

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, September 6, 2016

D. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

f. Board Legislative Committee (10.16.15) (Burgis)

Present

Board: Dennis Waespi, Diane Burgis, Ayn Wieskamp (Alternate)

Staff: Robert E. Doyle, Erich Pfoehler, Jeff Rasmussen, Jim O'Connor, Debra Aufer, Steve Myli, Michael McNally

Consultants: Doug Houston, Houston Magnani & Associates, Satinder Malhi

Public: None

The meeting was called to order at 12:35 p.m.

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION – Legislature is adjourned for the year.

Board Director and Chair Diane Burgis inquired whether there are any current special committees in session. Legislative Advocate Doug Houston reported the governor called a special session on transportation that is convening for the first time today. Director Burgis asked who is on the committee. Houston noted the following Bay Area representatives: Assistant Pro-tem Kevin Mullin and Senator Jim Bell. The governor released a draft for generating revenues and expenditures. Although legislature is adjourned, leadership for both houses can call members back to vote, if necessary.

B. ISSUES

I. Year-end review

Houston presented a PowerPoint highlighting the District's work in Sacramento this year. The items presented included:

- Budget
- Legislative Successes
- Other Support Bills
- Future Efforts

The District will be supporting SB 317 (Senator Kevin de Leon), the Park Bond. A new water bond has been filed with the Secretary of State which includes funding for the acquisition of properties which protect watersheds. The District is exploring legislative opportunities with Senator Wieckowski to exempt local agencies from establishing

endowments on their own property. The District is working to ensure the Green Gas Reduction Fund (GGRF) includes natural resource / urban greening projects for which the District would be eligible.

- SB 317 (Senator Kevin de Leon)

Houston mentioned the new water bond, recently introduced, could splinter support for SB 317. Jerry Merrill authored the water bond. It proposes \$4.9 billion, with \$3.5 billion for habitat and land acquisition state-wide and \$50 million for the Delta conservancy which might apply to District projects. \$2 billion of this proposal is allocated to conservancies. General Manager Robert E. Doyle stated it's hard to generate support for a park-specific bond if conservation groups focus on a separate measure. Director Burgis asked if the previously enacted water bond focused more on urban areas. Houston said Senator Kevin De Leon is not officially supporting the new water bond initiative. There is, however, funding for the Los Angeles River included in the new water measure. The District prefers to push a smaller park-specific measure, or a complementary measure, that helps address park infrastructure throughout the state. Board Director Whitney Dotson asked if Wildcat Canyon would see any of the funding. GM Doyle commented this is a broader process, and the measure is generally for drought relief. There aren't specific allocations in the proposal. Director Burgis asked if East Contra Costa Habitat Conservancy Plan funding will be available. Houston said it is being researched.

- Endowments

Houston mentioned meeting with Senator Wieckowski to discuss advancing a bill which could provide an alternative to the District's endowments for mitigation of projects on its own lands. There was similar legislation sponsored by Santa Clara Valley Water District, which failed a few years ago. GM Doyle stated it's a severe financial issue for the District. The manner in which the funds would be encumbered would reduce resources to hire staff who do the work to steward the land. Houston concluded the District will work with the State Department of Fish & Wildlife.

Senator Wieckowski has committed to supporting the District on this item through legislation. Director Burgis questioned who benefits from this process. Houston replied land trusts generally benefit from endowments.

- Green Gas Reduction Fund (GGRF)

Houston identified bills related to GGRF. He discussed expanding the programs eligible for GGRF funding to include projects related to natural resources and urban greening. SB 246 had official District support. It seeks to establish an adaption framework for the state to coordinate and integrate efforts more closely with local plans. AB 1482 requires the California Natural Resources Agency to compile and maintain a "Safeguarding California" plan for adapting to climate change statewide. It would also coordinate and integrate with local adaption plans.

2. Update on Transportation and Infrastructure Conference Committee

Houston stated there are \$1.4 billion worth of infrastructure repair needs in the state. There aren't sufficient funds to keep up with these needs. The Governor's plan would seek to raise revenue, but has been opposed by Republicans. It requires a 2/3rd vote to raise revenue so their votes are needed.

3. Drones (SB 167 and SB 168)

Houston provided an overview about SB 167 and SB 168. The bills will make it a crime to fly hobby drones in the middle of fires, due to the risk of interference. The governor vetoed a series of bills, including SB 167 and SB 168, arguing the state doesn't need to create more crimes. He cited prison overcrowding and lack of funding. While the bills may have merit, they would cost the state money as this is a growing activity. There is a need to address the issue more comprehensively. Director Burgis stated there are no definitions for the word "drone." She believes there is a need to categorize unmanned flight devices based on the various kinds and applications. Government Affairs Manager Erich Pfuehler elaborated the Federal Aviation Administration is developing guidelines for drones in their airspace. He believes there will be further efforts to help direct local policies, including the District's. It is an emerging issue to watch and track.

4. Update on Cap-and-Trade Proceeds Second Investment Plan and Climate Adaptation Strategy

Pfuehler updated the committee and shared the next scheduled workshop on the Second Investment Plan is November 3rd in Sacramento. Director Dotson presented at one workshop and Houston attended another in Sacramento. The District may have another opportunity to make additional comments. In the next iteration of the process, the state agencies conducting the workshops will make a recommendation to the legislature. It then becomes a budget issue. Staff will continue work to ensure the District qualifies for funding. Pfuehler indicated creating wetlands, which are proven carbon sinks, will be one of the best opportunities. Breuner Marsh, for example, provides additional benefits, such as, coastal resiliency and better access to the shoreline. There are also opportunities in the wildfire control and abatement space. GM Doyle agrees there is an opportunity to make a case. He added it is important to provide the data to the Air Quality Board that climate change impacts can be addressed through resource management.

5. Other Issues

GM Doyle noted to the Board that Houston put a lot of work into defeating AB 665. This bill would have limited the District's ability to restrict hunting along its coastal trails and parks. GM Doyle and the Board expressed their overall appreciation to the District's Legislative Advocate Houston for the copious amount of work completed this year.

II. FEDERAL LEGISLATION / ISSUES

A. NEW LEGISLATION

1. H.R. 1721 National Women's Rights History Project Act (Slaughter, D-NY)

Pfuehler noted this bill is an attempt to reauthorize a program that has been in place for about 10 years. It honors the history of women's rights, administered through the National Park Service. Funding has not been received in the past three to four years. This bill would essentially provide refunding. Less than half of the sites nationwide which are relevant to women's rights are listed on the national register of historic places. He reasoned that if Rosie the Riveter weren't an actual unit of the National Park Service, it would be one of these type of designated sites. Pfuehler suggested it is appropriate to support, since it is similar to what the District would do with such a site. Director Dennis Waespi expressed interest in seeing if any East Bay sites have been designated. Pfuehler stated he hasn't found one yet, although there is an organization that reviews the history of women's rights, and through improved communication with them the District could possibly find out if there is one.

The Legislative Committee of the Board voted unanimously to SUPPORT.

2. H.R. 2983 Drought Recovery and Resilience Act of 2015 (Huffman, D-CA)

Pfuehler discussed Representative Jared Huffman's (D-San Rafael) legislation which is a product of extensive discussion with stakeholders about how to facilitate the development of water recycling projects in drought-stricken regions.

Highlights of the bill include:

- \$300 million to support additional water recycling project construction through the U.S. Bureau of Reclamation's Title XVI program.
- \$400 million in supplemental funding for the Clean Water State Revolving Fund (SRF).
- \$100 million for the Safe Drinking Water SRF to support projects in drought impacted regions, and up to 40 year terms for SRF loans for water recycling projects.
- A new water recycling competitive grant program (80% federal cost-share) under the United States Environmental Protection Agency (USEPA) funded at \$500 million per year through 2020.

The bill provides that if the USEPA fails to meet deadlines for program implementation and project awards, the funding would be allocated to the SRF programs in those states impacted by drought.

Pfuehler added the bill or amendments could be offered again, but a more Central Valley friendly version sponsored by Rep. David Valadao (R-Hanford) passed the House on July 16, 2015 (it is discussed more in the next item). While it is unlikely the Huffman bill's spending provisions will be considered by the House, some provisions may become part of any final agreement negotiated with the Senate later this year or early next year. Still, staff recommend a support position.

The Legislative Committee of the Board voted unanimously to SUPPORT.

3. S. 1894 California Emergency Drought Relief Act of 2015 (Feinstein, D-CA)

Pfuehler stated Feinstein's bill is a more moderate effort than Huffman's bill. It includes some measures attractive to Republicans, like increased funding for water storage. Republicans remain, however, unlikely to support the bill in its current form.

The bill also faces a tough test from environmental, sportsmen and fishing groups, who will be watching to see if the Endangered Species Act gets altered in any way. Environmental groups have been adamant in previous negotiations over drought bills that insured endangered fish species remain unaffected by relief measures.

The Legislative Committee of the Board voted unanimously to WATCH.

4. S. 1995 Outdoor Recreation Legacy Partnership Grant Program Act of 2015 (Schumer, D-NY)

Pfuehler stated this is a relatively modest effort to allocate money from Land and Water Conservation Fund to a modest competitive grant program. This bill would create an official grant program to distribute these funds, including setting aside \$125 million.

The intent of the Outdoor Recreation Legacy Partnership (ORLPP) program is to complement the existing Land and Water Conservation Fund State and Local Assistance Program. The program is aimed at identifying and showcasing new ways of providing opportunities for

expanding outdoor recreation in areas with great need, as well as promoting the development of new or enhanced partnerships for outdoor recreation in urban communities across the nation. S.1995 does not impact Congress' ability to fund LWCF stateside and the ORLPP through the annual appropriations process.

The Legislative Committee of the Board voted unanimously to SUPPORT.

B. ISSUES

1. Land and Water Conservation Fund update

Pfuehler informed the committee the 50 year old Land and Water Conservation Fund (LWCF) program has expired. There is \$20 billion of unspent oil royalty money. Because of this unspent money, some in Congress argue the fund does not need to be reauthorized. There is a bipartisan effort in the Senate to reauthorize, though not fully fund LWCF. The effort is likely to move forward. There is also some effort on the House side to include some rural payment in lieu of taxes funding to draw support. Republicans have expressed concerns that the federal portion might be used strictly to buy land, so there may be more going to the states. Director Burgis inquired if the District's delegation is involved. Pfuehler said though they are supportive, none of them are active. Director Waespi asked where the interest for the fund is going. The funding continues to grow as the oil industry continues to extract, but the funds get diverted to other budget priorities. Right now the fund is more likely to be utilized to balance the budget than for conservation purposes. There are no legislators left in Congress who were there when LWCF was created.

2. Federal budget update

Pfuehler informed the committee the House and Senate reached an agreement regarding the approval of Planned Parenthood budget cuts. A similar issue may arise again in the near future. The on-going budget debate may have an impact on permits and our allies at the National Park Service.

III. PORT OF OAKLAND COAL EXPORTS

GM Doyle provided an update about the new bicycle trail over the eastern span of the Bay Bridge at Gateway/Shoreline Park. He noted how the Army's cleanup efforts are affecting the timing of this development. He added, contrary to assurances from Phil Tagami's Master Development Agreement with the City and Army there now appears to be an effort to ship coal out of the Port. Coal dust next to an active District park and bicycle trail is not consistent with the Master Plan. It would be hard for the District to spend money on land in the area if coal shipments are passing by. GM Doyle recommends bringing an opposition position to the full Board of Directors. There is a lawsuit filed related to the issue, though the Oakland City Council hasn't taken action yet. If Tagami's plan for coal is allowed to move forward, it would be a big disappointment. This would fundamentally be a health problem. A massive level of coal imports, despite mitigation measures, still come with a variety of health issues. Director Dotson commented the trains not only would travel through the East Bay, they would also remain parked for some time before they were shipped. GM Doyle cited even when the trains are parked they are exposed to wind and eventually do need to be moved. Pfuehler stated the Oakland Mayor Libby Schaaf and multiple members of City Council have expressed opposition. Director Burgis stated repeated exposure to coal is unhealthy. Having such a facility next to a park defeats the ultimate goal of Healthy Parks Healthy People. Director Dotson said even transporting the coal can lead to particulate matter blowing around the community. There is no way to cover the coal. Pfuehler commented the exporting company would attempt to stop the spread of dust, but there is no safe option. Director Burgis asked if there are any similar

operations in the state. GM Doyle said Vancouver had a similar proposal, but it was rejected by the City. Director Burgis asked for information and statistics. GM Doyle and Pfuehler shared they have reached out for data. If received, the issue will be brought to the board.

IV. SAN FRANCISCO BAY RESTORATION AUTHORITY

Pfuehler mentioned there is \$200 million in the Jerry Merrell water bond measure for the San Francisco Bay Restoration Authority (Authority). Additionally, there is a possible ballot item for June, 2016. The proposed measure would be a \$1 per month parcel tax, like the District proposed for Measure CC. The Authority believes they will do just as well on the June low-turnout ballot as with the main November ballot. Director Sutter is on the Authority Board. They approached the District for assistance to place the measure on the ballot. The District identified over \$100 million worth of shoreline projects that some of the funding could go toward. The District will likely support the initiative. GM Doyle commented the Authority wants the District to examine ways help with election costs. This is a formal request from Director's Siden and Sutter, and Supervisor John Gioia to review the District's capabilities. The District would need to review the internal budget for funds. The campaign would be private. The District needs to ensure transfer procedures are followed appropriately and legally. Director Burgis stated Santa Clara Valley Water District is loaning \$1.5 million. GM Doyle said they are a larger district which reviewed the benefits and could justify the expense for a number of their flood control and water projects. Director Burgis asked for a timeline. Pfuehler stated as soon as possible.

This is not a recommended action, just an update to the Committee.

V. PUBLIC COMMENTS

Director Burgis requested an update about ABAG and MTC. GM Doyle said there has been considerable scrutiny of MTC by the legislature, particularly with regard to the mismanagement of the bridge costs. Despite that, MTC is proposing to take over the planning functions of ABAG. It can affect District projects, such as priority conservation and development areas on the Bay Trail. The District is attempting to sort out issues related to ABAG particularly with regard to the Bay Trail. Director Burgis commented many City and County governments are supporting ABAG. Director Waespi agreed. Director Burgis mentioned Oakland and San Francisco benefit the most from consolidation MTC. Smaller communities have worked better with ABAG, which tends to be a more dynamic body. Director Waespi noted Oakland Mayor Libby Schaaf said duplication of services was unnecessary. Pfuehler noted the issue was not just efficiency and consolidation, but also a debate about the power of the Executive Director for these kinds of organizations. Director Burgis remarked people are not against removing redundancy, and it is an inevitable action. It can be handled more clearly and sensitively than it has been. Director Waespi queried if the decision in Contra Costa County was unanimous. Director Burgis said it was not. Many Mayors abstained until they were able to put in their own letters of support or opposition. In Alameda, cities support ABAG, but the Mayor of Oakland opposed and the Mayor of Piedmont abstained.

Director Burgis commented planning for the Washington D.C. trip should commence. Pfuehler noted a variety of event and conference options are under review, and many scheduling conflicts are still being coordinated. GM Doyle mentioned the District wants to discuss both legislation and agency issues in D.C. Depending on how budget negotiations continue, there may be issues to highlight for the District. Director Burgis asked if there was a general time for planning. It was noted that a time was not nailed down yet.

Director Waespi queried whether it was worth discussing the various Bond measures being considered for 2016. GM Doyle said Measure CC polling is being finalized to provide the District more information about public opinion. There may be some political concerns about specific project areas, such as the Bay Trail and Albany, which may not be reflected in the poll. The District wants to be clear what the benefits are should opposition arise. Pfuehler mentioned there is still much speculation about the 2016 ballot. Director Waespi asked if the 80 day timeline requirement is an issue for Bond filings. Pfuehler confirmed, but noted the legislature has a few tricks for finding ways to file Bonds later.

Adjourned at 2:30 p.m.

Respectfully submitted:



Erich Pfuehler

Government Affairs Manager

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