

AGENDA  
REGULAR MEETING  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, June 15, 2021

D. BUSINESS BEFORE THE BOARD

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

- a. Approval of the East Bay Regional Park District Policy to Protect Endangered Species at Risk of Predation by Free-Roaming Cats: District-wide (Graul/Kelchner)

RECOMMENDATION

The General Manager and the Board Natural and Cultural Resources Committee recommends that the Board of Directors adopt the Free-Roaming Cat Management Policy attached to this report (Attachment A) following the Staff presentation on the East Bay Regional Park District's (Park District) current free-roaming cat management program and recommended updates and revisions to the program.

REVENUE/COST

The recommended action is adoption of a policy. Park District costs are not expected to increase as a direct result of this action.

BACKGROUND

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. Free-roaming cats (*Felis catus*) are non-native predators that pose a significant threat to endangered species on Park District properties, particularly within protected shoreline habitats.

To address this threat to at-risk species, in 1999 the Park District's Natural and Cultural Resources Committee approved the current feral cat management program, following an extensive study of the impacts of free-roaming cats on endangered species in regional parks. The program adopted by the Committee includes the following statement:

*"The lethal removal of cats will not be permitted unless requested by State or Federal Wildlife Management Agencies, or in extreme cases where endangered or sensitive species are at risk and multiple attempts to remove cats have failed."*

The Park District's 1999 policy is consistent with those of land management agencies throughout North America. The Association of Fish and Wildlife Agencies (AFWA) is an international group of state, federal, and provincial agencies, educational associations, professional organizations, and non-profit organizations that are working to advance science-based management and conservation in North America. Over 20 years ago, this group recognized the threat that free-roaming cats could pose to biodiversity and crafted a resolution to recognize the need to manage them (AFWA 1997). More recently, the AFWA has been working to develop updated guidelines on managing biodiversity and the threat of free-roaming cat predation.

The Park District is not an outlier in its efforts to manage free-roaming cats. Under the legal mandates of the Endangered Species Act, every public land manager must consider or implement programs to manage non-native species impacts and many agencies face the challenge of managing free-roaming cats. In addition, in many cases the Park District is subject to contractual obligations and specific regulatory permit requirements to protect endangered species impacted by expanded industrial and urban development. The Park District's actions will continue to be consistent with the science-based guidance of the AFWA while ensuring a community-based collaboration through local animal services agencies.

In the fall of 2020, following unsuccessful trapping efforts and to protect endangered species, the Park District used lethal means as a last resort to control free-roaming cats while the animals were actively hunting in regulatorily protected marsh areas of Martin Luther King (MLK) Jr. Regional Shoreline. In response to subsequent public concern, on December 11, 2020, the General Manager suspended authorization for staff to undertake any lethal control of free-roaming cats and requested a full review of the Park District's program and discussion of the program with the Board of Directors' Natural and Cultural Resources Committee.

Staff has now reviewed the existing program and developed recommendations for improved practices, including an emphasis on education and prevention, formal partnerships with local animal service agencies, and increased collaboration and transparency with additional community stakeholders. These recommendations have been developed in collaboration with several local animal services agencies and have been incorporated into the attached revised policy. On February 25, 2021, staff presented the revised Free-Roaming Cat Management Policy to the Board of Directors' Natural and Cultural Resources Committee (NCRC). After considering public comment and staff's presentation, the Committee recommended that the policy be presented to the full board for adoption.

Over the past several months, the Park District has collaborated with animal service agencies, contractors, and volunteers to implement many of the improved practices recommended in the revised Policy. As discussed further below, these efforts have resulted in the successful trapping and sheltering of over 40 cats in regional shoreline parks, including the removal of at least three active cat colonies located near sensitive habitats. In addition, fences have been repaired, observation cameras have been installed, and regular coordination and communication with local shelter directors has been established. The local animal service agencies have been instrumental in moving this endeavor forward. The Park District appreciates the hard work and many hours that the shelter directors, staff, and dedicated volunteers have devoted to this regional effort.

### Endangered Species in Regional Parks

The Park District's shoreline parks protect small fragments of 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 this loss of their habitat, and currently only persist in isolated fragments. (See Attachment B for additional information.)

Both of these species, along with state-threatened black rails (*Laterallus jamaicensis coturniculus*) and western burrowing owls (*Athene cunicularia hypugaea*), a state species-of-special-concern, occur within MLK Jr. Regional Shoreline. This shoreline park has been the focus of restoration efforts, including the establishment of a "Shorebird Sanctuary" in the New Marsh that will offer nesting habitat for the federally- and state-endangered California least tern (*Sternula antillarum browni*) and the federally threatened Western snowy plover (*Charadrius alexandrinus nivosus*). All these species are potential prey for free-roaming cats.

The Park District conducts predator removal in parks as required by federal and state law protecting endangered species, as well as regulatory permits that require predator management to ensure that restored habitat does not create an ecological trap by attracting nesting shorebirds which are then preyed on by free-roaming cats.

### Domestic Cats

Cats were domesticated thousands of years ago from Egypt, and today are beloved household pets for many people. The intelligence and adaptability that makes cats highly regarded pets are the same characteristics that make them formidable and efficient predators when allowed outdoors. Domestic cats have a complicated relationship with humans that spans a continuum from domesticated indoor-only pets to a totally feral existence without any human interaction. To describe a cat's behavior and access, 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. The term "cat colony" is used to define a group of free-roaming cats, usually associated with a human-provided supplemental feeding site.

The prey drive in cats has been decoupled from a cat's need to eat. Cats are well known to play with their prey and will capture animals even when they are not hungry. This trait is a benefit in the domestic context, allowing cats to have a rich predatory life indoors when provided with the attention of their owners and interactive toys. Outdoors, this means that any cat, even those that are well-fed and cared for, can kill native amphibians, reptiles, birds, and mammals.

### Impacts of Free-Roaming Cats on Endangered Wildlife

An average of 2.4 billion birds per year are killed by domestic cats in the United States. (Loss et al. 2013). Worldwide, domestic cats have been linked to the extinction of 63 different species of reptiles, bird, and mammals. (Doherty et al. 2016). Cats are the single biggest direct cause of bird mortalities, followed by window strikes and automobiles. Those species most at-risk are habitat specialists that exhibit high evolutionary distinctiveness and inhabit insular environments like

islands or isolated marshes. In larger, more connected areas, apex or top predators such as mountain lions or coyotes help control cat populations, moderating the impact of cats on birds and other small animals. (Crooks and Soule 1999). The East Bay's endangered shoreline species are prime examples of bird habitats most at risk from free-roaming cat predation.

Local native cats including bobcats and mountain lions are solitary. In contrast, domestic cats will share resources when food is abundant (Baron et al. 1957). The cat food provided by colony caretakers not only promotes cat colonies, but also attracts non-native rats (*Rattus* sp.), red foxes (*Vulpes vulpes*) and native predators like raccoons (*Procyon lotor*) or skunks (*Mephitis mephitis*). In addition to predation on wildlife, cat colonies increase disease or parasite transmission. The current COVID-19 pandemic has raised awareness that zoonotic diseases (diseases caused by germs spread between animals and people) can be serious. One such disease carried by cats is "toxoplasmosis," a disease caused by a protozoan parasite. In humans, toxoplasmosis can cause birth defects, blindness, and other serious health issues (CDC 2021). Infection can be fatal in marine mammals, such as threatened sea otters, endangered Hawaiian monk seals, and manatees (Shapiro et al. 2019, Bossart et al. 2012). The impacts to sea otters are deleterious enough that in 2006, California passed legislation requiring the safe disposal of cat feces (AB 2485).

#### Summary of 1999 Feral Cat Program and Revised Free-Roaming Cat Management Policy

On April 1, 1997, the Board of Directors of the East Bay Regional Park District accepted the recommendation of the Board's Natural Resources Committee to establish an 18-month pilot program to manage free-roaming cats in the Regional Parks. The pilot program stated that to protect endangered wildlife, the Park District's rules and regulations do not permit free-roaming cat colonies or free-roaming cats on District property. Predator removal in parks is handled with sensitivity and outreach to individuals or groups who are illegally feeding them. If cooperation with the individual(s) feeding the predators to remove the cats is not successful, trapping is the next step to remove the threat to endangered species. Only as a last resort are cats removed by firearm from sensitive habitat areas after hours when the park is securely closed. Park District employees who perform this duty are biologists certified in the use of firearms and always coordinate with other park staff to ensure for safety to the public.

At the conclusion of the 1997 pilot program, in 1999 the Board of Directors adopted additional recommendations that included more signage and collaboration with volunteers. However, in the intervening years, the volunteer program faded away and the Park District resumed sole responsibility for trapping of free-roaming cats in the parks.

If approved by the Board, the 1999 program recommendations summarized above will be updated with a revised Free-Roaming Cat Management Policy, which provides improved practices including the following:

- 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, including requirements for advanced coordination with animal services agencies, and enhanced education, trapping and rehoming, efforts; and
- Increased record-keeping and transparency, including issuing an annual report of Park District activities in implementing the revised Policy.

A full draft of the recommended revisions to the Park District’s Free-Roaming Cat Management Policy is attached to this report (Attachment A). The text below provides additional background and context for the recommended policy.

- I. Education and Prevention: Unfortunately, the illegal abandonment of cats is a significant factor contributing to the need to manage free-roaming cats. A key component of the revised Policy is to work with local animal services agencies to build an informational campaign designed to educate the public on bird and mammal species threatened by cats, the poor outcomes cats face when abandoned, and options for seeking assistance from animal services agencies. This work has already begun. A subcommittee has been formed with local animal services agencies representatives and Park District representatives from the Public Affairs Division and the Stewardship Department. The subcommittee has met to draft priority messaging, identify initial steps, and is working to develop signs and brochures that direct people to animal shelters as an alternative to abandonment. (Attachments C and D).

The revised Policy requires further efforts to educate and inform the public. This information and messaging will treat the issue of cat abandonment with empathy and support. Most people do not want to give up a household pet, yet sometimes have few options for various reasons. Some people believe that releasing animals outside is more humane than surrendering them to an animal shelter. The core goals of this information campaign will be to:

- Acknowledge public concern about lethal control,
- Address the Park District’s commitment to treating all animal life humanely while fulfilling its mission to protect wildlife in its parks, including its legal obligation to remove problem predators from areas where listed endangered species are found,
- Handle the subject with sensitivity and empathy,
- Affirm the Park District’s goal to remove cats from its parks without the use of lethal control whenever possible, and
- Affirm the Park District’s goal that cats removed from regional parks are adopted and live a long, full life in a safe, indoor environment.

The Regional Parks Foundation (Foundation) funds endangered species habitat enhancement projects as a core pillar of support to the Park District. The Foundation’s leadership has expressed interest in providing funding for educational campaigns about free-roaming cat impacts as well as assisting partnering animal shelters with funds for additional signage and educational outreach.

2. Coordination with Local Animal Services Agencies: Another key component is the Park District’s partnership with local animal service agencies. The Park District has established standing meetings with the directors of local animal service agencies. Regular meetings

have been held between the Park District and animal service agencies starting in December of 2020, including bi-monthly meetings, field visits, and a community meeting.

The shelter directors have reviewed and provided input on the recommended updates to the Park District's revised Free-Roaming Cat Management Policy. The animal service agency directors and managers often know or know of the caretakers that work with colony cats and have agreed to provide the first point-of-contact to caretakers to request assistance with trapping and removal efforts. Animal service agencies, animal control officers, and cat caretakers are suitably equipped and experienced in trapping domestic animals. The Park District and the local animal service agencies will collaborate on a long-term inter-agency cooperative agreement.

Under the revised Policy, the Park District will increase both education and collaborative trapping efforts particularly during critical avian nesting seasons when a free-roaming cat can inflict extensive damage in a short time span. For example, during high tide events such as king tides, rapid action is needed to protect species as they are flooded out of the marsh into urban areas. The Park District will collaborate with animal services agencies to increase species protection efforts during these seasons when at-risk species are most vulnerable.

3. Methods and Tracking for Locating Colonies and Removal: A survey will be conducted to aid in the initial identification of free-roaming cat colonies and individual cats in regional parks. Once colony locations are identified, the Park District will continue to observe and track cat observations and will work with identified animal services agencies to initiate trapping and removal efforts. For all cat tracking, trapping, and activities, the Park District will manage and maintain spreadsheets to track:
  - a. Free-roaming cat observations and locations,
  - b. Trapping efforts (i.e., trap-nights), and
  - c. Captures of free-roaming cats and which shelters they are delivered to.

In coordination with local animal service agencies, the Park District has already started tracking and recording cat locations using shared datasheets, maps, and photos. Most of the efforts have been prioritized at two parks, MLK Jr. Regional Shoreline and Hayward Regional Shoreline, where cat colonies are near breeding bird habitat. To date, the Park District has established seven camera stations to photo-document free-roaming cats in or near these two parks and identified six primary cat colony locations (five at MLK Jr. and one at Hayward).

4. Capture and Removal Methods: To every extent possible, care will be taken to avoid trapping or removing owned cats. Ideally, a half-mile buffer around the most sensitive marshes would be established as a "cat containment area," a term defined in Canberra's Draft ACT Cat Plan 2019-2029 as "all or part of a suburb, where cats must be confined to their keeper's or owner's premises at all times." This may not be feasible here, but staff will collaborate with animal services agencies to disseminate information to encourage home and business-owners to keep their cats indoors while active trapping efforts are occurring. For example, efforts could be made to post this information at the nearest park trailheads or on social media, or to promote collars that are highly visible and deter cat predation (birdsbesafe.com). Special

efforts would be made to educate cat owners on licensing requirements, which are required for all cats older than four months in Alameda County.

Trapping efforts have already been initiated. To date, local animal service agencies, volunteers, and contractors have trapped and delivered to shelters over 40 cats from or adjacent to four parks, including:

- MLK Jr. Regional Shoreline - Oakland Animal Services (OAS) and 15 volunteers contributed approximately 100 hours trapping. To date a total of 27 cats have been trapped and removed from three colonies.
- Hayward Regional Shoreline - Hayward Animal Shelter, their volunteers, and Park District contractors have contributed over 200 hours of trapping effort and trapped nine cats.
- Oyster Bay Regional Shoreline - one volunteer has contributed approximately 10 hours of trapping and removed four cats.
- Anthony Chabot Regional Park: OAS trapped a single cat that was abandoned.

Ongoing coordination will be necessary to trap within park areas closed to the public, such as corporation yards, or some sensitive marshes that are off-limits to all human activity except for researchers that hold specific federal and permits. These locations will be clearly communicated.

If the need arises, the Park District or the animal service agencies may install additional cameras near feeding stations located on private property to aid in identifying and counting colony cats. At persistent colony locations, the Park District may post signage and provide the address of the nearest shelter location or engage directly with the property owner to cease the feeding of free-roaming cats. The Park District will work with shelter directors to determine the need to have animal service agencies provide training in the most humane and effective trapping techniques and the possible need to purchase additional equipment.

#### Other Non-Lethal Capture Methods

Free-roaming cats that have been captured once and re-released can be difficult to recapture. Every effort will be made to coordinate with animal services agencies and colony caretakers so they understand that cats near sensitive habitats should not be released back to colonies. In situations where the traditional method of baited live-trapping does not work, other options will be considered. Tranquilizer guns seem like an ideal tool but must be used by highly-trained professionals and under specific conditions. The sedative is a controlled substance and the level of sedative needs to be carefully calibrated to the animal's size and estimated weight. Because the target region on the cat's body is small, there is danger of injuring the cat with a projectile dart and not achieving sedation. In addition, the cat must be tracked until the sedative takes effect. These conditions may not always be met under nighttime conditions nor dense marsh vegetation where there is added danger of a sedated cat drowning. As technologies for animal capture advance, new methods will be reviewed in collaboration with animal services agencies.

### Restrictions on Lethal Control

The District is optimistic that with significant efforts into education, prevention, and collaboration, the need to use lethal control will be significantly diminished or even eliminated. However, there may be extreme situations when the threat to a critically endangered species is imminent and all other options have been exhausted. An example of such a situation would be when trapping is not successful for a small number of trap-shy cats that are foraging in the marsh or shoreline during the peak of nesting bird season or accessing a nesting colony of breeding California least terns or western snowy plovers.

To further restrict the use of lethal control, the draft Policy provides that lethal control may only be used in parks where federally or state protected species are known to occur and are at risk from predation by free-roaming cats. Currently, the following threatened species are known to occur in regional parks and are known to be at risk from free-roaming cats:

- California Ridgway's rail,
- western snowy plover,
- California least tern,
- salt marsh harvest mouse.

These species occur in most of the District's shoreline parks, in isolated fragments of marsh that are habitat "islands" bordered by water or urbanization. (See Attachment E for a map.) In the rare and unavoidable situation that lethal control as a last resort cannot be avoided, the draft Policy further provides that lethal control of free-roaming cats will not be conducted by District staff but by external agency partners with appropriate expertise and certifications and only after notification and approval from the Assistant General Manager or her designee.

In addition, the Policy provides that no lethal control will occur without prior coordination with animal service agencies, and only after all trapping efforts have been exhausted, and then only in areas of sensitive habitat where protected species are known to be at risk from cat predation. Under such field conditions in sensitive habitats, humane euthanasia will be employed in compliance with AVMA 2020 guidelines. Trained Park District staff will inspect any lethally controlled cat carcass and will work with a designated animal services representative to confirm adherence to AVMA 2020 guidelines and scan for microchips before proper disposal.

5. Consultation with Animal Control Specialists Regarding Infrastructure and Deterrence: Fencing designed to exclude predators such as free-roaming cats can be very effective in protecting bird breeding areas (Ringma 2019). The Park District will invest in improvements to infrastructure, such as reinforcing existing fences or installing new fencing around sensitive habitats. However, these fences need to be designed and placed carefully, as they can also attract avian predators such as hawks by providing perching structures. Removing attractants such as open garbage cans and feeding stations will also be a priority at shoreline parks.

Improvements to site conditions have begun, including improvements to fencing around sensitive habitats and replacement of standard garbage cans at shoreline parks. Most of the

gates in the New Marsh at MLK Jr. Regional Shoreline have been reinforced to close gaps. Wildlife management researchers and consultants have been contacted to identify additional feasible infrastructure improvements, and “Bearsaver” garbage cans have been ordered and will be installed at MLK Jr. Regional Shoreline in the next few months.

6. Enforcement of Prohibitions on Abandonment or Feeding of Free-roaming Cats: The District’s Ordinance 38, Rules and Regulations does not allow dogs or cats in protected resource areas and prohibits abandonment or feeding of feral or wild animals in all parks. Similar provisions are included in the District’s Park Operating Guidelines. The Policy specifies that park staff will notify unit managers and Stewardship staff of any observations of cats in sensitive habitat areas, or any increase in free-roaming cat populations in the parks.

Park staff often aid Public Safety with enforcement of these restrictions by noting violations of animal abandonment or feeding. Any violation of Ordinance 38 is subject to enforcement as a misdemeanor or an infraction. Park staff can take a photo of the vehicle, the license plate number, and type of animal and color. District staff is also working with local animal services agencies to coordinate enforcement of municipal and county code restrictions on abandonment or feeding of feral cats.

7. Transparency and Reporting: As detailed in the attached Policy, District staff will prepare an annual report summarizing Free-roaming Cat Management Program actions. The report will include a description of education and prevention efforts, trapping and management efforts, any successful trapping and delivery to shelters, and lethal control conducted by external agency partners, if any. Systems for record-keeping and tracking of data have already been improved and will continue to be updated. Data recorded and actions taken will be summarized in a report in the first quarter of 2022.

The effectiveness of the actions recommended in the Policy will be evaluated and may be updated or expanded over time. At a minimum, all components will be reviewed and revised every five years.

## CEQA COMPLIANCE

The Free-Roaming Cat Management Policy is an update to the District’s existing adopted policy for managing free-roaming cats and is not subject to the California Environmental Quality Act (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.

Furthermore, even if the District’s approval were considered a CEQA project, the District’s adoption of both the original policy and this revised Policy are actions for the protection of natural resources and the environment, which are exempt from CEQA review. Cal. Code Regs.

tit. 14, §§15307, 15308. 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 this endangered wildlife through improved management of free-roaming cats.

Thus, CEQA does not apply to the Policy revision because the revision will not have a physical environmental impact and is exempt from CEQA review.

#### ALTERNATIVES

No alternatives are recommended.

#### ATTACHMENTS

- ATTACHMENT A. Free-Roaming Cat Management Policy
- ATTACHMENT B. At-Risk Threatened and Endangered Species
- ATTACHMENT C. Posted Signs
- ATTACHMENT D. Cat Brochure
- ATTACHMENT E. Shoreline Species Map

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EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2021 – 06 –

June 15, 2021

APPROVAL OF THE EAST BAY REGIONAL PARK DISTRICT POLICY TO PROTECT  
ENDANGERED SPECIES AT RISK OF PREDATION BY FREE-ROAMING CATS:  
DISTRICT-WIDE

WHEREAS, as part of the East Bay Regional Park District’s mission to preserve “a rich heritage of natural and cultural resources” the District manages parklands for the protection of biodiversity including protecting and encouraging the recovery of threatened or endangered species; and

WHEREAS, free-roaming domestic cats (*Felis catus*) are non-native predators that pose a significant threat to endangered species on District properties, particularly within protected shoreline habitats; and

WHEREAS, the District conducts predator control in parks in accordance with federal and state law protecting endangered species, as well as regulatory permits that require predator management to ensure that restored habitat does not create an ecological trap by attracting nesting shorebirds which are then preyed by free-roaming cats; and

WHEREAS, the events of Fall 2020, when a number of cats were lethally controlled at Martin Luther King, Jr. Regional Shoreline, members of the public raised concerns and opposition to these actions; and

WHEREAS, the District reviewed these actions in light of the standing Policy that has been in place since 1999, and though the proper process occurred, is seeking to revise the Policy to establish a process to address community concerns and reduce the need for lethal control;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors and the East Bay Regional Park District hereby reaffirm its commitment to protect and encourage the recovery of threatened or endangered species; and

BE IT FURTHER RESOLVED that the Board of Directors and the East Bay Regional Park District hereby reaffirm its commitment to humanely remove free-roaming cats, only using lethal control as a last resort; and

BE IT FURTHER RESOLVED that the Board of Directors and the East Bay Regional Park District will balance these commitments by adopting the Revised Free-Roaming Cat Management Policy, which provides improved practices to emphasize education and prevention, partnership with local animal service agencies, and increased collaboration and transparency with the community we serve; and

BE IT FURTHER RESOLVED that the Board of Directors and the East Bay Regional Park District find that the Revised Free-Roaming Cat Management Policy is not a project subject to the California Environmental Quality Act (CEQA) because revisions to the Policy will not result in any impacts on the environment, and even if it were a project subject to CEQA, it would be exempt from CEQA under CEQA Guidelines sections 15307 and 15308 as adoption of the Revised Policy is an action taken to maintain, restore, or enhance natural resources and the environment by preventing harm to protected species; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents, and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director \_\_\_\_\_, seconded by \_\_\_\_\_, and adopted this 15<sup>th</sup> day of June, 2021 by the following vote:

FOR:  
AGAINST:  
ABSTAIN:  
ABSENT:

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.

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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. 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;
- 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. Annual updates may be requested by the Natural and Cultural Resources Committee.

## References

AVMA (2020). AVMA Guidelines for the Euthanasia of Animals: 2020 Edition.  
<https://www.avma.org/sites/default/files/2020-01/2020-Euthanasia-Final-1-17-20.pdf>

East Bay Regional Park District (1999). Mikkelsen, Tom. “Feral Cat Pilot Program Recommendations.” Received by Steve Jones, 22 January 1999.

East Bay Regional Park District (2019). Ordinance 38.  
[https://library.municode.com/ca/east\\_bay\\_regional\\_park\\_district/codes/ordinance\\_38\\_-\\_rules\\_and\\_regulations?nodet=CHIDE\\_S101DIDE](https://library.municode.com/ca/east_bay_regional_park_district/codes/ordinance_38_-_rules_and_regulations?nodet=CHIDE_S101DIDE)

East Bay Regional Park District (2021). EBRPD Police Policy Manual.  
<https://www.ebparks.org/civicax/filebank/blobdload.aspx?BlobID=33893>

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

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## **ATTACHMENT B. At-Risk Threatened and Endangered Species**

### **CALIFORNIA RIDGWAY'S RAIL (Federally Endangered, State Endangered)**

Ridgway's rails (formerly known as California clapper rails) are restricted to salt or brackish marshes that were once widely distributed along bay coastlines. Commensurate with the decline in habitat, these birds are no longer common, only occurring in small remnant populations throughout the San Francisco Bay Area. These secretive birds depend on dense marsh vegetation to hide from predators and are particularly vulnerable to predation during high tide events when they are flushed out of the marsh into upland edges (Overton et al. 2016). Rail chicks and young birds are also highly vulnerable to predators. Rails generally breed from mid-February through the spring with some pairs attempting a second nest later in the season from early- to mid-summer (USFWS 2013). Free-roaming cats have been documented preying on Ridgway's rails (Cassaza et al. 2016).

### **WESTERN SNOWY PLOVER (Federally Threatened)**

Western snowy plovers are diminutive shorebirds that breed on sandy beaches, graveled river bars, and similar open habitats. They generally breed from March to September. Their nests, constructed by the male, is simply a scrape or depression lined with a layer of vegetation or debris. The speckled eggs are well-camouflaged (USFWS 2007). Free-roaming cats are known to prey on snowy plovers and are especially an issue where homes and urbanization are in close proximity to the birds' habitats (USFWS 2007).

### **CALIFORNIA LEAST TERN (Federally Endangered, State Endangered)**

Least terns are the smallest North American tern and nest in colonies along open beaches, initiating breeding in April or May. Their breeding behavior of establishing colonies where up to 25 pairs nest make them extremely vulnerable to predation (USFWS 2006). Both fledglings and adults are prey for free-roaming cats.

### **SALT MARSH HARVEST MOUSE (Federally Endangered, State Endangered)**

Salt marsh harvest mice are tiny, rufous-colored habitat specialists. They are classically associated with pickleweed (*Salicornia pacifica*), though recent research has revealed that they may use habitats dominated by other salt-adapted vegetation (USFWS 2013). There are no studies that document cats preying on salt marsh harvest mice but it is reasonable to suspect that free-roaming cats in areas of occupied habitat pose a threat to this species (USFWS 2013).

#### **Federal Recovery Plans applicable to regional parks:**

- U.S. Fish and Wildlife Service. (2006). California Least Tern (*Sternula antillarum browni*) 5-Year Review Summary and Evaluation. Carlsbad Fish and Wildlife Office, Carlsbad, California.
- U.S. Fish and Wildlife Service. (2007). Recovery Plan for the Pacific Coast Population of the Western Snowy Plover (*Charadrius alexandrinus nivosus*). In 2 volumes. Sacramento, California. xiv + 751 pages.
- US Fish and Wildlife Service. (2013). Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California. Sacramento, California. xviii+605pp.

## Attachment B References

Casazza, M. L., Overton, C. T., Bui, T. D., Takekawa, J. Y., Merritt, A. M., & Hull, J. M. (2016). Depredation of the California Ridgeway's Rail: Causes and Distribution. In *Proceedings of the Vertebrate Pest Conference* (Vol. 27, No. 27).

Overton, C., Bobzien, S., & Grefsrud, M. (2016). Environmental extremes and biotic interactions facilitate depredation of endangered California Ridgeway's rail in a San Francisco Bay tidal marsh. *California Fish and Game*, 102(4), 157-161.

U.S. Fish and Wildlife Service. (2007). Recovery Plan for the Pacific Coast Population of the Western Snowy Plover (*Charadrius alexandrinus nivosus*). In 2 volumes. Sacramento, California. xiv + 751 pages.

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US Fish and Wildlife Service. (2013). Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California. Sacramento, California. xviii+605pp.

## Appendix C. Posted Signs Discouraging Feeding and Abandonment

Existing signs posted at parks:



Revised DRAFT sign:



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## Attachment D. Cat Brochure

Our mission is to help all special status species keep their foothold in the East Bay

The East Bay Regional Park District protects and maintains more than 113,000 acres of parks and trails in Alameda and Contra Costa counties. The parks provide critical wildlife habitat for more than 500 species of wildlife. Many different forms of wildlife live in your Regional Parks. Golden Eagles soar overhead and ground squirrels scamper across the grasslands.

It is our responsibility to care for and manage wildlife for our enjoyment, and for future generations to enjoy.



Juvenile western snowy plover



Western skink

The East Bay Regional Park District is a system of beautiful public parks and trails in Alameda and Contra Costa counties east of San Francisco. The system comprises over 113,000 acres in 65 parks including over 1,200 miles of trails for hiking, biking, horseback riding and nature study.

Our mission is to manage and maintain a high quality, diverse system of interconnected parklands which balances public usage and education programs with protection and preservation of our natural and cultural resources.

**For Park information** visit the East Bay Regional Park District website [www.ebparks.org](http://www.ebparks.org) or call 1-888-EBPARKS (1-888-327-2757).

**For wildlife related information**, and to report cats or feeding sites, call:

East Bay Regional Park District  
Stewardship Department  
510-544-2340

East Bay   
Regional Park District

2950 Peralta Oaks Court, Oakland, CA 94605  
1-888-EBPARKS • [www.ebparks.org](http://www.ebparks.org)

East Bay   
Regional Park District  
[www.ebparks.org](http://www.ebparks.org)



## Wildlife Protection and Free-Ranging Cats

Healthy Parks   
Healthy People