



Audubon CALIFORNIA



Society of American Indians



FRIENDS OF TESLA PARK

Regional Park Association

TESLA ROAD RESIDENTS ALLIANCE



SAVE THE FROGS!



Mount Diablo Audubon Society

Friends of Livermore

LIVERMORE HILL HIKERS

Friends of the Arroyos



Arroyo Mocho • Arroyo Las Positas • Arroyo del Valle • Arroyo de la Laguna
Altamont Creek • Arroyo Seco • Cayetano Creek • Corral Hollow Creek • Cottonwood Creek
Kottinger Creek • Tassajara Creek • Dry Creek • Mission Creek • Sycamore Creek • Vallecitos Creek



Northern Valley Yokuts Tribe/
NOTOTOMNE CULTURAL PRESERVATION



Castro Valley Huddle/
Environment Now!

ACDEMS
ALAMEDA COUNTY
DEMOCRATIC PARTY
P.O. Box 3937
Hayward CA 94540



EAST ALAMEDA
COUNTY
RANCHERS

July 30, 2021

Honorable Anthony J. Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 2206 Sacramento, CA 95814
SUBMITTED VIA PORTAL and EMAIL TO COMMITTEE

Subject: Support AB 1512 (Bauer-Kahan)

Honorable Chair Portantino:

The organizations listed in this letter are writing in strong support for AB 1512 (Bauer-Kahan) designed to permanently preserve the Tesla Park land.

AB 1512 will: 1) preserve Tesla Park for conservation purposes, including for non-motorized public recreation; and 2) provide that \$9 million will be transferred to the State Parks OHMVR Division. There is no sale of state park land and no state funds are required. Local mitigation funds are available to pay State Parks OHMVR Division the \$9 million to preserve Tesla Park, but the State must act now.

The reasons to permanently preserve the approximate 3,100-acre Tesla Park land (Alameda-Tesla expansion area) in eastern Alameda County as a non-motorized nature and cultural preserve are numerous and irrefutable. OHV recreation can be located in other places where its damaging impacts will be less. The Tesla Park land cannot be moved, replaced or sacrificed.

As top UC professors have stated, allowing Tesla Park to be converted to motorized recreation, would be “one of the worst public land stewardship decisions that could be made in California in terms of biodiversity and public health.”

AB 1512 provides for permanent protection of Tesla Park’s highly sensitive, biologically diverse and irreplaceable natural and cultural resources that otherwise will be irreparably damaged by off-highway vehicle recreation. Tesla Park is a biodiversity hotspot recognized by generations of scientists and confirmed by ongoing research. Tesla Park has a multitude of threatened, endangered and special status plants and wildlife, and sensitive vegetation habitats. Tesla Park is the choke point of a critical linkage habitat corridor connecting Mount Diablo and the Diablo Range.

Tesla Park is the exemplar model of a biologically diverse, culturally significant intact native landscape that the State has a duty to preserve. Scientific studies, including a long record of research by local universities, have documented the rare ecological value of the Tesla area which contains an abundance of highly sensitive natural resources and unique biodiversity. Tesla includes at least 42 threatened, endangered and special status wildlife species, designated critical habitats, 13 special status and over 20 locally rare plant species, 7 sensitive vegetation communities, unusual vegetation assemblages, and a critical linkage habitat corridor along the Diablo Range. Tesla’s unique **biodiversity** is related to its location at the intersection of biotic zones. These factors make Tesla vital for **protecting biodiversity** and **providing climate change resiliency** in a time of rapid climate change that threatens species and habitats. This fact was confirmed again by a 2019 UC Berkeley study identifying the area of the northern Diablo Range where Tesla Park is located, as a top conservation priority for the entire state.

Tesla Park’s irreplaceable natural features are matched by its equally important cultural resources from exceptional Native American archeologic and sacred ceremonial sites to the historic Tesla town site. In fact, the State Office of Historic Preservation in 2012 identified that the Tesla historic district

qualified for listing on the National Registry of Historic Places, but no application was made because of the ill-conceived pursuit of OHV recreation by State Parks rather than the appropriate use for this special public land as a non-motorized park and preserve.

Preservation of Tesla Park is not only good for natural and cultural resource protection, but it also increases public access to nature. Tesla Park's location in eastern Alameda County makes it particularly accessible for large urban communities and underserved urban youth in the East Bay -- a specific target for nature education programs -- to experience a unique native landscape. Tesla can also serve the Central Valley where a shortage of nature parks has been identified. As years of community surveys confirm, regional outdoor recreation priorities are for non-motorized recreation, nature parks and open space, not OHV recreation. In fact, **OHV use at Carnegie SVRA has actually decreased by more than half over the last 15 years.** And while OHV recreation users can avail themselves of non-motorized parks and open space, the converse is not true: non-motorized outdoor users will not use motorized recreation areas because of noise, dust, degraded landscapes and scarcity of wildlife. Establishing Tesla Park as a preserve does not affect the existing Carnegie SVRA riding areas; but preservation of Tesla Park (which has never been open for any public use), as a non-motorized park and preserve meets the local community need and will increase access to nature for all.

Permanent preservation of Tesla Park with no motorized recreation is a top conservation priority for the Alameda County/East Bay region, and a vital district measure supported by the Legislature. The overwhelming majority of the community has long identified that Tesla Park must be protected given its extraordinary natural and cultural resource values. The entire Tesla Park area is located in Alameda County and within the districts of Assemblymember Rebecca Bauer-Kahan and Senator Steve Glazer. There is overwhelming support for Tesla preservation including from the County of Alameda, City of Livermore, East Bay Regional Park District and other public agencies, local officials and Legislative representatives, renowned university professors and scientists, Native American leaders, ranchers, and conservation and preservation groups. Further, this Legislature has overwhelmingly supported legislation to permanently preserve Tesla Park since 2019. The Carnegie SVRA plan to open the Alameda-Tesla Expansion Area to OHV recreation takes a wrecking ball to regional conservation objectives that match State conservation objectives. The State should not impose destructive, discretionary OHV recreation uses on local governments and communities who clearly prioritize natural and cultural resource preservation.

Tesla Park preservation and AB 1512 directly matches Administration and State conservation goals and allows Tesla Park to remain state park land; whereas allowing Tesla to be converted to damaging OHV recreation undercuts the State objectives and credibility. Preservation of Tesla Park meets every state and Administration conservation objective, including 30 x 30. It preserves floral and faunal biodiversity; protects threatened, endangered and special status species and sensitive vegetation habitats; provides for climate change resiliency and reduced climate impacts; protects the intact ecosystem level landscape; protects the critical linkage habitat corridor; protects the northern Diablo Range ecosystem; preserves Native American and other historic cultural landscapes; and increases access to nature without destroying nature.

Opening Tesla Park to motorized recreation directly undercuts goals to reduce Climate Change impacts. Given the urgent climate crisis, the State should be taking every action it can to reduce greenhouse gas (GHG) emissions and particulate air pollution. Increasing discretionary motorized recreation that increases climate change impacts AND damages irreplaceable natural resources runs counter to the state goals, sound policy and good governance.

In January 2021, a court ruled against State Parks and in favor of the County of Alameda's challenge to the CEQA approval to open Tesla Park to off-highway vehicle recreation and ordered the State to set aside its EIR and General Plan. There is literally no plan to protect Tesla Park's sensitive irreplaceable

resources and a credible plan that includes OHV motorized recreation can never be established. This was the 3rd attempt by State Parks to get CEQA approval since 1999. Given this definitive court ruling against the State calling out the violation of law it is time to stop wasting taxpayer money on an outdated plan and resolve this 20-plus year controversy and permanently preserve Tesla Park for conservation purposes in a manner that is consistent with all state conservation and climate change policy and is fiscally responsible.

The incredible combination of factors embodied in Tesla Park – biodiversity, climate resiliency, access to nature, cultural history, research, education, and more – make preservation of Tesla Park as a non-motorized park and preserve a policy imperative at every level of government. Scientific research documents the damaging impacts of motorized recreation. Any motorized recreation in Tesla Park will irreparably damage its natural and cultural features. You cannot split the Tesla baby. OHV recreation is not compatible with non-motorized recreation or with protection of such a sensitive abundant array of natural and cultural resources. The OHMVR Division should identify other areas for OHV recreation that are environmentally appropriate for such damaging recreational use and are desired by the local community. OHV recreation can be relocated. Tesla Park cannot.

Importantly local governments have designated local mitigation funds from the Altamont Landfill Open Space Fund to pay State Parks Off-Highway Motor Vehicle Recreation (OHMVR) Division to permanently preserve Tesla Park. No state funds are required. The County of Alameda, and Cities of Livermore, Pleasanton and Dublin are members of the Altamont Landfill Open Space Committee (ALOSC) which administers the fund. Since 2015 the ALOSC and local governments have been seeking State Parks cooperation to use these local funds to preserve Tesla Park. The local funds can be used to pay the \$9M to the State for a permanent conservation easement retaining the land as state park land or through sale to a local conservation/park agency as determined by the State. There is no sale or change in ownership of the state owned Tesla Park land. **The Altamont Landfill Open Space Committee has the funds available to pay State Parks to preserve Tesla Park, but given the demands for these funds, the State needs to act now.**

The \$9M amount to pay State Parks OHMVR Division to preserve Tesla Park is an appropriate amount given the actual zoning and land use restrictions, demand and market in the area for large property parcels, and the property characteristics, especially because there is no sale of the land only redesignation of use to conservation. The wild speculation by the OHV lobby about significantly increased values of \$40M, \$50M, \$54M is uninformed and absurd based on the facts. The actual determinants of land value are land use designations/zoning, demand/market given that zoning, and property characteristics; not years since purchase and inflation or what may be happening in areas that do not share the same zoning, demand or property characteristics. The area in eastern Alameda County where Tesla Park is located is subject to a county-wide voter approved urban growth boundary initiative passed in 2000 (Measure D). Measure D does not allow residential, commercial, industrial or intensive ag development.¹ Because the land use and zoning are restricted to essentially large scale ag and natural resource open space, land values in the area have not increased as in the urban parts of the Tri-Valley where small parcel subdivision and development is allowed.

Measure D has been in effect for over 20 years and withstood litigation and appeal. It would require another county-wide voter initiative to overturn or change Measure D and nothing of significance has evolved or is on the horizon. Therefore, the restrictions which limit land use and value to primarily large parcel grazing or open space land are and will remain in place for the foreseeable future.

¹ The approximate 3,100-acre Tesla Park properties were purchased by the State in the late 1990s for about \$9M just prior to the passage of Measure D in 2000. The OHMVR Division was pursuing a quick “opportunity purchase” without an acquisition EIR and there has been no assessment of the premium paid by the State at the time.

Information about the nearby 50,500-acre N3 Ranch, on the market since 2019, provide some comparable information that shows that the \$9M is a reasonable amount for the approximately 3,100-acre Tesla Park land. Nearly 17,000 acres of N3 is located in Alameda County to the south/southwest of Tesla Park. N3 is a large property sale; Tesla is also a large property, although not as large as N3. N3 has facilities (houses, barns, shops, cabins, corrals with water, septic and electricity); Tesla Park has none. Some of the land in N3 is somewhat accessible and similar in type to parts of Tesla Park; some of N3 is more remote and rugged. Based on the last published reduced listing price of \$68M or \$1,346/acre, the approximate 3,100 acres of Tesla Park would be valued at \$4.17M, less than half the \$9M (~\$2,903/acre) price paid to acquire the Tesla Park land. The Alameda County appraisal for N3 came in at about \$58M. The public agency/TNC coalition offered \$59M. It is believed the owner is considering an offer by the Alameda County Water District thought to be a little over \$60M. Using a \$60M average or \$1,188/acre for N3, the 3,100-acre Tesla Park would be valued at \$3.68M. While there has not been an appraisal of the Tesla Park land this information supports that transfer of \$9M to OHMVR Division is within the large property market in the area subject to Measure D. This is particularly true since AB 1512 simply redesignates existing state park land currently deeded to the California Department of Parks and Recreation for permanent conservation; the land remains state park land deeded to the California Department of Parks and Recreation with no sale or change in ownership.

Working with local government and the community to redesignate Tesla Park for conservation and non-motorized recreation is the “win-win”. It achieves critical State and local policy goals to protect exceptional natural resources and biodiversity vital for providing climate change resiliency. At a time when the climate crisis is ever more acute, it supports the fight against climate change by not increasing air pollution and greenhouse gas emissions from motorized recreation. It resolves a longstanding controversy that wastes state funds on an obsolete outdated plan and pits the State against its own stated conservation goals and local government. It increases access to nature for the largest segment of the population while protecting nature. It returns funds to State Parks OHMVR Division for use in areas appropriate for damaging OHV recreation. It is a wise and fair solution.

Permanent preservation of Tesla Park meets State and local priorities around protecting biodiversity, fighting climate change, increasing access to nature, good governance and fiscal responsibility. It provides a wise and fair way to finally resolve this controversy. We strongly support AB 1512 and urge you and your committee to pass the bill.

Sincerely,

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Terry Sandoval, Chair
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Senator Steve Glazer
Senator Steven Bradford
Senator John Laird
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