


11. Authorization to Amend a Grazing License with Smith Cattle, LLC for a Five-Year Term with a Five-Year Option to Renew: Diablo Foothills Regional Park  
CEQA Determination: Exempt per 14 Cal Code Regs §15304, §15307, §15308, §15061(b)(3)

**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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<b>DATE</b>	September 3, 2024
<b>TITLE</b>	Authorization to Amend a Grazing License with Smith Cattle, LLC for a Five-Year Term with a Five-Year Option to Renew: Diablo Foothills Regional Park
<b>DIVISION</b>	Acquisition, Stewardship, and Development
<b>FROM</b>	Matt Graul, Chief of Stewardship Ken Wysocki, Assistant General Manager of Acquisition, Stewardship & Development
<b>APPROVED</b>	Sabrina Landreth, General Manager 

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**RECOMMENDATION**

The General Manager recommends that the East Bay Regional Park District (Park District) Board of Directors authorize a five (5) year grazing license with one five-year extension option, to Licensee, Smith Cattle LLC, of Byron, California, for use of 917.68-acre portion of Diablo Foothills Regional Park (Diablo Foothills), Grazing Unit I.

**BACKGROUND**

Park District grazing licensee, Bryan Smith, now doing business as Smith Cattle, LLC, has managed multiple grazing licenses on Park District property for a decade, individually and as a partner in Wood Bar Smith Livestock, LLC. Mr. Smith has held the grazing license at Diablo Foothills Unit I since 2014, when the Board of Directors approved a 2-year grazing license with two 2-year options, per Board Resolution 2014-11-283, following an RFP process in which Mr. Smith was unanimously selected by the interview panel.

Bryan Smith is an excellent tenant, with a proven record of sound public lands grazing management, at Briones Regional Park, Sycamore Valley Open Space Regional Preserve, as well as at Diablo Foothills. It is in the Park District's best interest to retain high performing tenants, who are familiar with the land and who have made substantial improvements to the licensed areas.

Bryan Smith has completed several livestock infrastructure improvement projects on Park District grazing units over the past decade, including Diablo Foothills. In 2022, he completed two pond restoration projects to improve breeding habitat for listed species and provide livestock water. In 2014 and 2022, Bryan completed two Natural Resource Conservation Service (NRCS) Environmental Quality Incentive Program (EQIP) contracts and installed two water development projects which included solar pumping systems, new storage tanks and 3 water troughs to provide fresh, clean water within the licensed area that previously had no water. In addition, he has helped Park District staff deploy conservation grazing at Diablo Foothills to manage habitat for the special status plant, the *Fragrant Fritillary*, and to control the invasive grass, *medusahead*, from a highly native grassland.

Managed livestock grazing is used by the Park District to manage hazardous fuel loads and maintain plant species diversity and wildlife habitat. The 2013 District Master Plan states, “The Park District will conserve, enhance, and restore biological resources to promote naturally functional ecosystems. Conservation efforts may involve using managed conservation-grazing, in accordance with the District’s Wildland Management Policies and Guidelines, prescribed burning, mechanical treatments, integrated pest management, and/or habitat protection and restoration.” The grazing license will be issued following the policy of the Park District’s 2013 Master Plan and the adopted Wildland Management Policy and Guidelines, as amended in 2001.

## **ANALYSIS**

The maximum annual revenue anticipated from this license agreement is estimated to be \$20,141, with associated costs to the Park District for standard grazing infrastructure improvements to be funded from Wildland Vegetation Management Unit’s operating budget.

The estimated revenue from grazing rent is based on the 5-year average (2020-2024) AUM (animal unit months) adjusted rate of \$22.94/AUM, depending on weather, rainfall, and forage conditions. The license would allow an annual average stocking level of 878 AUMs for this grazing unit. The adjusted AUM rate is derived from a formula using the annual June Cattle Marketing Information Service’s Cattle Fax Report, which is the industry standard for the average feeder cattle prices for California and the Park District’s Rent Adjustment Table. Additional associated costs may include the expenses of maintaining, replacing, or installing new resource infrastructure, if necessary, over the term of the license. Standard grazing infrastructure improvement costs are funded from the following sources as available to the wildland vegetation program operating budget and the USDA Natural Resources Conservation Service EQIP federal cost-share funding. Such projects would be done under the supervision of the Park District’s Rangeland Specialist and in consultation with the Wildland Vegetation Program Manager, Chief of Stewardship, and the Operations Division.

## **ATTACHMENTS**

- A. Diablo Foothills Regional Park Grazing Unit I License Map



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2024 – 09 -  
SEPTEMBER 3, 2024**

**AUTHORIZATION TO AMEND A GRAZING LICENSE WITH SMITH CATTLE,  
LLC FOR A FIVE-YEAR TERM WITH A FIVE-YEAR OPTION TO RENEW: DIABLO  
FOOTHILLS REGIONAL PARK**

**WHEREAS**, East Bay Regional Park District (Park District) vegetation management policies are described in the District's 2013 Master Plan and Wildland Management Policies and Guidelines, which include livestock grazing as a resource management tool; and

**WHEREAS**, the grazing practices allowed under the proposed grazing license are categorically exempt under Sections 15301 and 15304 of the California Environmental Quality Act (CEQA), and have been determined not to have a significant environmental effect; and

**WHEREAS**, the Board previously approved Bryan Smith (now dba Smith Cattle, LLC), for a two-year license with 2 two-year options, per Board Resolution No. 2014-11-283; and

**WHEREAS**, Bryan Smith of Smith Cattle, LLC is an excellent grazing operator and has made many livestock improvements, including livestock water system and pond restoration projects;

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorizes a grazing license for Smith Cattle, LLC of Byron, California, for a five (5) year term plus one five-year extension option as presented to the Board on September 3, 2024; 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 \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and adopted September 3, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:



# EXHIBIT A

## Diablo Foothills Regional Park Grazing License Map Unit I

July 2024

### UNIT I

Tenant: Smith Cattle, LLC  
Total Acres: 917.68

