

Comments on the  
**Draft Damage Assessment and Restoration Plan/Environmental Assessment**

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These comments address only the beach and dune enhancement proposal at the Albany Beach.

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I believe the plan incorrectly assesses the probability of success for the Albany Beach enhancement proposal, especially with respect to restored dune habitat.

Technically, the site looks good for habitat restoration. What has been inadequately considered are a) the long-established human use patterns; and b) the ongoing political controversy over appropriate uses and access rules for this small section of the East Bay shoreline.

Albany Beach has been heavily used for several decades by off-leash dogs and their owners. Private advocacy groups (Citizens for East Shore Parks, Audubon, and certain local factions of the Sierra Club) have been singularly unsuccessful in persuading East Bay Regional Park District, or any other State or Local authority, to even begin to enforce the existing restrictions on off-leash dogs. The dog restrictions and leash rules exist in theory only - Albany beach has been and continues to be the best de facto off-leash dog beach along the East Bay shoreline, and the only accessible sandy dog beach for many miles north or south.

Rightly or wrongly, the dog people are not giving up their off-leash access to Albany Beach and the adjoining areas without a very hard fight on several levels - and they represent about 40% of all East Bay households.

It is clear that any proposed habitat restoration at Albany Beach inshore of extreme low tide can only be successful in conjunction with draconian enforcement measures directed against this very large and effective interest group. These will be expensive, unpopular, and most likely not achieve the intended result. It will be virtually impossible to prevent at least occasional disruption by off-leash dogs, and the effect of this disruption on the viability of any habitat restoration project needs to be fully assessed.

The political implications are also very real and very negative. Draconian enforcement measures will not endear the program to some of the most valuable potential supporters of FWS and habitat protection in general. CESP and allied groups, on the other hand, stake a considerable portion of their own political credibility on the success of these

projects in heavily used urban waterfront areas, exactly the places where they are the most expensive and the least likely to succeed.

If the real goal is habitat protection, rather than taking a side in local land-use politics, this part of the Albany shoreline should be left alone. On the other hand, projects that improve human access to the beach - and these are already a significant component of the current EBRPD plan - will be appropriate, cost-effective, and appreciated. These include an expanded legal parking area in closer proximity to the south end of the beach, power, water and sewage hook-ups to support washdown water and bathrooms, and access facilities for hand-launched watercraft.

For habitat enhancement, a much more sensible alternate proposal at a nearby site would create some cuts in the jetty surrounding the lagoon on the west side of the Albany Bulb. This would prevent hikers (and their dogs) from walking out onto the jetty, and instantly create many acres of safe roosting for a number of bird species. (I note the nesting pair of black oystercatchers on the Berkeley Marina rip-rap breakwater, a similar structure that is isolated from land. Photo, including the chick, at <http://www.well.com/user/pk/waterfront/photo-of-the-week/Oystercatcher-02-2.html>.) This would likely be considerably more cost-effective than restoring rotting pilings for the proposed habitat platforms on the derelict Berkeley Pier.

Please note that these comments are my own and do not necessarily reflect the Berkeley Waterfront Commission.

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