowledging that the District's remit is expansive, finding cause just this week to declare Stage 1 drought measures, for example, nonetheless if the District chooses additionally to further undertake a planting program in Siesta Valley, then it must do so responsibly. The public has a right to know essential answers about such planting, especially in the case of a massive program, unprecedented in nature, with a history of misrepresentation:

What is the actual total of species planted and plants added?

What are the minimum academic qualifications of persons doing the surveys that inform planting? How do they compare to the qualifications of those paid to survey for other District projects?

What is currently planned for planting? What science is it based on? Who made these plans? What are their academic qualifications?

What is the monitoring program for plants added? What is the monitoring data thus accrued, including plant census data?

By what criteria will the addition of plants be complete, if ever?

A public kept in the dark cannot possibly give informed consent.

Respectfully,
Eric Neville

Subject: Re: Continued planting in Siesta Valley
From: Eric Neville
To: Marguerite Young, Lesa McIntosh, John Coleman, Andy Katz, Doug Linney, William Patterson, Frank Mellon
Cc: Clifford Chan, Michael Tognolini, Scott Hill, Silva Mark, Vince Scheidt, Sally de Becker, Glen Schneider, CNPS Santa Clara Valley Chapter, State Senator Nancy Skinner, Assemblymember Buffy Wicks, Virginia Reinhart, Green Party of Alameda County, Green Party of Contra Costa County, Regional Parks Association, Mycological Society of San Francisco, Michele Hammond, Kim Kersh
Date: Fri, 2 Apr 2021 09:14:39 -0700

Dear Directors of the Board:

I am concerned that the planting program proceeding in Siesta Valley is both misguided in concept and misrepresented in execution. Fundamentally, after first learning that an area has more species of plants than anywhere else around, to then commence adding plants to it confounds reason. Additionally, the fact that this project has also been beset by deception from the beginning warrants extra scrutiny of actual actions and the reliability of judgement advancing the program, especially regarding reporting and the discretion of decision making.

The planting was initially represented as being part of adherence to the Bradley method of restoration. This turned out not to be true, because the Bradley method relies on careful, patient weeding, and explicitly does not rely on planting. The planting was then represented as being endorsed by staff at the University of California at Berkeley; however, this has also turned out to be

untrue. Most recently, among other issues, clearly false planting totals have been presented. Further details about suspect data and misrepresentation are described in the email of 15 February below. Even if planting were allowed to continue, proper protection of the environment would demand careful scrutiny and documentation as to the program's claims and process. For example, while the program claims to be "restoration", the actual pattern of planting shows the creation of a trailside botanic garden.

Please also note that this planting program is unprecedented in type, as the District itself has acknowledged. Even just a complete planting list has yet to be revealed, but it includes at least 10s of species and 100s of plants. A single entry alone on the project's blog reports the addition of 600 plants, <https://www.skylinegardens.org/winter-planting-2018>

I've never seen anything like it in lands managed by EBRPD, California State Parks, or the National Park Service. Despite this, however, evidently no documentation exists as to the planting's proposal or approval, and the only documentation of reporting that the District has released in a public records request appears to have been generated consequent to inquiry by this member of the public. Such handling of a massive, unprecedented planting program on public land is clearly far below the level of due care.

For reflection: if people are all gung ho about planting, why not go add plants across the freeway in Sibley Volcanic Regional Park where the land is still obviously recovering from being used as a quarry? The reasoning behind the answers should be thoughtfully considered. If one answer is that EBRPD would not allow it, that should be considered as a reference point re best management practices. If one answer is that EBMUD is eager to exploit donated labor and publicity, the propriety of letting land use decisions be steered by donors in such a fashion should be considered.

If plants should be added anywhere in the region, it's not Siesta Valley. Adding plants to Siesta Valley is irrational as to the disposition of labor, and irrational as to preservation.

Of course, there is no reason real restoration requires the addition of plants anyway. For example, the Bradley method is a reasonable and established method of restoration.

What would be the consequences of just letting the planting continue, of paying this matter no further mind? Absent reliable and accessible records of follow-up census data on plants added, we will never know. A long-term monitoring program is one of the criteria by which the California Native Plant Association claims this program "sets a gold standard." However, no such plan has been produced, let alone has any resultant census data been produced despite years of planting already. Such a state of affairs falls far short of responsible management of the public's land, including the associated ecology and natural history, nor does it meet reasonable standards of government transparency.

Accidents of history may have placed the best-preserved ecology of the Berkeley Hills in the hands of the District, but now so apprised, the District is expressly obligated by its own Mission Statement, as well as by wisdom, "to preserve and protect the environment for future generations," while "[ensuring] fair and open processes involving the public."

<https://www.ebmud.com/about-us/who-we-are/>

Respectfully,
Eric Neville

From: Young, Marguerite
To: Eric Neville
CC: Scott Hill, Mark Silva, Clifford Chan, Michael Tognolini
Subject: Re: Continued planting in Siesta Valley
Date: Fri, 26 Mar 2021 21:11:00 +0000

Mr Neville I am in full support of our staff's careful stewardship in the Siesta Valley area. I have read every one of your emails and all of the responses and am reconciled to our differing points of view on this matter. I have exclude my fellow board members and the other parties you sent this email to from this reply to avoid serial communications prohibited by the Brown Act.

Best regards, Marguerite Young EBMUD Director Ward 3

On Mar 26, 2021, at 8:38 AM, Eric Neville wrote:

CAUTION – This email came from outside of EBMUD. Do not open attachments or click on links in suspicious emails.

Dear Director Young:

The District has provided suspect and even clearly false information in its report of 13 February regarding planting in Siesta Valley. Perhaps most strikingly, the District reports only a fraction of the known species planted and plants added. When addressed on such deficiencies, per email below of 15 February, the District has simply ignored the matter. Please advise.

Also, I must clearly register my fundamental objection to the District's decision, after first surveying Siesta Valley and finding it to be more botanically diverse than anywhere else in the Berkeley Hills, to then embark on a planting program, especially one of a type never before undertaken, which the District itself has acknowledged this program to be. Siesta Valley should be preserved as a benchmark of remnant Berkeley Hills ecology, a public legacy for future generations, not informally experimented on, let alone "restored" into an ad hoc trailside botanic garden.

Respectfully,
Eric Neville

Subject: Re: Continued planting in Siesta Valley
From: Eric Neville
To: Vince Scheidt
Cc: Nick Jensen, Jennifer Buck-Diaz, Marguerite Young
Scott Hill, State Senator Nancy Skinner, Assemblymember Buffy Wicks,
Virginia Reinhart, Green Party of Alameda County,
Green Party of Contra Costa County, Michael V. Drake, David Ackerly,
Kim Kersh, Melissa Farinha, Cassie Anderson, Cameron Morrison ,
Jim Rutledge, Michele Hammond, Mycological Society of San Francisco,
California Lichen Society, Sally de Becker, Cynthia Adkisson
Glen Schneider, CNPS Yerba Buena chapter
Date: Mon, 1 Mar 2021 09:12:18 -0800

Dear Interim Executive Director Scheidt: I am deeply unsettled by the CNPS evaluation (attached) that appears to whitewash the planting program of the Skyline Gardens Project in Siesta Valley, public land held in trust by the East Bay Municipal Utility District (EBMUD). The very selective reporting underlying this evaluation calls into question CNPS's trustworthiness as a public partner in general.

CNPS's response is disturbingly silent on numerous issues, e.g.

- * the Project's ongoing history of incomplete, misleading, and even directly false statements
- * the lack of planting totals, and reliability thereof
- * the failure of the public land trustee to be transparent about such information
- * violation of CNPS conservation policy
- * apparently fraudulent claims of endorsement by staff at the University of California at Berkeley
- * academic qualifications behind the surveys that public land management relies on
- * the unprecedented scale of planting (hundreds+ plants; tens+ species), inside regionally superlative botanical diversity
- * that, while claiming to be "restoration", the pattern of planting primarily realizes a trailside botanic garden

CNPS's evaluation is opaque as to its specific criteria and development. As someone who has both

walked the land and been lied to about the planting by CNPS representation – and I make that accusation with due consideration – I am deeply apprehensive about how CNPS arrived at its evaluation.

The idea that a planting program that has yet to even state how many species have been planted, let alone the total plants added, that such a program somehow "sets a gold standard" beggars belief.

The evident fact that CNPS does not see itself has having a shared investment in public academia and its protection, that it demonstrates no concern about being complicit in appropriating the hard-earned reputation of a public institution, is stunning.

I am amazed – and may generations yet to come hear me on this – I am amazed by the myopia of anyone who thinks they value the environment being party to normalizing secrecy in how public land is managed, even by doing so tacitly (let alone by directly embracing such secrecy). Clarity in a republic is a real gold standard.

Please note that the questions and concerns presented in email to EBMUD, below, remain outstanding.

I believe CNPS is making a gross mistake in failing to foster civic engagement for preservation of native flora and ecology, engagement which requires public trust and transparency, built on open and objective standards, and adherence thereto. I believe CNPS jeopardizes its suitability as a partner in self-governance. The CNPS evaluation feels like an inside job, especially given the Project's history of false and misleading statements, and this bizarrely mute evaluation now piles onto that history. Did CNPS just send out some sort of self-evaluation checklist, or did anyone actually set foot on the ground?

If this planting program is so wise, such fitting public policy, why doesn't it share the recipe? Why isn't it replicated elsewhere? Why does it entail secrecy and dishonesty by the public land trustee? Where is any objective and reviewable threshold for when nature gets to be nature? Does CNPS look forward to seeing planting of similar scope and secrecy in other public land of superlative botanical diversity, such as Huckleberry Preserve, Mount Diablo State Park, or Muir Woods National Monument?

The public, and its agencies, must assess whether CNPS operates as a collaborator in narrow power, or as a partner in open society. Does CNPS see itself as a club, first defending its own; or as a society of principles, setting standards like a beacon? I certainly would like to believe the latter, but I've learned – from brutality to truth in Siesta Valley – that the sun must shine

first.

Respectfully,
Eric Neville

attached: SkylineGardens_CNPS_22Feb2021.pdf

Date: 2021-02-15 09:46:42
From: Eric Neville
To: Hill, Scott
CC: Marguerite Young, Mark Silva, Carolyn Pryor, Rischa Cole, Dana Mims, Robyn Johnson, David Ackerly, Michele Hammond, Kim Kersh, Ken-Ichi Ueda, Sally De Becker, Cynthia Adkisson, Glen Schneider, Nick Jensen, Norman La Force, Decal, Robin Meadows, Jacob Souza, Tom Vacar, Chris Lenhart
Subject: Re: Continued planting in Siesta Valley

Dear Manager Hill:

My concern about the propriety of the planting program in Siesta Valley is deepened. The District appears to be presenting a very disingenuous report (attached) on its management of the public's land held in District trust.

The quantities of plants added to Siesta Valley are scattered through the report, instead of collated simply into a single table. Despite assurances of completeness, the table that is presented, and that purports to list plantings through 2019, shows only 338 plants added, while a single 2018 entry from the Project's blog indicates 600 seedlings being added,
<https://www.skylinegardens.org/winter-planting-2018>

The District seems to be offering two narratives, two sets of facts, depending on whether it is trying to garner publicity, or account for its actions.

I also notice that baby blues eyes (*Nemophila menziesii*), the planting of which was specifically discussed in 2019, is not on the list of plants added.

The plantings that actually are described corroborate the concern that, rather than "restoration", the Project is in fact effecting a trailside botanic garden, with most plants added within 30' feet of a trail, not located where is best for the plants, let alone based on evidence such plants formerly grew there.

The only statement the District provides about current or future planting regards the Skyline Trail; excluding, for example, the trail (schizophrenically built and then closed off under EBMUD authority) out over the promontory that is the only location for miles around that cobweb thistle

(*Cirsium occidentale*) is known to grow sustainably, an area to which plants (including *C. occidentale* seedlings) have inexplicably been added in the past.

The survey of grasses by the Kellogg's yampah (*Perideridia kelloggii*), where new planting was observed this January, was conducted 7 February 2021, after the planting was done, and after my initial email. In addition to being interesting timing relative to planting and inquiry, it's an interesting time of year to survey grasses, before many have developed mature features like inflorescences that are key to identification, especially since grasses are known to be difficult to identify generally. What was the level of qualification of the surveyor (e.g. BA or MA in Botany)? What are the minimal qualifications for those conducting surveys in Siesta Valley? What are the qualifications of scientists (herpetologists, geologists, etc.) employed by the District generally?

The District continues to dodge attributing its claims of support by UC Berkeley staff. Again, justifying a program based on secret experts is not tenable for public policy over public resources. I am concerned such claims are fraudulent. The district has defended the planting by asserting that University of California at Berkeley staff "have been consulted and are actively participating in the Skyline Gardens Project." This follows on the District defending the planting in 2019 based on claims that the addition of plants adhered to the Bradley method, which was shown to be false. The District needs to account for its representations to the public. If the District is prone to issuing false and/or misleading statements, the public needs to know.

The public has a particular right and interest to know if the public institutions it has invested in have had their names and reputations fraudulently used, and to what end.

Please note that "UC Decal", apparently cited in passing support, would appear to actually be DeCal, a group of students that clearly and specifically notes its separation from the University of California,

"We are a student group acting independently of the University of California."
<https://decal.berkeley.edu/>

Attributing to this group the aegis of the University of California, by way of the construct "UC Decal", is clearly misleading.

Per the matter of statement in July 2019 that planting had ceased, I apprised the District at that time, after the site visit, of my outstanding concern about the veracity of UC Berkeley support, and I most certainly would have pressed the matter then if I understood more planting to be in the

offing. Perhaps the District should consider better organizing and documenting its land management.

The report references the restoration standards of the Society for Ecological Restoration (SER), which has a Certification program, <https://www.ser.org/page/Certification>

However, no SER Certification is indicated for the Project. Why not?

And what's up with the District just applying its own thresholds to SER standards, e.g. "In our view, damaged is up to 30% invasives"?

The district asserts it is planting keystone species to the benefit of ecology, but identifies as keystone only a single genus (Wyethia) containing 2 species present, compared to 26 plant species shown added in the planting table, and the District offers no science identifying even these 2 species as keystone actors in the ecosystem, let alone impacts of their addition to an ecosystem. Where is the keystone science?

Actually, where is the science generally? A report 20 pages long contains not a single citation.

Please note that the number one value of the CNPS East Bay is basing matters in science, <https://ebcnps.org/mission-statement/>

Furthermore, the District completely fails to address CNPS conservation policy, including the already identified violation thereof.

As a matter of fact, since this member of the public raised concern about planting in 2019, the District has exhibited a dearth of curiosity about CNPS conservation policy, the Bradley method, UC Berkeley staff endorsement, what's happening in the field, or public concern about planting. In contrast to such potential curiosity, the District has repeatedly exhibited a focus on recruitment, the combination of which is notably cult-like.

For a brief reflection in perspective, why hasn't an addition of plants like this been undertaken in EBRPD's Huckleberry Preserve, or Tilden? Or Mount Diablo State Park? Or Muir Woods National Park? Has the District itself even ever done a planting like this elsewhere in its own bailiwick? I submit that the planting program undertaken in Siesta Valley is well outside of best management practices, and wholly misplaced.

The public deserves proper protection of the land, ecology, and natural history that is its heritage by right, most

particularly for an area the District itself has identified as the most botanically diverse in the region. Of all the places around, Siesta Valley should be preserved as a benchmark of remnant Berkeley Hills ecology, protected as the serendipitous and irreplaceable gem that it is, not informally experimented on, let alone recreationally gardened.

Certainly, the District needs to be honest and transparent about what it is doing with the public's land.

For convenience, I highlight these outstanding questions:

What is the actual total of plants added to Siesta Valley since 2015, itemized by species?

What staff specifically at UC Berkeley is aware of and endorses the planting, or is the District no longer claiming such?

What is the current planting program for the totality of Siesta Valley?

What is the monitoring program for all plants added?

When, if ever, is the addition of plants to Siesta Valley projected to be complete?

Please note that more than 10 days have transpired since my request for copies of documents per the Public Records Act.

Respectfully,
Eric Neville

Date: 2021-02-13 11:58:50
From: Hill, Scott
To: Marguerite Young, Eric Neville
CC: Cynthia Adkisson, Glen Schneider
Subject: RE: Continued planting in Siesta Valley

Dear Mr. Neville:

Attached please find a comprehensive response to your questions regarding the ecological restoration at Skyline Gardens. Under the guidance of Glen Schneider, hordes of indefatigable volunteers have made great strides in ecosystem recovery at Skyline Gardens. The Skyline Gardens project is a combination botanical survey and restoration project and is supported by the East Bay Municipal Utility District's goal to maintain and enhance biological

resources values on District lands.

While Glen's response is complete, there is one question that I want to address, the question of planting. You're assertion that you were told unequivocally in July 2019 that we had ceased planting is vexing. I've discussed this with my colleagues who were present on the site visit in July 2019 and none of us recall having said, or otherwise indicated, that planting would cease. Furthermore, we are at a loss to understand why we would agree to discontinue planting when it's an acceptable and beneficial component of the restoration process at Skyline Gardens.

In closing, we encourage you to volunteer and would welcome your participation in the Skyline Gardens project where you could share your knowledge of botany with the many volunteers who share your passion for the natural environment.

Scott D. Hill

Manager**of Watershed and Recreation

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East Bay Municipal Utility District

***500 San Pablo Dam Road ***

Orinda, CA 94563

attached: GS Response to Neville of Feb 2.pdf

***From:* Young, Marguerite**

***Sent:* Tuesday, February 2, 2021 2:17 PM**

***To:* Eric Neville**

***Cc:* Scott Hill, Mark Silva, David Ackerly, Michele Hammond**

Kim Kersh, Ken-ichi Ueda, Cynthia Adkisson, Glen Schneider

Isabella Langone, Sierra Club SF Bay, Ric Santora

***Subject:* Re: Continued planting in Siesta Valley**

Thank you for your letter Mr. Neville. I'm sure that Scott and his crew will respond once they can address your questions.

Best regards,

Marguerite Young

EBMUD Director Ward 3

On Feb 2, 2021, at 9:01 AM, Eric Neville wrote:

CAUTION – This email came from outside of EBMUD. Do not open attachments or click on links in suspicious emails.

Dear Director Young:

I was surprised and deeply disappointed to discover that yet more plants have been added to undisturbed areas of Siesta Valley (evidence attached), despite being told unequivocally in July 2019 that planting had ceased.

As I brought to the attention of staff at that time, the addition of wildflowers to undisturbed areas of native vegetation is contrary to California Native Plant Society's conservation policy,

Policy on Sowing of Wildflowers

<https://www.cnps.org/wp-content/uploads/2018/04/sowing-wildflowers.pdf>

I am concerned that the planting, which has involved at least hundreds of seedlings, has been presented as performed in the name of "restoration", while in fact effected as an ad hoc development of a trailside botanic garden.

I am concerned that the District's choice to manage the area under the name "Skyline Gardens Project" is itself telling, misguided, and problematic, since from the outset it encourages expectations and practices directed more to curate horticulturally than "to preserve and protect the environment for future generations," as set forth in the Mission Statement, the District's covenant with the public, whose land it stewards.

As I pointed out previously, it is fundamentally ill-conceived for the District to add plants to an area already identified – by survey under the District's own authority no less – as the most botanically diverse in the region.

I am concerned that the planting exhibits a lack of holistic understanding of the state of ecologies and nature preservation regionally, that it is not scientifically informed nor conducted, and that it is not being carried out in a forthright and transparent manner.

I was told that staff from the University of California at Berkeley "have been consulted and are actively participating in the Skyline Gardens Project." However, when I met on site with District staff in July 2019 and asked for names of individuals, I was told names were being withheld on account of "confidential consultation involving CNPS [California Native Plant Society]", with insistence that persons included were "people high up in the [Jepson]

Herbarium." Such secrecy is not defensible for public land management. I now ask again, who specifically at UC Berkeley? I hope I need not elaborate on the hazards posed to a republic by convenient disregard for truth and evidence; as by accepting the idea that government may manage public resources according to methods that it claims proper but without providing specific support, such as with assertions of endorsement by secret experts (let alone secret academics, at a public institution no less).

What is the total number of plants added to Siesta Valley since 2015, itemized by species?

What is the number added since July 2019, when I was told there would be no more plantings?

Who exactly at UC Berkeley is aware of the planting program, including these numbers, and endorses such?

Noting from the District's East Bay Watershed Master Plan [EBWMP] that "the District is committed to preserving and protecting the natural resources," and that "[b]ecause these lands have been largely protected from development and human disturbance, they support important and high quality habitats", how specifically does a planting program at Siesta Valley comport with the EBWMP?

What are the current plans for planting?

What are the monitoring programs in place for plants already added?

What are the standards and criteria for addition of plants?

When, if ever, is the addition of plants to Siesta Valley projected to be complete?

Per the California Public Records Act, please provide copies of all documents related to planting in Siesta Valley since 2015, including (but not limited to) those proposing, approving, and/or reporting planting (by seed, seedling, or otherwise), including associated maps.

Respectfully,
Eric Neville

attached: planting-1.jpg, planting-2.jpg