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Lynne Bourgault Elizabeth Mackenzie Jason Rosenberg Allison M. Dibley
General Counsel Asst. General Counsel Asst. General Counsel Asst. General Counsel

April 16, 2024

VIA EMAIL ONLY: n.laforce@comcast.net

Norman La Force
802 Balra Drive
El Cerrito, CA 94530

RE: Response to Your March 20, 2024, California Public Records Act Request

Dear Mr. La Force:

This letter is in response to your California Public Records Act request of March 20, 2024, and follow up to the Park District's initial response of April 2, 2024, extending the time to respond. You requested the following:

All communications and records relating to the identity of the donors for the proposed Wildcat Flow Trail. All communications between anyone associated or affiliated with the Regional Parks Foundation and the East Bay Regional Park District, including directors, staff, outside consultants, or any other person relating to the identity of the donors for the proposed Wildcat Flow Trail.

The East Bay Regional Park District has located records responsive to your requests and is providing them attached to this letter. Note that information exempt from disclosure pursuant to sections 952 and 954 of the Evidence Code concerning attorney-client privileged communication will not be provided.

Sincerely,

/s/ Jason Rosenberg
Assistant General Counsel

Enclosures

From: Sean Dougan
To: Cortis Cooper
Cc: sbartlebaugh@sbcglobal.net; Elizabeth Echols for EBRPD; Doug Diego (dougdiego@gmail.com); Nicholas Hooper-Tomich (nick@staytrue.bike); Sean Connelly; Juliana Schirmer
Subject: RE: Status of proposal for Flow Trail in Wildcat Canyon
Date: Friday, May 21, 2021 4:30:00 PM
Attachments: Image001.png

Hi Cortis,

We are looking at several parks right now for potential creative trail management strategies and potential single use trail opportunities. In Wildcat Canyon, we have identified a few preliminary alignments that were recently assessed by our biologists and botanists and grazing team in our Stewardship Dept. They have taken a look and identified areas that need to be avoided. Once we make some changes and have an alignment to discuss further in regards to impacts, then we will continue with a more detailed analysis of the design and begin the process to approve this internally. This does take time, but I feel we are doing everything we can to set this up for a meaningful assessment.

I appreciate all the efforts you are putting in to advocate for this and the commitment letter from the Director of NorCal/NICA. These commitments and support will be helpful in justifying this project and moving this toward approval. As I mentioned this process takes time and I had committed to you that this isn't approved yet, but that I would actively pursue everything I could to analyze this area and consider this proposal. I am content with our initial findings that there are several options for trail construction, restoration, and buy in from the Cycling Leagues at Wildcat. We still have a few steps to go.

If it would be helpful, our Regional Parks Foundation Manager Juliana Schirmer would like to meet with the potential donor you mentioned and develop a relationship. If they are interested, please let me know and I will provide her contact info to get them connected. Thank you for your patience while we evaluate this proposal.


East Bay
Regional Park District
Healthy Parks Healthy People

Sean Dougan
Trails Program Manager | Planning, Trails, and GIS
Pronouns: he, him, his
East Bay Regional Park District
2950 Peralta Oaks Court, Oakland, CA 94605
T: 510-544-2611
sdougan@ebparks.org | www.ebparks.org

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From: Cortis Cooper <cortiscooper@outlook.com>
Sent: Wednesday, May 19, 2021 4:07 PM
To: Sean Dougan <sdougan@ebparks.org>
Cc: sbartlebaugh@sbcglobal.net; Elizabeth Echols for EBRPD <elizabeth4parks@gmail.com>; Doug Diego (dougdiego@gmail.com) <dougdiego@gmail.com>; Nicholas Hooper-Tomich (nick@staytrue.bike) <n timer@staytrue.bike>
Subject: Status of proposal for Flow Trail in Wildcat Canyon

Hi Sean

Thanks for your email of April 13th summarizing your work to look at building a flow trail in Wildcat. It sounds like you have been making some progress but that the flow trail is competing to some extent for internal resources with other trails at P. Ridge and Briones.

I wanted to pass along a couple of letters I got from the local NICA MTB coaches who are quite keen about a flow trail in Wildcat. The letters document the growing need by the local mtb community and also provide a commitment to help maintain a flow trail. I expect to get a similar letter shortly from Vanessa Hauswald, the head of NICA/NorCal, and I will send it along when I do.

I suspect you have also been following the news about the bike jumps constructed in the Berkeley Hills by some young riders and the intense pressure that has imposed on local Berkeley politicians. I've recently learned of another illegal bike jump built in Kensington that the police are trying to close down. Also, I've heard of a new trail that some bikers (not NorCal!) are constructing in Tilden. This could easily put EBRPD in the same political Catch 22 as the city of Berkeley now finds itself in. These illegal trail-building activities not only demonstrate the increasing demand by the mtb'ing community for something more than fire trails but also a growing impatience and willingness to push ahead in ways that are unsafe to people and the environment.

Finally, I've talked to the donors who offered to provide up to \$1 million to construct the flow trail. They are getting impatient and may well look for other opportunities to spend those funds in the not too distant future.

In short, the need for something like a local flow trail has never been higher but the window of opportunity may be closing. There are also political risks of continuing to neglect the need for more bike access as illustrated by the recent Berkeley controversy. We appreciate that planning and approving a new trail takes time. Is there anything we can do to move the flow trail investigation up on the priority list?

Cortis Cooper
Kensington, CA

From: [Curtis Cooper](#)
To: [Sean Dougan](#)
Cc: [sbartlebaugh@sbcglobal.net](#); [Elizabeth Echols for EBRPD](#); [Doug Diego \(dougdiego@gmail.com\)](#); [Nicholas Hoeper-Tomich \(nick@staytrue.bike\)](#)
Subject: Status of proposal for Flow Trail in Wildcat Canyon
Date: Wednesday, May 19, 2021 4:08:07 PM
Attachments: [echs-mtb-wildcat-letter.docx](#)
[BHS Wildcat Flow Trail Letter.pdf](#)

Hi Sean

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Curtis Cooper
Kensington, CA

From: Sean Dougan
To: Sean Connolly
Subject: FW: Status of Environmental Studies
Date: Monday, October 17, 2022 5:50:00 PM
Attachments: image001.jpg

Hi Sean,
Our potential donor below is eager to know where our studies are at. Can you check in with Josh and Nomad please?



Sean Dougan
Trails Program Manager | Planning, Trails, and GIS
Pronouns: he, him, his
East Bay Regional Park District
2950 Peralta Oaks Court, Oakland, CA 94605
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From: Cortis Cooper <cortiscooper@outlook.com>
Sent: Sunday, October 16, 2022 11:36 AM
To: Sean Dougan <sdougan@ebparks.org>
Cc: 'Scott Bartlebaugh (sbartlebaugh@sbcglobal.net)' <sbartlebaugh@sbcglobal.net>; 'Barbara Smith (barbkiwi@gmail.com)' <barbkiwi@gmail.com>; Austin McInerny <austinm@sbcglobal.net>
Subject: RE: Status of Environmental Studies
Hi Sean

You mentioned that we should contact you in mid-October about the status of the environmental study for the Wildcat Flow.

Cortis Cooper
Kensington, CA

From: Sean Dougan <sdougan@ebparks.org>
Sent: Wednesday, September 14, 2022 10:58 AM
To: Cortis Cooper <cortiscooper@outlook.com>
Cc: 'Scott Bartlebaugh (sbartlebaugh@sbcglobal.net)' <sbartlebaugh@sbcglobal.net>; 'Barbara Smith (barbkiwi@gmail.com)' <barbkiwi@gmail.com>; Austin McInerny <austinm@sbcglobal.net>
Subject: RE: Status of Environmental Studies
Hi Cort,

It's certainly been an interesting summer! I'm told that the last study is being conducted this Friday, and then our consultant will be able to finalize their report. I'm guessing it will take a few weeks to finalize the report.

Let's touch base in early - mid-October and connect. Thanks!



Sean Dougan
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From: Cortis Cooper <cortiscooper@outlook.com>
Sent: Thursday, September 08, 2022 4:32 PM
To: Sean Dougan <sdougan@ebparks.org>
Cc: 'Scott Bartlebaugh (sbartlebaugh@sbcglobal.net)' <sbartlebaugh@sbcglobal.net>; 'Barbara Smith (barbkiwi@gmail.com)' <barbkiwi@gmail.com>; Austin McInerny <austinm@sbcglobal.net>
Subject: Status of Environmental Studies
Hi Sean

Hope you have had a good summer. You indicated that you expected the environmental studies for Wildcat Flow to be done about now. Could you update us on the status?

Cort Cooper
Kensington, CA

To: [Sean Dougan](#)
To: [Juliana Schirmer](#)
Cc: [Sean Connolly](#)
Subject: FW: Status of proposal for Flow Trail in Wildcat Canyon
Date: Wednesday, May 19, 2021 5:47:00 PM
Attachments: [schu-mtb-wildcat-letter.docx](#)
[BHS Wildcat Flow Trail Letter.pdf](#)
[image001.png](#)

Take a look below. If the donor is impatient after barely 5 months, given the history at the Park District, I'm not sure what we can do about that. I want to keep pursuing the Wildcat Trail, but we need to balance it out with other things obviously.

Sean, last we spoke I believe you mentioned that you are getting pushed out of certain areas. Let me know what you need. Has Stewardship been out to the site?

Sean Dougan

Trails Program Manager | Planning, Trails, and GIS

Pronouns: he, him, his


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To: Sean Dougan <sdougan@ebparks.org>

Cc: sbartlebaugh@sbcglobal.net; Elizabeth Echols for EBRPD <elizabeth4parks@gmail.com>; Doug Diego (<dougdiego@gmail.com>) <dougdiego@gmail.com>; Nicholas Hoepfer-

Tomich (nick@staytrue.bike) <nick@staytrue.bike>

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Cortis Cooper

Kensington, CA

From: [Sean Dougan](#)
To: [Juliana Schirmer](#)
Subject: FW: Thanks and next steps
Date: Monday, March 1, 2021 10:56:00 AM
Attachments: [TrailAlternativesForWildcat-Tilden.pdf](#)
[Images001.png](#)

Hi JS,

We should discuss this attached and below. I spoke with these guys last week, and they mentioned that they may have a donor and be able to collectively donate up to \$1M to construct and maintain a new flow trail in Wildcat Canyon. We are checking into their proposal and travelling somewhat under the radar until we can determine if this is actually something worth considering, but I wanted keep you in the loop because you may want to connect with these folks about the money at some point. Let's talk next time you can!

Sean Dougan

Trails Program Manager | Trails Program Unit

Pronouns: he, him, his


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From: Kristina Kelchner <kkelchner@ebparks.org>

Sent: Monday, January 25, 2021 2:56 PM

To: Jim O'Connor <joconnor@ebparks.org>; Brian Holt <BHolt@ebparks.org>; Sean Dougan <sdougan@ebparks.org>

Subject: FW: Thanks and next steps

Jim, Brian, and Sean: I received the following message today from Elizabeth:

1. Right before Christmas, I met with several people from BTCEB (Cortis Cooper, Austin McInerney and Scott Bartlebaugh) regarding a proposal they had for Wildcat Canyon Park. I believe they were going to be meeting with Sean Dougan as well. I didn't bother you with this at the time since I wanted you to get some down time over the holidays. Anyway, Cortis reached out and wants to know who else they should meet with. Can you please let me know? I will forward their proposal separately in case you don't already have it.

This is a proposal from MTB communities to build a new bike-only flow trail in Wildcat. This seems like a good conversation for an interdivisional internal trails group. Sean can you organize a meeting? Also let us know if you've heard this same proposal and/or met with these folks?

Kristina Kelchner

Assistant General Manager | ASD Administration

Pronouns: she, her, hers


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From: Elizabeth Echols <EEchols@ebparks.org>

Sent: Monday, January 25, 2021 12:46 PM

To: Kristina Kelchner <kkelchner@ebparks.org>

Subject: FW: Thanks and next steps

Kristina,

Here is the presentation I mentioned in my last e-mail.

Thanks,

Elizabeth

Elizabeth Echols

Board Member | Board of Directors


East Bay Regional Park District

2950 Peralta Oaks Court, Oakland, CA 94605

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EEchols@ebparks.org | www.ebparks.org

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From: Cortis Cooper [<mailto:cortiscooper@outlook.com>]

Sent: Monday, December 21, 2020 12:42 PM

To: Elizabeth Echols <EEchols@ebparks.org>

Cc: Scott Bartlebaugh <sbartlebaugh@sbcglobal.net>; Austin McInerney <austinm@sbcglobal.net>

Subject: Thanks and next steps

Hi Elizabeth

Thanks again for taking the time to listen to thoughts about how to address the trail usage issues in Tilden/Wildcat, and for your thoughtful questions and comments.

Attached is the presentation. We'll also look forward to hearing from you regarding a follow-up meeting with Brian Holtz and perhaps the head ranger at Wildcat.

Hope your holidays are as enjoyable as times will permit.

*Cortis Cooper
Kensington, CA*

From: Sean Dougan
To: Juliana Schirmer; Cortis Cooper
Subject: RE: Draft donor pledge/gift agreement for the Wildcat Canyon Trail Project
Date: Wednesday, July 28, 2021 3:12:00 PM
Attachments: [image003.jpg](#)
[image001.png](#)

Hi gang,

Thanks Juliana for following up on this. We have had some encouraging visits in Wildcat Canyon over the past week. As a reminder, if you have any statistics on how often teams practice here, numbers of bikers in the league, increasing popularity of the sport, etc. I could really use that as an intro to my sales pitch with the GM. Thanks!

If the initial steps and approvals look good, here is a rough idea for the next steps (some steps can happen concurrently):

- Finalize an alignment corridor for impact analysis (nearing completion)
- Receive green light from GM to pursue and begin the review process
- Appropriate funds and hire a consultant firm to complete the Environmental Studies (winter/spring 2022)
- Gain support from the TUWG and other committees to move forward (fall 2021)
- Public outreach, marketing, and advocacy (coordination with the league and Foundation)
- Complete the studies pursuant to CEQA and adopt (by end of 2022)
- Finalize funding agreements and commitments
- Appropriate additional funds to design the trail (includes fencing, entry gates, signage, etc.) and identify trails to restore and close
- Identify and apply for any regulatory permits required (if any)
- Advertise for construction bids
- Construct new trail and restore bootleg trails identified previously
- Adopt policies for directional travel and trail etiquette outreach and replace existing maps
- Ribbon cutting

Sean Dougan

Trails Program Manager | Planning, Trails, and GIS

Pronouns: he, him, his


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From: Juliana Schirmer <JSchirmer@ebparks.org>

Sent: Tuesday, July 27, 2021 12:59 PM

To: Cortis Cooper <cortiscooper@outlook.com>

Cc: Sean Dougan <sdougan@ebparks.org>

Subject: Draft donor pledge/gift agreement for the Wildcat Canyon Trail Project

Hi Cortis,

I apologize for my delay in responding and sending this draft gift agreement for the Wildcat Canyon mountain bike flow trail. Unfortunately, I had a death in the family.

I believe Sean Dougan was in the field with his team yesterday reviewing the potential site for the mountain bike flow trail, so I am trying to reach him for an update. I will get back to you on the status of that once I hear from him.

In the meantime, I have drafted a gift agreement for you and Barb to review. I have a few questions for you in the document, and please feel free to make edits. I'm also happy to set up another meeting to discuss any questions you may have.

Thank you and I look forward to speaking with you soon.

Best,

Juliana

Juliana Schirmer

Chief Administrative Officer

Public Affairs | Regional Parks Foundation

Pronouns: she, her, hers


East Bay Regional Park District

2950 Peralta Oaks Court, Oakland, CA 94605

T: 510-544-2212 | M: 510-761-2872

JSchirmer@ebparks.org | <http://www.regionalparksfoundation.org>

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From: Sean Dougan
To: Josh Phillips; Suzanne Wilson
Subject: RE: Wildcat Chat
Date: Friday, March 10, 2023 9:32:00 AM
Attachments: image001.jpg

Cort is the donor for the project who would like to give the Park District "7 figures" to add a flow trail in Wildcat Canyon. He said he had some questions about the study, so I suggested that you join us Josh. If you can't, we can take his questions and get the answers from you. No worries.

Sean Dougan

Trails Program Manager | Planning, Trails, and GIS

Pronouns: he, him, his


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From: Josh Phillips <JPhillips@ebparks.org>

Sent: Friday, March 10, 2023 9:28 AM

To: Suzanne Wilson <swilson@ebparks.org>; Sean Dougan <sdougan@ebparks.org>

Subject: RE: Wildcat Chat

Who is Cort?

Josh Phillips

Ecological Services Coordinator | Ecological Services Unit


East Bay Regional Park District

2950 Peralta Oaks Court, Oakland, CA 94605

T: 510-544-2354 | F: 510-568-2066

JPhillips@ebparks.org | www.ebparks.org

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From: Suzanne Wilson <swilson@ebparks.org>

Sent: Friday, March 10, 2023 9:08 AM

To: Josh Phillips <JPhillips@ebparks.org>; Sean Dougan <sdougan@ebparks.org>

Subject: FW: Wildcat Chat

Hi Josh and Sean,

Josh, per Cort and Sean's email thread below I'm trying to find a time for the three of us to meet with Cort about the biological studies that were done for the Wildcat flow trail corridor. If there is someone more appropriate from stewardship who should attend let me know.

As of now, it looks like Monday, 3/20 at 10am is one of the only times that is available for all of us. Does that work for you both? If so, I can send a Teams invite.

Suzanne Wilson

Senior Planner - Trails Development | Planning, Trails, and GIS

Pronouns: she, her, hers


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From: Sean Dougan <sdougan@ebparks.org>

Sent: Thursday, March 9, 2023 5:21 PM

To: Cortis Cooper <cortiscooper@outlook.com>

Cc: Barbara Smith <sbarbkiwi@gmail.com>

Subject: RE: Chat

Yes, I'm pushing to get this initial meeting underway so we can get into the next phases of preparing some concepts to get approval to analyze under CEQA. If we can get the public engagement piece and the conceptual design and management issues on the table in 2023, we can move on CEQA pending approval from our Board. Happy to discuss, but with the study I need to bring in someone from our Stewardship Dept. who is very knowledgeable on this project as well as keep Suzanne Wilson involved. I'll check with their schedules and get you some dates and times asap. Thanks.

Sean Dougan

Trails Program Manager | Planning, Trails, and GIS

Pronouns: he, him, his


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From: Cortis Cooper <cortiscooper@outlook.com>

Sent: Thursday, March 09, 2023 5:08 PM

To: Sean Dougan <sdougan@ebparks.org>

Cc: Barbara Smith <sbarbkiwi@gmail.com>

Subject: Chat

That's exciting news that the public hearings are coming up in April.

Could we have a chat over the phone at some point in the next week? We've got some questions on the Enviro study. Our schedule is pretty open compared to yours so send us some slots that you have available.

Antis Cooper

kenning.com, ca

Gift Agreement

Between

The Regional Parks Foundation and Cortis and Barbara Cooper

Commented [JS1]: I apologize, I am not sure if this is correct.

This Gift Agreement ("Agreement") is made this ____ day of _____ between Cortis and Barbara Cooper (hereinafter referred to as "the Donor"), and the Regional Parks Foundation a nonprofit organization located in Oakland, CA. The Donor and the Regional Parks Foundation agree as follows:

1. **Donor Commitment.** The Donor hereby pledges to the Regional Parks Foundation the sum of **\$1,000,000**, which as provided for herein is designated for the benefit of mountain bike trail construction within the East Bay Regional Park District.
2. **Donor Purpose.**
 1. Purpose. It is understood and agreed that the gift will be used for the following purpose or purposes: To plan, develop and construct an approximate 1-mile mountain bike flow trail at Wildcat Canyon Regional Park, an East Bay Regional Park District Park.
3. **Payment.** It is further understood and agreed that no payment shall be made until the East Bay Regional Park District has identified a location for the Wildcat Canyon mountain bike flow trail, the District Board of Directors approves the proposed project, any required environmental review processes have been concluded and approved, and all necessary permits are in place for said project.

At such time as all requirements listed above are completed, payment(s) shall be made as follows:

| Date | Amount |
|-------|--------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

It is also understood and agreed that the gift funds as received may be invested by a third-party that shall best determine investment options for this fund. The spending policy for the fund will be the Investment Policy Statement set forth and approved by the Regional Parks Foundation Board of Directors to protect the funds and perpetuate growth until the conclusion of the project.

4. **Matching Gift.** The Donor has indicated the gift may be used as a matching gift opportunity to raise additional funds for mountain bike trail construction and maintenance within the community.

5. **Intent.** It is the agreement of the parties and the intention of the Donor that this gift and any unpaid promised installment under this Agreement shall constitute the Donor's binding obligation. The Donor acknowledges that the Regional Parks Foundation has substantially relied, and shall continue to rely, on the Donor's gift being fully satisfied as set forth herein.
6. **Donor Engagement.** In addition to providing a cash donation for the construction of the mountain bike flow trail at Wildcat Canyon Regional Park, Donor agrees to promote mountain biking best practices, and trail safety and etiquette within the East Bay community. Specifically, X organization(s). Furthermore, Donor agrees to work with X organization(s) to host trail maintenance and clean up dates X times annually to encourage ongoing stewardship of the project.
7. **Recognition by the Regional Parks Foundation.** The Donor has chosen for said gift to remain anonymous receiving no public recognition.
8. **Reporting and Stewardship.** Reports on the status and performance of the project and use of funds shall be provided bi-annually to the Donor until the completion of the trail project.
9. **Future Changed Circumstances.** If, in the opinion of the Board of Directors of the Regional Parks Foundation, all or part of this gift cannot at some time in the future be usefully or practically applied to the above purposes or if the purpose cannot be achieved because of a future change in law or unforeseeable circumstances, the Regional Parks Foundation agrees to return the funds to the Donor.
10. **Amendment.** By mutual consent of the Regional Parks Foundation and the Donor, the Donor's legally or duly appointed agent or attorney-in-fact, or the personal representative of the Donor's estate, any provision of this Agreement may be amended, modified, or deleted. Any such changes, deletions or additions shall be recorded in written signed addenda, which shall form part of this Agreement.
11. **Entire Agreement.** This Agreement contains the entire understanding of the parties with respect to the subject matter of the Agreement and is subject to the laws of the State of [Your State]. This Agreement also supersedes all other agreements and understandings, both oral and written, between the parties relating to the subject matter of the Agreement.

Commented [JS2]: I wasn't entirely sure which organizations we wanted to engage or the frequency of the commitment. Adding something here will likely be of value to the EBRPD board of directors.

In witness whereof, the parties to this Agreement have affixed their signatures:

Cortis Cooper

Date

Juliana Schirmer, CAO

Date

Barbara Cooper

Date