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Role: President of Bay Area Radio Control Society (BARCS)

Approved the Board of Directors of Bay Area Radio Control Society

Arthur Wallace, M.D. Ph.D,	BARCS President:
Derek Koopowitz,	BARCS Vice-President
Larry Nilsen	BARCS Secretary and Treasurer:
Ken Shapiro	BARCS Board Member
Adrian Wong	BARCS Board Member
Dan Lowenstein, M.D.	BARCS Board Member
Bill Polits	BARCS Board Member
Phil Saltz	BARCS Board Member

Summary:

1. East Bay Regional Parks District (EBRPD) has decided to evict the Bay Area Radio Control Society (BARCS) from the Breuner Marsh location in order to complete the Breuner Marsh Restoration Project.
2. BARCS has rented the Breuner Marsh location for use as a radio control airfield for 35 years.
3. EBRPD admits that BARCS is a model tenant providing land stewardship, rest room facilities, rent, recreation, and almost daily supervision of post-industrial land in Richmond.
4. EBRPD does not have an accepted and approved Environmental Impact Report (EIR) for the Breuner Marsh Restoration. The EIR is still in draft form.
5. EBRPD does not have funding sufficient to complete the Breuner Marsh Development. EBRPD has only completely secured and allocated \$1 million, with a “commitment” of \$2 million from Chevron, of the estimated \$8 million dollars to complete the project.
6. EBRPD does not have an approved building permit for the Breuner Marsh Development.
7. EBRPD estimates it may have completed the permitting process in 2014 or 2015 and is unlikely to begin construction until 2015 at the earliest.
8. Evicting BARCS from the Breuner Marsh property will reduce the public safety by eliminating the land stewards that have supervised the land on an almost daily basis for 35 years.
9. Evicting BARCS from the Breuner Marsh property on July 4 2012, a number of years prior to any chance of having complete approval to begin construction, reduces the public safety, reduces recreational activity in the Breuner Marsh property, eliminates rest room facilities for hikers and fisherman, and provides an empty space that has the potential to become a public nuisance by allowing dumping, drug cultivation, homeless encampments, and illegal activities secondary to failure to have a land steward.
10. It is highly likely that EBRPD will fail to achieve adequate funding for the Breuner Marsh Restoration Project or there will be substantial delays in achieving permitting and full funding to allow construction to commence. During this period between the eviction of BARCS and construction, damage from dumping, drug cultivation, homeless encampments, and illegal activities secondary to a failure have a land steward, will damage the Breuner Marsh, reduces public safety, reduces recreational use of the land, incur public liability, create a public nuisance, and provides no benefit to society.
11. There are a number of design flaws and factors that have not been considered in the EIR which make the analysis flawed.

Recommendations:

1. East Bay Regional Parks District should allow BARCS to continue to rent the Breuner Marsh area for use as an RC airfield until the EIR is fully accepted, building permits are obtained, and full funding for the project is achieved. There is no public benefit to evicting BARCS prior to the ability to begin construction. There is substantial public risk entailed and public liability from evicting BARCS. EBRPD is creating a public nuisance, reducing public recreation, and reducing public safety by evicting BARCS. Public land devoid of use or supervision in an urban environment creates a hazard. It will take an estimated one day of work to remove the BARCS structures and facilities. Removal at the present time eliminates recreation with no public benefit and significant risk to the public.
2. The Environmental Impact Report should be modified to correct the fundamental design errors prior to construction.
3. The design of the Breuner Marsh Restoration Project should include multi-use recreational activities which are inclusive, non-discriminatory, and do not create a public nuisance, public liability, and public danger.
4. The Environmental Impact Report should be modified to include current public recreation (fishing, hiking, biking, horseback riding, bird watching, and radio controlled flying), public health concerns, and public safety concerns.
5. BARCS is willing to be evicted from the Breuner Marsh area, once the fully accepted EIR is completed and accepted, full funding for the Breuner Marsh Restoration Project is acquired, building permits have been acquired, and the numerous right of ways, public access, environmental, regulatory, and other issues have been resolved. There is no public benefit provided by evicting BARCS prior to the ability to proceed with restoration.
6. BARCS is willing to put the funds to remove its building structures into an escrow account to be used to remove the structures once all permits, approvals, funding, and actual construction is ready to begin. BARCS has an estimate for this removal which can be accomplished in one day. BARCS can vacate the property in one day, once actual construction begins if necessary. BARCS would like 30 days if not 90 days of notice prior to invoking this right to evict.
7. BARCS thinks that a reasonable use of the Breuner Marsh should include multi-use recreation which would include a radio controlled airfield. It is inappropriate to exclude simultaneous multi-use recreation which at the present time includes hiking, fishing, picnicking, bird watching, horseback riding, nature trails, and radio controlled aircraft operation.

Responses Required from East Bay Regional Parks on the Environmental Impact Report for the Breuner Marsh Restoration & Public Access Project

1. What is the public benefit of destroying plants and animals, including an endangered species of salt-water-mouse in an expensive, multi-year experiment to essentially "re-grow" a less than perfect but functioning marsh? Specifically, the proposed project involves moving a volume of earth equal to an entire football field stacked 60 feet high! This is after stripping off most of the vegetation and trampling and likely killing all the underlying marsh animals.
2. What is the public benefit of increasing silt, disturbing toxic soil, disrupting habitat, and undergoing major grading, in an environmentally sensitive area?
3. What is the positive impact of increasing the risk of flooding in Parchester Village?
4. What is the positive impact of increasing the pedestrian traffic along and possibly across the Union Pacific rail line?
5. What is the public benefit of increasing breeding area for mosquitoes and the likely increased incidence of mosquito-borne West Nile Virus Encephalitis in Richmond?
6. What is the public benefit of evicting BARCS on July 4, 2012, which will eliminate valuable public land stewardship, restroom facilities, and significant recreational use? We have successfully co-existed with the wildlife for the last 32 years.
7. How can the draft EIR make the serious, erroneous conclusion that there will be no impact on recreation? The 60-100 members of BARCS were never directly polled or studied to determine how often and for how long we are on the premises.
8. What is the public benefit of evicting BARCS on a project that is only partially funded, and therefore is unlikely to be started, in very difficult economic times?
9. Why evict BARCS from the Breuner Marsh property on July 4 2012 when funding is not secure for the entire development? Current committed funding is only \$1 million and estimated costs are \$8 million. There is inadequate funding to complete the project at this point in time. Funding may be shifted simply to maintain current EBRPD park properties. EBRPD is expanding their park lands at a time when they are having difficulty maintaining current parks. In the current economic climate, it is highly unlikely that funding will be available for this project.

10. Why evict BARCS from the Breuner Marsh property on July 4 2012, when the EIR is not approved, permitting is not complete, construction is unfunded, and there is no chance that any construction can begin for a number of years?

11. At the EBRPD Board of Directors meeting of February 17, 2011, it was proposed and decided to extend the BARCS Special Use Agreement because "Currently, it has been determined by District staff in charge of the restoration project that the project will not break ground for at least another year; therefore, the District can extend the BARCS Special Use Agreement for an additional year". As even at its most optimistic tentative planning, EBRPD itself estimates construction will not start until summer or fall 2013 (Draft EIR Appendix, Page 6, paragraph 6e), why was extending the BARCS lease not put before the EBRPD Board this year?

12. How does EBRPD propose to fund and maintain the level of security and public safety on the Breuner Marsh Property that BARCS has provided over all these years?

13. How did EBRPD apparently reach the decision that Model Aviation activities are not compatible with Park activities? There is no notice or evidence of this important piece of information on their public website. When was this decision made? Was there public comment? Who made this decision and in what capacity? Is the decision that "Model Aviation activities are not compatible with park activities" official public policy that can be demonstrated from the public record?

14. What is the public benefit of eliminating radio controlled flying and recreation in the Breuner Marsh? The statement, "radio controlled flying is not-compatible with the project" is not sufficient explanation. EBRPD must provide a reasoned explanation and document the public hearings prior to such a decision.

15. How is radio controlled aircraft flying incompatible with park use?

16. What is the public benefit of forcing radio control flyers to drive 30 to 70 miles to another RC airfield?

17. What is the public benefit of evicting BARCS on July 4 2012, when it is highly likely no construction can begin for a number of years?

Background:

The Bay Area Radio Control Society (BARCS) is a non-profit state of California organization that has flown at the Breuner Marsh Radio Controlled Airfield for more than 35 years. BARCS provides a paved airfield for radio controlled aircraft including alcohol, gasoline, and electric powered and unpowered aircraft. These aircraft may be airplanes or helicopters. Membership in BARCS is open to the public. BARCS membership requires membership in the Academy of Model Aeronautics to ensure insurance on radio controlled flying. Membership cost is low with a \$100 one time field fee and yearly dues of \$80. BARCS provides instruction in radio controlled flying free of charge.

Satellite Image of BARCS Airfield:

<http://maps.google.com/maps?q=Goodrick+Avenue,+Richmond,+CA&hl=en&ll=37.982092,-122.362778&spn=0.003468,0.006019&sll=38.326575,-122.113037&sspn=1.249695,3.081665&hnear=Goodrick+Ave,+Richmond,+Contra+Costa,+California+94801&t=h&z=18>

Radio Controlled (RC) aircraft provide a low cost, low impact, safe, environmentally sensitive approach to aviation. One may learn to fly a radio controlled aircraft for an initial cost of a few hundred dollars. It is easy to purchase many RC aircraft for under a few hundred dollars and few aircraft cost more than a \$1000. Operating costs are measured in tens (\$10) of dollars an hour. This low cost of operation allows people of all socioeconomic strata to enjoy the field of aviation including children, adults, retired people, etc. RC aircraft contrast sharply with general aviation aircraft in many ways. The cost of a general aviation pilot's license starts at ten to fifteen thousand dollars (\$10,000-15,000) with operating costs of \$150 to \$200 a hour for the simplest aircraft. General aviation accidents are lethal in 1/3 of cases. The simple act of running out of fuel in a general aviation aircraft results in mortality 1/3 of the time. General Aviation aircraft burn tens of gallons of fuel per hour. A used, inexpensive general aviation aircraft would cost \$30,000 and new ones start at \$300,000. Yearly inspection, maintenance, storage, and insurance fees run in the tens of thousands of dollars a year. Radio Control aircraft, in contrast, burn a fraction of a gallon of fuel an hour and cost 1% as much to acquire as a general aviation aircraft. The low cost of RC aircraft combined with the safety, low maintenance costs, and miniscule fuel consumption, allows all socioeconomic strata to enjoy aviation rather than restricting it to people of substantial financial means. Radio Control aircraft are environmentally low impact, low cost, and safe to operate.

Radio Control Aircraft are important for education, engineering, computer science, artificial intelligence, communications, electronic design, aeronautical design, materials engineering, national defense, and a host of other applications. Control system engineering is being developed now at major universities based on electric radio controlled quadcopters. <http://www.popsci.com/technology/article/2011-03/video-mits-quadcopter-carries-kinect-autonomous-flying> , http://www.youtube.com/watch?v=E7X0_6o9J10, Engineers are using radio controlled aircraft to develop algorithms to avoid inflight collisions for commercial aircraft. Radio

Controlled Aircraft are being developed into unmanned aerial vehicles (UAV) for emergency rescue, military, police, DEA, law enforcement, meteorological, scientific, and other uses.

UAV's have been developed for such aircraft as the SR-71 and who can forget the role of the Predator drone in the wars in Afganistan and Iraq.



Stratofox and Drone Helicopters:



To Drone Helicopters and even the stealth RQ-170



There are enormous advantages to drone aircraft or UAV (unmanned aerial vehicles). If the vehicle is lost, as the RQ-170 was over Iran this year, no pilot is killed or captured. The cost of the vehicles is lower and no life support equipment is needed for a pilot. Pilots can not fly for an unlimited time period. But a UAV is only limited by its fuel supply, not the endurance of the pilot. Where did UAV's come from? They came from RC aircraft developed by radio control enthusiasts, like the members of BARCS.

RC aircraft have also been used to test theories such as the lifting body that ultimately became the space shuttle. The space shuttle began as an RC aircraft tossed off the roof of the designer's house and flown by RC. These vehicles were derived directly from radio control aircraft by NASA and others..

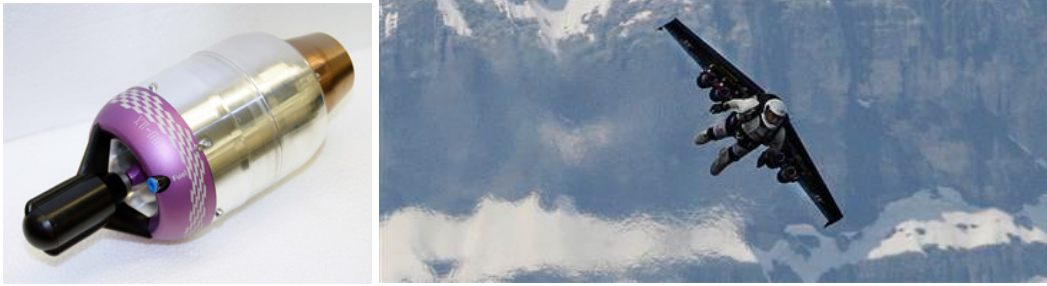


<http://amaexpo.com/2011/10/27/the-droid-is-coming/>



Space Shuttle Early Prototypes, Space Shuttle, and present X-38 UAV.

There are even jet engines developed for RC aircraft that have shifted to use in human flight.



Radio control aircraft have been used to test theories of flight, aerodynamics, propulsion systems including – ram jets, jet engines, electric power, etc.

BARCS provides the only dedicated radio controlled airfield within an hours drive of San Francisco, Berkeley, Marin, Emeryville, Richmond, etc. BARCS provides the only radio controlled airfield with airspace in the North Bay area. The BARCS airfield is part of the Temporary Flight Restriction (TFR) system provided by the FAA. BARCS is an extremely important resource for aviation in the Bay Area.

Cost of Loss of the BARCS Field to Engineering at UC Berkeley and UC San Francisco: BARCS provides a Radio Controlled airfield to students and faculty at University of California Berkeley, University of California, San Francisco, local community colleges, and the bay area. It is an essential test facility for engineers at these universities. This airfield is a very scarce resource in the Bay Area. If the BARCS field is lost, students, researchers, and faculty at these universities will not have a test facility for RC vehicles. It is likely they will test the vehicle in public parks, parking lots, school yards etc. Use of school yards, public parks, parking lots for testing and RC flight entails risk as children, animals, etc can interact with the RC vehicle and be injured. Large RC aircraft or those aircraft with internal combustion or turbine power can not be tested or flown in these multi-use parks which would preclude their use in the Bay Area without driving more than an hour to another RC airfield. Loss of the BARCS airfield is a tremendous loss to engineering, development, testing, and recreation for the bay area.

Cost of Loss of BARCS Field in Driving to Another Field:

If BARCS is lost to “redevelopment” the next closest RC airfield is 30 miles away and a forty (40) minute drive at Diablo Valley Radio Control in Pittsburg California. This airfield has significant problems with wind and airspace limitations. The next field is 67 miles away. There is an RC airfield 67 miles away in Woodland-Davis next to University of California Davis which requires 1 hour and 16 minutes of driving. There is an RC airfield in Geyserville at 19170 Geyerville Ave, Geyserville CA 95441 which is 69 miles away with a 1 hour and 17 minute drive. There is an RC airfield in Morgan Hill at 10250 Monterey Road, Morgan Hill, CA which is 75 miles away taking 1 hour and 30 minutes drive. If the BARCS field is lost the drive alone to another airfield which will be more than an hour will prevent many children, students, and seniors from RC flight. The drive will be too long. The members of BARCS will have to drive an extra 140 miles round trip

simply to use an RC airfield at a cost of \$78 of operating cost (National Average driving cost \$0.56 a mile times 140 miles). If only fuel is considered the cost would be \$42 dollars. The fuel burned just to get to the RC field would be on average 10 gallons per use, which would in the 1000s of gallons of fuel per year driving to either Woodland-Davis, Geyserville, or Morgan Hill. The commute charges per BARCS member would raise flying costs by \$3,920 a year for driving. It is environmentally inappropriate to force RC flyers to drive 140 miles simply to have an RC airfield.

Danger to Public Safety: Danger to Public Safety: Radio Control aircraft are not toys. They routinely weight 5-10 pounds but can weigh up to 50 pounds in the U.S. These vehicles are safe but should be operated in a controlled access area separate from the general public. The general public can watch from behind barrier but should not be in the flying area. Loss of the BARCS airfield will eliminate this separation of vehicle and people. RC pilots will no longer have a safe, controlled access field in the North Bay. They will likely use school yards, public parks, back yards, and public access space to test and fly their RC aircraft. Such use, caused by the loss of the BARCS airfield, will likely result in the possibility of public injury from an RC vehicle – human interactions in the non-controlled access space.

Safety Measures Instituted by BARCS: BARCS is extremely careful to provide a safe, environmentally sensitive, and socially responsible RC flight experience. All members are current AMA members. AMA safety rules are maintained at all times. BARCS has designated airspace corridors and follows FAA rules and regulations as well as Temporary Flight Restrictions (TFRs). BARCS has safety barriers. All flyers must have their pilot skills signed off prior to flying. All aircraft undergo multiple safety checks prior to flight. All aircraft have mufflers to reduce sound pollution. BARCS has a sound meter to assess sound levels and a limit of 98 DB, as prescribed by the AMA test procedure. Aircraft are subject to testing to ensure compliance. To reduce sound issues even more, gasoline engines are limited to 62 cc. The restriction in power to 62 cc displacement effectively limits aircraft size and noise production. We limit wing span to 108 inches to guarantee size compliance. In order to further reduce risk, turbine engines have been banned at the BARCS airfield. Recent changes in model aircraft have significantly increased safety. Many aircraft have shifted to 2.4 GHz from the older 72 MHz systems, essentially eliminating crashes secondary to radio interference from frequency sharing. Many aircraft are now light weight foam based planes with electric power, further improving safety. A number of pilots have shifted to electric power for all vehicles, which reduces sound pollution and noise levels even further as electric powered aircraft are essentially silent.

BARCS provides a controlled access space for RC flight which separates humans and RC vehicles, dramatically reducing the risk of human or property injury. Loss of the BARCS RC airfield will eliminate a very scarce resource, and RC airfield in the Bay Area, and increase the use of public access spaces for RC flight, which will incur significant risk to the public. East Bay Regional Parks (EBRPD) is supposed to provide recreational space for the public use. Eliminating BARCS will eliminate a public recreational space. Elimination of BARCS will eliminate access to an RC field that has

been in safe operation for more than 35 years without injury to the public. EBRPD is dramatically increasing the risk of public injury from an RC vehicle by eliminating this very scarce facility. East Bay Regional Parks Department is increasing the risk to the public with the decision to eliminate the BARCS RC airfield

“Saving” a Swamp: There is a perception in the East Bay Regional Parks Breuner Marsh Restoration & Public Access Project that the BARCS Airfield does not provide recreation and that the Breuner Marsh seems to need to be saved from its present state. The BARCS airfield has coexisted with the wild life in the Breuner Marsh for 35 years. Evicting BARCS will fundamentally change the Breuner Marsh. The people who have protected the Breuner Marsh from dumping, drug cultivation, fires, illegal camping, and provided stewardship for the area will be eliminated and evicted. The rent provided by BARCS, the land stewardship, the public restroom facilities, and the public recreation will be lost. The Breuner Marsh is a beautiful natural setting stuck between rotting piers in the bay, a shooting range, a dump, a high tension power line, an oil refinery, a freeway, a correctional facility, and two rail roads. It is not a pristine, virgin natural habitat. It is an post-industrial area near urban areas that needs supervision. That supervision is provided by BARCS, free to the city of Richmond, and free to the EBPRD. Evicting BARCS will provide unsupervised, unmaintained, land that EBRPD will not have the funding to protect. EBRPD is reducing the public and increasing its public liability by evicting paying tenants that protect a public park. This eviction increases public risk, reduces public recreation, creates a financial burden on BARCS, reduces public access, and provides no improvement in the environment in the next three decades. The EBRPD plan relies on improvements to the environment realized 50 years from now when the sea level is supposed to rise 5 feet. If the sea level rises 5 feet in the next 50 years, a public park in Richmond California will be the least of the world’s problems. Major cities will be underwater, countries will cease to exist. Having the Breuner Marsh protected from sea level rise is not a significant societal benefit when other public works are needed. The \$8 million dollars spent on creating a swamp in the Breuner Marsh could be spent on maintenance of existing EBRPD park land for vastly greater public benefit.

Reduction in Public Access and Recreation: The Breuner Marsh Restoration & Public Access Project reduces public access to recreation. The present design evicts a non-profit recreational group BARCS that has used the land for 35 years. This eviction will eliminate radio control flying in the Bay Area. The nearest field is 30 miles away, most are 70 miles away. Restroom facilities will be eliminated for the fishermen and women who currently use the recreational space. The current design has the public walkways next to the Union Pacific Railway. The proposed Bay Trail will be next to the actual transcontinental railway. The Union Pacific Railway has a train approximately every hour. Placing a public walkway next to a transcontinental rail line is not a pleasant walking experience. Moreover, the choice of this location for the Bay Trail demonstrates a fundamental design decision for the Breuner Marsh Restoration & Public Access Project. This decision is to exclude humans from the development. Who wants to go on a nature trail next to the Union Pacific Railway? When the choice of access routes for the bay trail is considered, normal people would want to walk along the Bay Shore. Normal people who are on a walk, a nature walk, would want to walk along the bay shore on the

Bay Shore Trail. The choice of placing the proposed Bay Trail, along the Union Pacific Railway, rather than along the bay shore fundamentally, and clearly demonstrates that the Breuner Marsh Restoration and Public Access Project has nothing to do with public access. This project excludes the public from the public access. It evicts BARCS. It also places the humans next to the Union Pacific Rail line. It also, and this is important, it fences the humans in. The Bay Trail has cyclone fences on either side to prevent humans from entering the marsh area.

Danger of the Dual Cyclone Fence Trail Design: The trail design at present extends from a motorway overpass to a correctional facility directly adjacent to a semi-trailer loading dock and the railroad. The fence on either side design creates more than a mile of caged walkway. This design of dual sided fences prevents escape of people being attacked, robbed, or raped by preventing egress from the side of the walkway. This dual fence caged walked way has led to serious crimes in Berkeley, including rape. What female would feel comfortable walking along a more than mile corridor between two cyclone fences next to a rail line with no possible means of escape?

It is hard to imagine a less appealing nature trail than one that has cyclone fences on either side to prevent one from getting too close to nature with the transcontinental rail line of the Union Pacific Railroad with a train at least every hour, as the immediately adjacent structure. The Breuner Marsh Restoration and Public Access Project excludes recreation, it excludes public access, it reduces recreational use of this space, and keeps the humans next to the rail line, behind a cyclone fence.

There is one element of the design that even more clearly demonstrates this point. There is no access to the Breuner Marsh Restoration & Public Access Project from Parchester Village. Any person who lives in Parchester Village, who would like to access the Bay Trail in the Breuner Marsh Restoration & Public Access Project, has to actually get in a car and drive two (2.0) miles to get to the entrance to the Breuner Marsh Restoration & Public Access Project. There will be two cyclone fences and a rail line preventing entry into the Breuner Marsh Restoration & Public Access Project. The decision to exclude public access from Parchester Village to the Bay Trail that is less than 100 feet away clearly demonstrates that the Breuner Marsh Restoration & Public Access Project has no interest in public access or use of the “park”. A design with the Bay Trail mere feet away from Parchester Village creates an attractive nuisance for people in Parchester Village. Children in Parchester Village will see the Bay Trail mere feet away behind two cyclone fences and a rail line. This design taunts the people of Parchester Village with recreation a mere 100 feet away but provides absolutely no access. There is no bridge, no tunnel, no bike path, no walkway, no attempt of any kind for access for the people living in Parchester Village to the Breuner Marsh Restoration & Public Access Project. There is a very simple reason no public access to the Breuner Marsh Restoration & Public Access Project from Parchester Village. The reason is simply that East Bay Regional Parks Department doesn't actually want the public to access the Breuner Marsh Restoration & Public Access Project. They have evicted the land stewards, BARCS, they have provided no access to the public that live a few feet away, and they are fencing in the humans who do successfully get to the park.

The Breuner Marsh Restoration & Public Access Project is designed, fundamentally designed, to exclude humans and prevent public access. The Breuner Marsh Restoration & Public Access Project eliminates the current recreational activities in the area by evicting BARCS and prevents any human access to the “park” by not providing any access from Parchester Village to the new “park”.

Exclusion of Humans from the Breuner Marsh Project: It is unclear why the East Bay Regional Parks Department wants to actively exclude people from the Breuner Marsh Restoration & Public Access Project. It is also unclear why EBRPD designed the Breuner Marsh Restoration & Public Access Project to actively exclude the people of Parchester Village. One might consider a list of reasons from socioeconomic to racial to not having an interest in human recreation. The current design excludes the citizens of Richmond living in Parchester Village from the Breuner Marsh. This exclusion is socioeconomic discrimination and is inappropriate. The failure to provide public access for pedestrians from Parchester Village reduces public safety and is socioeconomic discrimination. The design requires the citizens of Richmond living in Parchester village to drive in a car two miles simply to enter a park that is less than 100 feet from their door steps. It is a fundamentally inappropriate use of public money to design a park that excludes human use, eliminates the current human use of the area, and creates a public nuisance, and reduces the public safety. The creation of a swamp in the Breuner Marsh Restoration & Public Access Project reduces public safety, reduces public use, and creates a public nuisance, while providing no benefit to the public.

Danger to the Public Safety: Breuner Marsh Restoration & Public Access Project CRIME: The Breuner Marsh Restoration & Public Access Project reduces public safety. The first problem with the design is the exclusion of the land stewards, BARCS. BARCS provides daily supervision of the land which reduces the risk of drug dealing, drug cultivation, illegal dumping, illegal camping, and other illicit activities. Richmond California has a high rate of violent and property crime. Converting an area from a supervised to unsupervised park area increases the risk to public safety.
Ag.ca.gov/cjsc/datatabs.php

TABLE 1
 JURISDICTIONAL TRENDS CRIMES BY CATEGORY RICHMOND

CATEGORY/CRIME	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
VIOLENT CRIMES	1,200	1,015	1,198	1,078	1,080	1,174	1,224	1,220	1,093	1,095
WILLFUL HOMICIDE	29	18	29	38	35	40	42	47	27	47
FORCIBLE RAPE	37	47	38	50	36	35	41	31	37	44
ROBBERY	400	410	471	482	500	526	504	492	523	407
AGGRAVATED ASSAULT	734	540	660	508	509	573	637	650	506	597
PROPERTY CRIMES	1,844	3,315	3,822	4,193	4,001	3,969	3,758	4,056	3,632	3,333

BURGLARY	1,248	1,230	1,051	1,102	1,038	1,062	1,031	1,265	1,222	1,486
MOTOR VEHICLE THEFT	1,497	2,055	2,452	2,377	2,396	2,253	2,309	1,895	1,421	
LARCENY-THEFT OVER \$400	596	588	716	639	586	511	474	482	515	426
LARCENY-THEFT OVER \$400	3,496	3,448	3,534	3,470	2,765	2,350	2,211	1,933	1,844	1,533
\$400 AND UNDER	596	588	716	639	586	511	474	482	515	426
ARSON	2,900	2,860	2,818	2,831	2,179	1,839	1,737	1,451	1,329	1,107
	93	95	88	66	48	46	30	45	38	42

Pedestrian Railway Accidents: The Breuner Marsh development places people close to the Union Pacific Rail line with no safe method to cross the rail line. The Federal Railroad Administration reports that last year there were 434 deaths of pedestrians on rail lines. Incidents with pedestrians are the number one cause of death in the railroad industry. (According to Federal Railway Administration (FRA) spokesman Rob Kulat. The decision to place the Bay Trail next to the Transcontinental Railway Line and the Pacific Union Railway line with no ability to safely cross the line to access the park reduces the public safety, creates a public nuisance, and clearly demonstrates the lack of concern for public safety and public access in the design of the Breuner Marsh Restoration & Public Access Project.

Public Health and Mosquito Borne Illness: The Breuner Marsh Restoration & Public Access Project endangers public health. The CDC (Center for Disease Control) lists a number of mosquito born illnesses that are a significant risk of human health. http://www.cdc.gov/ncidod/diseases/list_mosquitoborne.htm.

Arboviral Encephalitides: Mosquito-transmitted viral diseases causing brain inflammation/encephalitis and death . A partial list includes.

1. Eastern equine encephalitis
2. Japanese encephalitis
3. La Crosse encephalitis
4. St. Louis encephalitis
5. West Nile virus
6. Western equine encephalitis
7. Dengue Fever
8. Malaria
9. Rift Valley Fever
10. Yellow Fever

Many societies are still devastated by mosquito borne illness. There were an estimated 225 million cases of malaria worldwide in 2009. An estimated 655,000 people died

world-wide from malaria in 2010. One of the major approaches to control of malaria is draining swamps. Much of the southern part of the United States was uninhabitable because of malaria. Draining wetland breeding grounds of mosquitos was the primary method to control malaria. Malaria was eliminated from most parts of the USA in the early 20th century by draining swamps. For example construction of the Panama Canal was abandoned in 1890 after spending \$285 million dollars after 22,000 people died from mosquito borne illness primarily malaria and yellow fever. Once mosquitoes were shown to be the method by which yellow fever and malaria were transmitted from person to person by Walter Reed, William C. Gorgas and associates in the U.S. Army Medical Corps first in Cuba and then around the Panama Canal in the early 1900s the canal could be completed. The concept of introducing a new swamp into a population center risks the reintroduction of mosquito borne illness with subsequent encephalitis and death. The Breuner Marsh Restoration & Public Access Project creates an urban swamp and there is nothing in the environmental impact statement either about the health risks from mosquito borne illness or even the increased need for spraying of insecticides to reduce the health risk to the people of Parchester Village. The introduction of West Nile Virus into the United States brings an added risk of encephalitis (brain inflammation) to those bitten by mosquitos. In 2009, there were 663 identified cases of West Nile Virus infection in the United States. Three hundred and thirty-five (335) of these cases were encephalitis or meningitis infections, a reaction to the virus that approximately one in 150 people who get the virus will show. Three hundred and two (302) cases were filed for West Nile fever, the most likely symptom of the virus. Twenty-six (26) cases were unspecified. The state of Texas had the most cases, with 104 total. The total mortality rate for 2009 was 30 deaths of the 663 reported serious cases. That is a 4.5% casualty rate, but only of the severe infections. Approximately 80% of cases have no symptoms, so the total casualty rate would be less than 1% of total infections in the U.S. These data and earlier years data are available from the [Centers for Disease Control and Prevention](#).^[13]

The EBRPD has not addressed either the public health aspects of creating a mosquito breeding ground next to Parchester Village or the health aspects on the inhabitants of Parchester Village of the required spraying of insecticides to control the mosquito population. Most people don't ask for a mosquito filled swamp to be built next to their homes.

The EIR for the Breuner Marsh Restoration & Public Access Project suggests that it is planning for the 5 foot sea level rise associated with global warming. The problem is simply that if global warming occurs, species will change their geographic location. Tropical disease will move north into subtropical areas. Disease such as West Nile Virus, that are "tropical" will move to areas that are newly tropical. The Breuner Marsh Restoration & Public Access Project will create the perfect breeding ground for mosquitos and a dissemination point for mosquito borne illness to the people of Parchester Village and Richmond. **The risk to public health of creating a swamp in the urban environment of Richmond is not considered or addressed in the EIR.**

Injury to Public by Evicting BARCS: What is the public benefit of evicting BARCS (Bay Area Radio Control Society) from the Breuner Marsh RC Airfield?

EBPRD admits that BARCS is a model tenant. BARCS provides land stewardship and public toilets. BARCS has prevented public dumping, public camping. BARCS prevents cultivation of drugs in the public lands. BARCS provides recreation. There is no public benefit to Richmond or EBRPD to evicting BARCS from the Breuner Marsh RC Airfield. Eviction increases public liability by eliminating land stewardship. BARCS has reported fires on the land. BARCS has called the public health authorities when birds have died with possible avian influenza. BARCS increases public use and recreation of land and protects public space at no cost to the City of Richmond or EBRPD. BARCS has provided education in aviation to cub and boy scouts and school children. BARCS is a non-profit organization that provides recreation and education to the benefit the public. There is no public benefit to evicting BARCS at this point in time. Moreover, there is actually significant public risk to the City of Richmond and EBRPD from evicting BARCS. There are inadequate funds to begin construction with only \$1 million dollars currently actually allocated. Permitting is not completed at this point in time. The EIR has not been accepted or approved. Evicting BARCS, prior to achieving adequate funding for construction and adequate permitting to proceed, reduces the public safety, increases liability to the City of Richmond, and EBRPD because EBRPD by this action has evicted a land steward without any plan for replacement. It is highly likely that the Breuner Marsh Restoration & Public Access Project will be stalled by inadequate funding, environmental concerns, public health concerns, risks to adjacent structures, permitting, etc. Evicting BARCS with no ability to actually begin construction eliminates rent, eliminates public services, eliminates public recreation, and reduces public safety, for no societal benefit.

East Bay Regional Parks District in the Environmental Impact Statement for the Breuner Marsh Restoration & Public Access Project states that Radio Controlled Airplane Flying is “not compatible” with our parks. Radio Control airplane flying has been compatible with the Breuner Marsh for 35 years. RC aircraft have a very low carbon foot print and many are electric. They are quiet with mufflers. They are safe, low carbon foot print, quiet, and provide recreation. They do not bother wild life. They can fly over an area with almost no impact. There is no justification or explanation of how a radio controlled aircraft is “not compatible” with the park. To give an example, at the present time there is a shooting club, duck hunting, two rail lines, a transcontinental rail road, a correctional facility (West County Detention Facility), a freeway, a high tension power line, a dump, an oil refinery, fishing, nature walks, bird habitat, general aviation practice area for helicopters, sea planes, and fixed wing aircraft, and an RC airfield all in the same space. How is this incompatible with a park? If you eliminate the RC airfield, all you will eliminate is human recreational use of the field. You will not eliminate the shooting club, duck hunting, horses, two rail lines, a transcontinental rail road, a freeway, a high tension power line, a dump, an oil refinery, fishing, nature walks, bird habitat, general aviation practice area for helicopters and fixed wing aircraft you will simply eliminate the few people that use this land for recreation, the RC pilots.

Current wild life are completely accustomed to the RC airfield and not adversely impacted.



But let us not be naïve. These animals exist in an urban area.



The first heron is flying in front of the West County Detention Facility. The second heron is watching the shipping traffic in the bay. If you eliminate BARCS by evicting the RC airfield, there will still be an oil refinery, high tension power lines, shooting club, industrial space, a correctional facility, a motor way, and two rail lines.



Closing access to the Breuner Marsh Development won't make this a pristine wilderness. It will make it post industrial space without any public use. It will evict people who protect, oversee, respect, and use this land for recreation every day so as to create a swamp that no one will use. Is that the appropriate use of \$8 million dollars of money for public recreation and park development? Is that the appropriate way to treat the citizens of Parchester Village, Richmond, and the Bay Area?



Area Closed: No Entry

Alternative Plans: Environmental impact statements are supposed to include evaluations of alternative plans. The current EIR for the Breuner Marsh Restoration & Public Access Project does not adequately address alternative plans. One simple, inexpensive, and environmentally sensitive approach would be to do nothing. Don't spend \$8 million dollars to exclude humans from the Breuner Marsh and create a swamp. Don't excavate dirt that is in post-industrial areas releasing toxins. Environmental analysis of the dirt in this area finds multiple toxins. Excavation will increase silt, increase toxic run off, disturb wildlife, reduce public recreation, ruin fishing, and prevent RC flying. If EBRPD simply did nothing, the cost would be low, the environmental impact would be low, and recreation could continue.

The EBRPD failed to even consider a dual use facility: The concept of a multi-use area is completely dismissed by the EIR. EBRPD claims that Radio Control airfield is not compatible with their plans without any explanation or justification. Eliminating the RC airfield will not eliminate the transcontinental rail line, refinery, dump, shooting club, motor way, high tension power line, correctional facility, truck distribution center, or fuel pipe line. The EBRPD concept of a "pristine" environmental refuge next to a transcontinental rail line, refinery, dump, shooting club, motor way, high tension power line, correctional facility, truck distribution center, and fuel pipe line in a post industrial space is naïve to the point of being absurd. The EBRPD failed to even consider a dual use facility.

Alternative Plans that are not considered in the current Environmental Impact Report (EIR) for the Breuner Marsh Restoration & Public Access Project

Plan 1: Do nothing. Cost low, environmental impact low, current recreational use continues.

Plan 2: Pull out the pilings in the water front. Make a trail to connect the bay trail along the water front. This approach would be low cost. The water front views would be improved. The bay trail would be connected. Recreation could continue. Fishermen could continue to fish. BARCS RC flying could continue without interruption. The current recreational use could continue without interruption. Nature walks would continue along the bay and the bay trail would be connected. Wildlife would have minimal impacts.

Plan 3: Pull out the pilings in the water front. Make a trail to connect the Bay Trail along the water front. Improve the Radio Control Airfield to make it like the Morgan Hill California site with excellent public access, picnic areas, flush toilets, running water, and electricity. This approach would improve public access and provide recreation to the citizens of Richmond.

Plan 4: Build a pedestrian overpass over the Union Pacific Railroad. Connect the Bay Trail along the water front. Pull out the pilings in the water front. Improve the Radio Control Airfield to make it like the Morgan Hill California site with excellent public access, picnic areas, flush toilets, running water, and electricity. This approach would

dramatically improve public access and provide recreation to the citizens of Richmond and Parchester Village.

Plan 5. Evict BARCS with inadequate funding to construct anything and no permitting to proceed. Don't provide a pedestrian bridge to citizens of Parchester Village. Build a cyclone fence to exclude people on the Bay Trail from the Breuner Marsh. Create a more than mile long dual sided cyclone fenced cage where people can't escape from attackers, next to the transcontinental rail line. Excavate extensively destroying current natural habitat and increasing sediment, run off, and toxins entering the bay, increase risk of flooding of the rail line, increase the risk of flooding Parchester Village, increase mosquito breeding grounds, and make a swamp out of the Breuner Marsh. The current vegetation and animal life would be eliminated making a dusty, post industrial muddy area that will take years to be covered by vegetation. This approach would likely kill or drive out the current animal inhabiting the marsh including frogs, salt water mouse, herons, ducks, snakes, and geese.

Unfortunately, the current EIR chooses Plan 5 without any consideration for current recreational or environmental use. Moreover, there is no need to evict BARCS to have a wetland. EBRPD did not even consider retaining the major recreational use of the Breuner Marsh.



Experiment Conducted by East Bay Regional Parks at the Public Expense: The current Environmental Impact Statement and Breuner Marsh Restoration & Public Access Project is an expensive \$8 million dollar experiment at public expense. The current EIR plans for 5 feet of sea level rise. It is an interesting hypothesis that there will be five feet of sea level rise in the next 50 years. There is no proof or certainty in this estimate moreover, five feet of sea level rise will eliminate a number of countries, cities, states, and farm, etc. Is it appropriate to eliminate current public recreation with a design goal of 5 feet of sea level rise? The use of graders, diesel excavators, construction equipment, and the displacement of current BARCS members to the 140 mile round trip simply to fly RC aircraft will increase carbon fuel use dramatically and impact the environment. If you want to increase the risk of a five foot sea level rise, the current plan to destroy the current marsh with bull dozers increases the risk of this calamity.

Environmental and Financial Cost of Eliminating BARCS: Prior to the threat of airfield loss BARCS had 120 paying members. Displacement of these pilots to another RC airfield will increase costs and fuel use. There are four fields within 70 miles of BARCS. Driving to a field 70 miles away will require a 140 mile round trip drive. Average fuel consumption for a US light duty vehicle (that can carry RC planes and equipment) is 17 miles per gallon. A single commute would require 8.2 gallons of fuel at a cost of \$35 dollars (\$4.25/gallon). The average RC pilot uses the BARCS field 25 times a year for a fuel cost alone of 205 gallons or \$871 dollars for gasoline. Some members use the field 4-5 times a week which would raise costs dramatically up to a range of 36,400 miles of additional driving with a cost of 2,141 gallons of fuel and a cost of \$9,100 for fuel alone. A number of our members are retired and have purchased houses near the BARCS airfield for the specific purpose of RC flying. The costs of selling their homes and moving to be near another airfield would be exorbitant. None of the costs to BARCS members, from loss of the airfield, have been considered by the EIR. None of the societal effects of loss of recreation from loss of the BARCS airfield have been considered in the EIR.

Financial Costs and Damages of Eliminating BARCS: Apart from destroying an institution with a 35 year history of flying RC aircraft in the Bay Area, there are significant financial costs and damages to BARCS by the decision to evict BARCS from the Breuner Marsh RC airfield. BARCS has installed a 450 foot paved runway. There is significant cost of grading, paving, and construction of a new paved runway. Construction of a new asphalt runway 450 feet long by 30 feet with a 50 by 100 foot pit area will cost an estimated \$46,000. BARCS has two shade structures, a frequency control booth, safety fences, restrooms, lawns, etc. Replacement costs of these fixed structures will cost another \$50,000. The cost to find another field are significant. Permitting, purchase of the land, and construction are significant. It would be easy for the relocation costs of the BARCS airfield to cost \$100,000 to \$250,000. If land needs to be purchased for the RC airfield, the costs could be enormous. These costs have not been included in the financial analysis of the Breuner Marsh Restoration & Public Access Project.

Financial Damage to BARCS by Bad Faith Negotiations by EBRPD: East Bay Regional Parks Department approved BARCS resurfacing our runway at a cost of \$5000 six months before terminating our lease. EBRPD knew they intended to evict BARCS at this point but approved our request to resurface the runway. This decision to allow BARCS to spend significant funds upgrading our facility at the same time EBRPD planned to evict BARCS, is inappropriate. Allowing BARCS, a tenant, to spend significant funds on maintenance, when EBRPD plans to evict the tenant almost immediately, caused intentional significant financial harm to BARCS and is inappropriate.

Responses Required from East Bay Regional Parks on the Environmental Impact Report for the Breuner Marsh Restoration & Public Access Project

1. What is the public benefit of eliminating radio controlled flying and recreation in the Breuner Marsh?
2. What is the public benefit of evicting the Bay Area Radio Control Society from the Breuner Marsh Property?
3. How is radio controlled aircraft flying incompatible with park use?
4. What is the public benefit of forcing radio control flyers to drive 70 miles to another airfield?
5. Why evict BARCS from the Breuner Marsh property on July 4 2012 when funding is not secure for the entire development? Current committed funding is only \$1 million and estimated costs are \$8 million. There is inadequate funding to complete the project at this point in time.
6. Why evict BARCS from the Breuner Marsh property on July 4 2012, when the EIR is not approved, permitting is not complete, construction is unfunded, and there is no chance that any construction can begin for a number of years?
7. What is the public benefit of evicting BARCS on July 4 2012, when it is highly likely no construction can begin for a number of years?
8. What is the public benefit of evicting BARCS on July 4 2012, which will eliminate public land stewardship, restroom facilities, and recreational use of the land?
9. What is the public benefit of increasing the risk of flooding in Parchester Village?
10. What is the public benefit of increasing pedestrian traffic along and across the Union Pacific Rail Lines?
11. What is the public benefit of increasing breeding areas for mosquitos and the likelihood of mosquito borne illness in Richmond?
12. What is the public benefit of increasing silt, disturbing toxic soil, disrupting habitat, and undergoing major grading in an environmentally sensitive area?