

June 16, 2021

Alameda County Clerk  
1106 Madison Street  
Oakland, CA 94607

**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.

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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](mailto: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/>

Attachment A: East Bay Regional Park  
District's Free Roaming Cat  
Management Policy

## East Bay Regional Park District Attachment A. Free-Roaming Cat Management Policy

June 2021

The East Bay Regional Park District's mission is to preserve "a rich heritage of natural and cultural resources" while providing outdoor recreational opportunities to the millions of people that call the Bay Area home. Integral to preserving that rich heritage of natural resources is the protection of biodiversity, with special attention to protecting and encouraging the recovery of threatened or endangered native species that were once abundant in the East Bay.

Hundreds of native species that exist in the East Bay Regional Park District's (Park District) lands are protected by federal and state law. Over a dozen of these species such as the California Ridgway's rail (*Rallus obsoletus obsoletus*) and the salt marsh harvest mouse (*Reithrodontomys raviventris*) are on the endangered species list and are at significant risk of extinction. The protection of these species contributes to the biodiversity, ecological health, and unique evolutionary history of regional parks.

The shorelines of the East Bay are particularly critical, as rare birds and mammals live on isolated fragments of protected habitat between the urban edge and the bay waters. Over 95% of these historic wetlands have been lost, making the remaining wetlands even more isolated and vulnerable to degradation, fragmentation, and loss (USGS 2021). Because of their importance, significant public resources have been invested to protect and restore these last remaining islands of refuge. Along with habitat loss, human encroachment creates other risks for endangered animals, including predation by non-native animals imported to the area either as pets or as game for hunting.

Management of domestic cats (*Felis catus*) within the Park District is challenging, as the domestic cat is both a beloved human pet and an efficient predator of endangered native animals. The review and update to this Policy is to comply with federal and state laws and protect native, endangered species in regional parks by removing cats from sensitive habitats as humanely as possible. The Park District's previous policy were contained as feral cat program recommendations, which were approved by the Board of Directors' Natural and Cultural Resources Committee in 1999. This Free-Roaming Cat Management Policy (Policy) updates and replaces the 1999 program to add procedures aimed at improving education, prevention, collaboration, and transparency with the community the Park District serves.

This Policy contains seven components, which are described in greater detail, below.

### I. Education and Prevention

The Park District will collaborate with local animal services agencies to develop and implement an educational campaign focused on the impact that abandoned and free-roaming cats have on endangered wildlife and the poor outcomes these cats face outdoors. The following are examples of efforts the Park District will undertake with local animal services agencies to educate the public on the importance of not abandoning cats or feeding free-roaming cats:

- a. Revise signs and replace or post new signs in parks where cats are likely to be abandoned. Signs will include alternatives to abandonment with phone numbers to call for help caring for or rehoming a cat.
- b. Revise and reissue informative brochures and distribute in kiosks and visitor-centers.
- c. Develop an internal educational program for staff regarding this program and best practices for managing abandoned or free-roaming cats.
- d. Develop an external educational program directed to all park users.

- e. Update the Park District's website with a free-roaming cat page, including links to the nearest animal shelters and contact information for assistance.
- f. Where applicable, provide a link to the free-roaming cat page on the park websites that have the largest pet abandonment problems.

The Park District will evaluate the successes or failures of these programs and may add, modify, or expand on these educational programs as needed. At a minimum, the education and prevention efforts will be reviewed and revised by the Park District every five years.

## **2. Coordination with Local Animal Services Agencies**

The Park District will establish regular communication and meetings with the directors or managers of local animal service agencies. To continue this collaboration, the Park District will commit to:

- a. Quarterly meetings with animal service agencies, or more frequently if the Park District and animal service agencies are working together on active cat colony removal or other animal abandonment issues. During quarterly meetings, the Park District will note seasonally relevant dates in the upcoming months, for example, the start of breeding season or dates of expected king tides.
- b. The Park District and animal service agencies will collaborate to develop a long-term cooperative agreement for free-roaming cat management. The agreement may be reviewed by the parties every five years, or more frequently, if needed. The agreement will include a provision that animal services agencies will provide the first point-of-contact to community cat caretakers to request their assistance with trapping and removal efforts. Animal service agencies, animal control officers, and cat caretakers are suitably equipped and experienced in trapping domestic animals and the Park District will work with them to ensure the highest success rate possible for trapping efforts.

## **3. Methods and Tracking for Locating Colonies and Removal**

Initial identification of free-roaming cat colonies and individual cats will occur in two ways:

- a. The District will issue a survey to all park offices. The survey will ask if there are known cat colonies in areas where they may impact sensitive natural resources, the approximate location of any known colonies, the number of cats associated with each colony, and related questions. The results of these surveys will be aggregated, and with input from the animal services agencies the District's Chief of Stewardship will recommend where to prioritize colony management efforts.
- b. The District will establish a shared spreadsheet or similar system to track cat observations and cat colony locations. These data will be shared between District staff and animal service agency staff.

These data on cat observations and cat colony locations will be maintained by Stewardship staff and updated by Park Operations staff as needed.

## **4. Capture and Removal Methods**

- a. Trapping: The Park District will coordinate trapping efforts with local animal service agencies to conduct the outreach to colony caretakers to cease feeding and, if necessary, to help with trapping. All trapping activities must be sanctioned by the Park District and animal service agencies. The Park District will trap only on its properties. Trapping on Park District properties will be accomplished by trained Park District staff or external agency partners. Trapping of cat colonies on private property will be handled by animal service agencies. Trap type, number, and duration

of trapping will be coordinated with the District's Park Supervisor, rangers, and District's Chief of Stewardship. The Park District will record information on its trapping efforts. All trapped cats will be removed and taken to animal service facilities with the goal to rehome or relocate.

- b. Other Non-Lethal Capture Methods: For cats that may be difficult to trap, the traditional method of baited live-trapping may not work. In this situation, the Park District will consult with professional animal control specialists on other non-lethal types of traps or trapping methods, particularly in cases where cats have become difficult or impossible to trap.
- c. Lethal Control (humane euthanasia using a firearm): It is the Park District's goal that increased public education and collaboration with animal service agencies will decrease cat abandonment and feeding and increase trapping success such that the need for lethal control is eliminated or used only in rare cases. Lethal control will continue to be used only as a last resort; will comply with euthanasia guidelines (AVMA 2020); will not be conducted by District staff; and will only be used in areas of sensitive habitat where federally- or state-threatened species are present and those species are considered at-risk from free-roaming cat predation.

Currently, the Park District considers any of the following four federally- or state- threatened or endangered species at-risk:

1. California Ridgway's rail,
2. western snowy plover (*Charadrius alexandrinus nivosus*),
3. California least tern (*Sternula antillarum browni*), and
4. salt marsh harvest mouse.

These species occur in most of our shoreline parks, in isolated fragments of marsh that are habitat "islands" bordered by water or urbanization. The Park District will increase education and trapping efforts particularly during critical nesting seasons when a free-roaming cat can inflict massive damage in a short time span or during high tide events such as king tides, when rapid action is needed to protect species as they are flooded out of the marsh into urban areas.

In the rare and unavoidable situation that lethal control as a last resort cannot be avoided, lethal control of free-roaming cats will not be conducted by District staff but by external agency partners with appropriate expertise and certifications. Lethal control will be conducted humanely in accordance with American Veterinary Medical Association standards (AVMA 2020).

The following conditions must be met before lethal control proceeds:

- Educational efforts have been initiated;
- Trapping efforts by the Park District and animal service agencies have been attempted but are deemed unsuccessful;
- Jurisdictional animal service agency has been notified and receipt is confirmed;
- The need for lethal control has been assessed and recommended by the Wildlife Program Manager and the Chief of Stewardship and proposed to the Assistant General Manager (AGM) of Acquisition, Stewardship, and Design. The final determination to authorize lethal control shall be made by the AGM or her designee.

The authorization to use lethal control will be specific, geographically-limited, and/or time-bound (i.e. authorization will not be given for removal across all parks indefinitely). District staff will, with an animal

services agency designee, inspect any lethally-controlled cat carcasses to confirm adherence to AVMA 2020 guidelines and scan for microchipping before they are properly disposed of.

## **5. Consultation with Animal Control Specialists Regarding Infrastructure and Deterrence**

The Park District will consult with animal control specialists to identify options for improving management practices and infrastructure to reduce nuisance attractions (e.g. employing animal-proof garbage receptacles, dumpsters) or other deterrence methods where appropriate. The Park District will also evaluate the use of predator exclusion fencing where feasible.

## **6. Enforcement of Prohibitions on Abandonment or Feeding of Free-Roaming Cats**

Throughout Park District lands, the District has policies related to feeding cats or any animals, wildlife included. Violators are subject to citation by EBRPD Police. The only feeding allowed is baiting within cage traps. The Park District's current Ordinance 38 restricts the following actions<sup>1</sup>:

- a. Section 801.1: No dog, cat, or other animal, even if securely leashed, shall be permitted in Prohibited Areas, which includes designated nature study areas, wetlands or marsh areas.
- b. Section 801.2: All dogs, cats, or animals must be securely leashed and under control of a person in any Developed Area or within 200 feet of any parking lot, trail head or staging area.
- c. Section 802: No person shall abandon a dog, cat, fish, fowl, or other animal within the District parklands. Any abandoned animals will be live-trapped and relocated, or turned over to Animal Control, or otherwise be removed in compliance with adopted Board policy.
- d. Section 803: For Feral (Domestic or Non-Native Animals), Wild Animals, and Farm Animals. No person shall feed farm animals when so posted, or feral or wild animals at any time on District parklands.

This Policy supplements Section 8 of Park Operating Guidelines, which directs park staff to remove all feeding stations and trap and remove free-roaming cats (EBRPD 2003). Park staff will aid with enforcement by noting violations of animal abandonment or feeding. Park staff may take a photo of the vehicle, the license plate number, and type of animal and color. If the abandoned animal seems tame or friendly, it may be dropped off at a local shelter or sheltered until animal service agencies are contacted. Park staff will notify the appropriate Unit Manager and District biologists when any cats are observed in shoreline parks or when any increase in free-roaming cat populations is observed.

In areas where municipal codes prohibit abandonment or feeding, the Park District will work with local jurisdictions to enforce feeding and abandonment restrictions. For example, in the City of Fremont, abandonment and feeding of animals is prohibited on posted property.

This Free-Roaming Cat Management Policy does not supersede any part of EBRPD Policy 820, which establishes guidelines for animal control officers and East Bay Regional Park District Police Department personnel in dealing with animal control related calls for service (EBPRD Police Policy Manual).

## **7. Transparency and Reporting**

Each year, the District will prepare an annual memo summarizing its efforts including:

- a. Brief description of education and abandonment prevention campaigns,

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<sup>1</sup> For a complete reference to District ordinances please go to <https://www.ebparks.org/activities/ord38.htm>

- b. Identify the regional parks where cat management occurred,
- c. Extent of trapping efforts,
- d. How many cats were trapped, and
- e. If lethal control was conducted on Park District lands, circumstances leading up to control, and number. A report prepared by contractors may be appended to the annual summary report.

The report will cover a calendar year and be available by request around the end of February each year. To support reporting, data will be collected on cats observed, trapping efforts, and a brief but thorough drop-off checklist will be created to fill out if District staff surrender animals at a shelter drop-box. The initial annual report will be presented to the full Board of Directors. Following year one, annual updates may be requested by the Natural and Cultural Resources Committee.

## References

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East Bay Regional Park District (1999). Mikkelsen, Tom. “Feral Cat Pilot Program Recommendations.”  
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