

SEQUENCE OF EVENTS OVER 45 YEARS OF THE
EMMA LONG MOTORCYCLE PARK

AUSTIN, TEXAS

STAKEHOLDERS LABOR TO CREATE, MAINTAIN,
AND TO KEEP THE TREASURED AREA OPEN FOR ITS INTENDED USE

CONDENSED REPORT



Please help us continue public use the Emma Long Park like the last 45 years

For three years, the stakeholders at Emma Long Motorcycle Park have been victims of unjustifiable and capricious persecution by the management of the Balcones Canyonlands Preserve. The BCP management has used misleading arguments and has willfully misinterpreted City Ordinances in its campaign to close trails and riding areas that the stakeholders built and have maintained for 45 years. Ultimately BCP closed 34% of the riding areas in the heart of the Park.

An executive summary of the BCP's persistent and unabashedly illegitimate attempts to exclude stakeholders from the Park can be found on this report. For a full report with more detail, and evidence of our points please go to *felmp.org*

Most frustrating is that the BCP management seems to think that it need not obey the law when targeting a group—like motorcyclists—that it perceives to be undesirable. The stakeholders are citizens too, and citizens' rights should not be trampled upon because their chosen mode of recreation. Each time we show BCP's justifications to be unfounded, they devise another unsupported argument. It is a slippery slope, City Officials should not overlook this attitude by City Staff to fabricate the facts.

Moreover, the stakeholders have demonstrated that, even using the BCP's own data and justifications, there would be no case for excluding them from the Park.

The stakeholders created the Emma Long Motorcycle Park before the BCP was formed and have been key maintainers of it for 45 years. During this time, multiple studies have shown no harm to the Golden-Cheeked Warbler population. The volunteers' dedication to preserving the park, as well as its recreational use, makes it a quintessential Austin institution

Emma Long Park is owned by the City of Austin and is co-managed by the BCP and PARD. Please give the stakeholders equal time in front of an independent impartial panel to allow them to have their case decided in a fair manner, on the basis of facts, rather than misleading testimony and narrow prejudice.

Below are the three separate justifications that the BCP has attempted to use to close our trails. This information is available in more detail on our website, at www.felmp.org.

OCTOBER 12, 2012 “Setting The Tone”

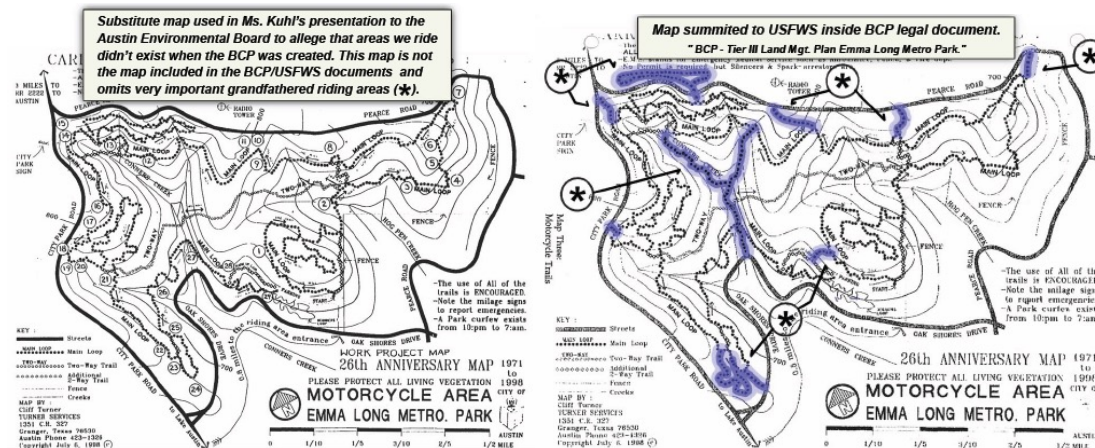
Just before starting a public campaign to close a large area of the motorcycle park, Ms. Sherri Kuhl, the BCP program manager, sends an email to Austin Parks staff, denying stakeholders a voice in the process.

“One of the things we talked about in the meeting was making it clear to the stakeholders that we are not asking for their input on whether or not the trails will be closed.”

[PIR 23620_PARDResponsive, FOIA]

NOVEMBER 7, 2012

Phase 1: In 2012, the BCP began arguing that we were riding non-grandfathered trails. We eventually showed that the maps the BCP was using were incorrect. The correct maps — which we identified in the BCCP archives — revealed that most of the trails that the BCP wanted to close were, in fact, grandfathered.



Here is the false map the BCP was using, followed by the correct map, on the right, with the grandfathered trails that were missing in Sherri Kuhl's map highlighted in purple.

Separately, we executed a Freedom of Information Act request of the BCP's internal emails. Those emails showed that the BCP continued to use the false map publicly, even after the staff conceded, internally, that it was incorrect (*PIR "2013-01-07-12-11 NM-PIR 23620_PARDResponsive_1 of 7_Redacted-3.pdf"*).

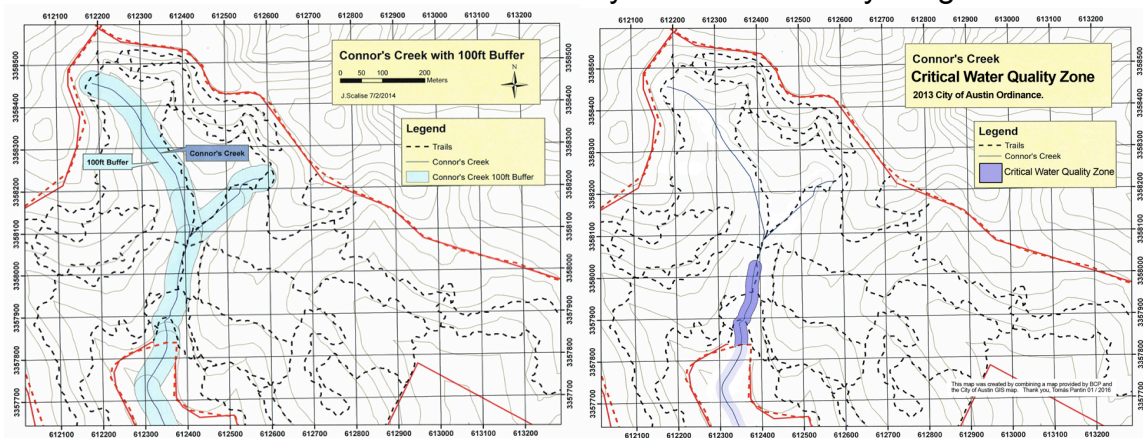
SPRING 2014

Phase 2: Then, in spring 2014, the BCP began using a new argument: that our use of the park was hurting the Golden-Cheeked Warbler. Using BCP's own data, we demonstrated that, after 45 years of motorcyclists and bicyclists riding at the park, the warbler population remained above average when compared with similar BCP Tracts. (See our full report on page 87 at www.felmp.org).

FALL 2014 - FALL 2015

Phase 3: On their first campaigns, BCP advocated their obligation with the U.S. Fish and Wildlife Service. After we proved their claims were spurious, Ms. Kuhl, switched her focus to “*enforcing a city ordinance*”, The Critical Water Quality Zone (CWQZ), and closed a large area of the park. When we dug into the official map database, we discovered that the actual contours of the CWQZ — as defined by the relevant ordinance — are totally different from the map that the BCP was using close riding areas. The correct map shows that our trails barely overlap with the CWQZ. 92% of the area closed by BCP is not in the Critical Water Quality Zone.

Here are the two maps. The one they used (left) and the correct one (right). Note how much smaller the Critical Water Quality Zone is than they alleged.



When we showed how the BCP’s map departed from the official map, Ms. Kuhl, replied that she and her colleagues were acting in the “spirit” of the ordinance. That justification left us speechless. What is the purpose of the ordinance, if not to legitimately define which areas are included? The “creek” is actually a dry rocky gulch that does not meet the definition of creek, except in the very lowest areas of our park.

With each of these three phases, we used publicly available data to show that the BCP’s justifications for closing our trails are unfounded. Each time we do that, the BCP devises another unsupported argument.

During this three-year campaign to close our areas, the BCP has expended untold resources and taxpayer money without revealing its true motivation. Meanwhile, other parks are over 89% in Critical Water Quality Zones and higher water flows. Yet they remain open.

Compared to the Motorcycle Park, both the Barton Greenbelt and Bull Creek who are over 86% in the CWQZ, show more erosion and are threatened by

contamination due to dog feces and human waste. Our park has been tested, and the water does not show any contamination from our motorcycles. The BCP's series of spurious justifications and intense focus on our use of our park seems disproportionate and unwarranted, given its minimal impact.

Thank you for your time and your thoughtful consideration of our position.

Sincerely,

Kent Browning
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(512) 288-6523

Tomás Pantin
KeepParkOpen@gmail.com
(512) 474-9968

Our efforts include the support of:

IMBA – International Mountain Bicycling Association – Global, USA, Texas, & Austin

ARR - Austin Ridge Riders – Austin

AMA – American Motorcycle Association – USA, Texas, & Austin

CTTA – Central Texas Trials Association – Austin

AMASA – Austin MotorSports Association – Austin

NATC – North America Trials Council – USA, Texas, & Austin

NOHVCC – National Off-Highway Vehicle Conservation Council – USA, Texas, & Austin

BCP discriminated enforcement of their pretend version of the Critical Water Quality Ordinance

	Trails in the true CWQZ	Trails Closed
Motorcycle Park	472 ft	9,201 ft
Barton Greenbelt	37,877 ft	0 ft
Bull Creek Park	10,024 ft	0 ft



September 10, 2015

Mr. Tomas Pantin
615 Deep Eddy
Austin, Texas 78703



Subject: Report of Analytical Testing
Beaver Pond Water Quality Pond
Emma Long Metropolitan Park
Austin, Texas

Dear Mr. Pantin:

Thank you for requesting environmental sampling services from Aspen Environmental, Inc. (Aspen). This report summarizes the results of field sampling and analytical testing related to the Beaver Pond Water Quality Pond.

PROJECT INFORMATION

The Beaver Pond Water Quality Pond is located within the Emma Long Metropolitan Park near Austin, Texas. Part of the park's purpose for over 40 years has included trails for motorcycle and mountain bicycle riders through 6.2 miles of rocky terrain and wooded areas. The trails allow for technical rides on steep hilly trails and attract more than 300 riders per week. Concerned riders

CONCLUSIONS

A limited sampling program was established to document the environmental conditions at the Beaver Pond water quality pond. No releases have been reported, but general information about current conditions was sought. A sediment sample from a downgradient area was collected and analyzed for hydrocarbon, gasoline and metals constituents. None of the analyzed constituents indicated significant chemical impacts that might be associated with motorized vehicles, as documented in this report.

Thank you for the opportunity to help with this project. If other analyses or information about other parameters are desired, please contact us for additional consultation.

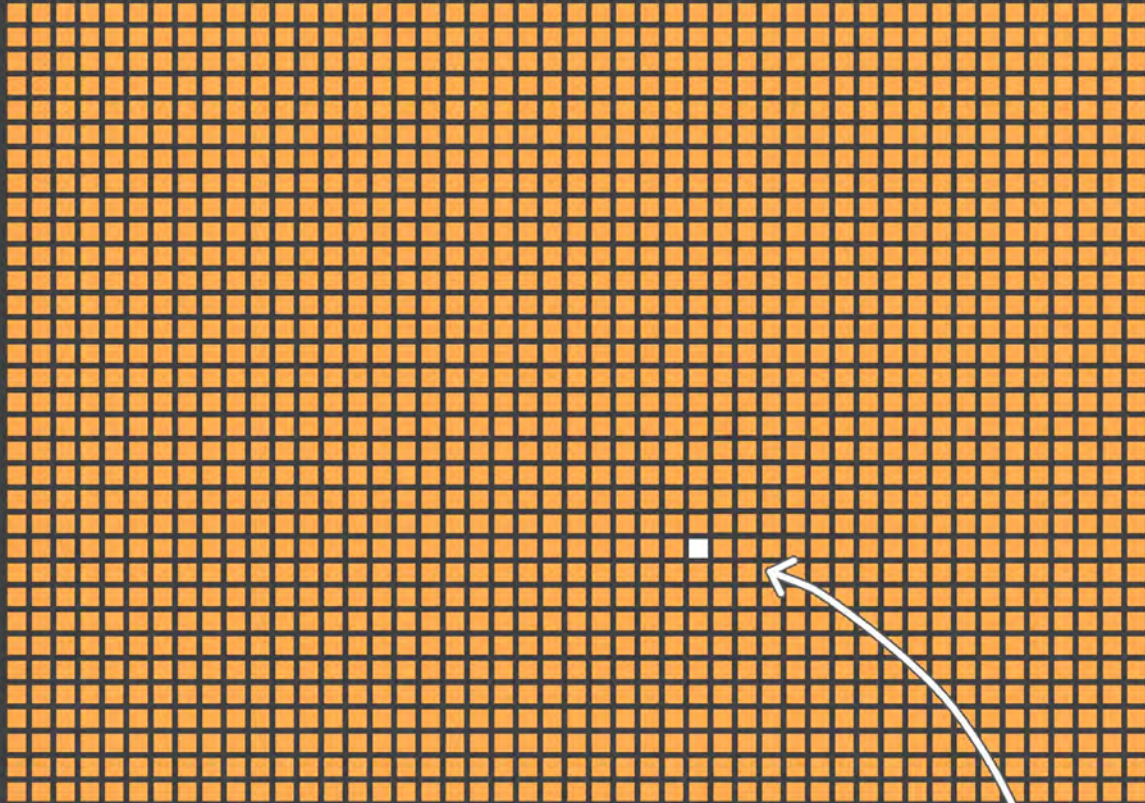
Respectfully submitted,

ASPEN ENVIRONMENTAL, INC.

A handwritten signature in blue ink that reads "Mitchell T. Young".

Mitchell T. Young, P.E.
Senior Engineer

Attachments



*Motorcycles use only 0.0650%
of all the Austin parkland.*

At every turn, we have successfully countered the BCP's spurious reasons for closing our public trails, and each time, the BCP' "justifications" shift, and we are forced to begin again.

It is easy to shove aside the interests of motorcyclists and mountain-bikes riders. Yet our 45-year history demonstrates that we follow the rules, we maintain an exemplary park, and we successfully coexist with the Golden-Cheeked Warbler. The BCP's intense focus on our park use is both disproportionate and unwarranted.