

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, December 15, 2015

C. BUSINESS BEFORE THE BOARD

5. BOARD COMMITTEE REPORTS

- a. Operations (Thursday, September 24, 2015) (Sutter)

Present

Board: Directors John Sutter (Chair), Diane Burgis, Doug Siden

Absent: Director Burgis

Staff: Jim O'Connor, Mimi Waluch, Renee Patterson, Noah Dort, Kelly Barrington, Matt Graul, Denise Valentine, Carolyn Jones, Bob Nisbet, Lance Brede, Anthony Ciaburro, Carol Victor, Sharon Clay, Kristina Kelchner, Anne Kassebaum, Dan Sykes, Alicia Gonzales

Guests: Paul Donovan, Rick Rickard, Frank Burton, John Maunder, Dennis Staats, Peter Rauch, Judi Bank, Pete Volin

I. Review Draft Informational Report on Chabot Gun Club and Facility Operations at Anthony Chabot Marksmanship Range

AGM O'Connor began by providing the history and background of the gun range through a PowerPoint presentation. He recounted that prior to the end of the lease term, the Chabot Gun Club exercised their option to request to extend the lease. Through discussions with the gun club and Board members, it was determined to look towards the future of the gun club. Following several public meetings, neighbors and community members spoke to the noise impacts in residential areas and on the trails. Staff also reported out on noise in the campgrounds on the weekends. With structures at the gun range aging and reaching the end of service life, it was realized that capital maintenance investments needed to be made. The Board members had numerous questions regarding the future operation of the range in terms of facility costs, environmental compliance, and noise issues. It was determined at that time, answers to the questions would not be ready prior to the decision of the extension on the lease. At the end of 2014, a one-year extension was negotiated through December 2015. This extended time allowed staff to put together the information requested by the Board.

AGM O'Connor emphasized that there is no decision being made today by the Committee regarding the future of the range. This is an informational item to gather information from the Committee and community members on the distributed report. Community input is still being received regarding the

future of the range and the final version of the report will be brought to the full Board on October 20, 2015.

AGM O'Connor reviewed and discussed the orientation of the gun range site including detailed information on public, military, and law enforcement usage of the range. Research was completed on similar outdoor ranges within 100 miles with nine other ranges available to the public and three of them similar in size to the Chabot Gun Range.

AGM O'Connor reviewed the budget and financial information for operation of the range. The fees to the District include five percent of gross income to the general fund as a concessionaire fee. In addition, a concession maintenance fund is set aside for major maintenance at the facility.

AGM O'Connor discussed environmental compliance and California's regulation of stormwater uses. This included the defining of the Storm Water Pollution Prevention Plan referred as SWPPP, discussion on stormwater data, uses, control polluted runoff, treatments for pollutants, site monitoring for additional measures and implementation of Best Management Practices (BMP's).

Director Sutter inquired if we are exceeding the benchmark. AGM O'Connor stated the challenge is measuring water runoff. In recent past, we have exceeded the benchmark. Chief of Stewardship Matt Graul explained that benchmarks are defined as guidelines. If benchmarks are exceeded, you must increase the BMP's or do something more to control the stormwater. Under the current permit, each time the benchmark is exceeded, the BMP's were increased.

Director Sutter inquired on what is meant by structural controls and treatments to remove pollutants from runoff before leaving the site. Chief Graul replied there are various options. Consultants at GeoSyntec viewed a wide range of options and recommended two types of structural controls. The most simplified would be to put an end of the pipe filter at two locations. The other option was to recondition the berms, remove the source lead, replace clean material and rework the berms to have less lead on the surface. The treatment option is a box in the ground that contains filters to treat the lead. Estimates are provided in the Geosyntec report.

Director Sutter inquired if we did testing in Lake Chabot. Chief Graul replied yes and that East Bay Municipal Utility District conducts the quarterly testing and have not detected lead at the dam, but some at the stream that leads into the lake. Director Sutter inquired if the stream is fed by water at from gun range. Chief Graul replied yes. Director Sutter inquired if testing has been done on the fish. Chief Graul replied yes and that fish tissue samples were tested on largemouth bass and carp. The tests that were conducted did not detect lead. AGM O'Connor commented that even if we were to close the range today, we would still be required to maintain the stormwater BMP's with an annual cost of \$250,000.

AGM O'Connor recalled that the Board requested we look into the future costs, if we were to close the range and remediate the site. The preliminary analysis shows \$2.5-20 million dollar range depending on the methodology used to for the clean up. Director Sutter inquired on the large variation of costs. District Counsel Carol Victor commented that capping on site costs were between \$2.5-6 million.

AGM O'Connor discussed non-lead ammunition and stated the cost is 30 percent more than a similar caliber and weight premium lead ammunition. Director Sutter inquired if non-lead would work for law enforcement. AGM O'Connor replied it is our understanding that law enforcement would want to use

service ammunition for training purposes, rather than non-standard, non-lead ammunition. Use of non-lead ammunition at the range will allow for cleanup activities to occur, while continuing operation at the range without adding additional source lead to the site.

A summary was provided by AGM O'Connor on the Sound Study and Noise Mitigation report. Items covered in the report included gun range noise in nearby neighborhoods, mitigation options for gun range noise and sound pressure level graphs. Inquiries by Directors Sutter and Siden on presented graphs were addressed by AGM O'Connor and Mr. Paul Donovan. The eight options for mitigation, prepared by Mr. Donovan, were reviewed. These options included full/partial enclosure of the firing line, addition of earth berms, addition of vegetation, reduction of hours of range operation, relocation of the ranges, range tubes and limitations on guns used at the range. An overview on the Facility Conditions and Capital Maintenance was provided, covering the renovation and replacement costs and cost estimates based on asset preservation approach. A copy of the full sound study can be found on the District website.

Director Sutter inquired on the procedure of where a staff recommendation typically would be made to this Committee, the Committee would then make a recommendation to the full Board. He indicated that on this item, we received an information report with no recommendations. AGM O'Connor responded that we are still in negotiations with the gun club on their potential extension at the range. Director Sutter inquired when the Committee will have the opportunity to make a recommendation, before going to the full Board. AGM O'Connor replied there is no recommendation to this Committee due the negotiations being conducted in closed session with the full Board.

Director Sutter inquired if the Park Advisory Committee (PAC) will receive the same presentation as the one seen today. AGM O'Connor replied yes, as an informational item. Ms. Victor stated the purpose of the process is to solicit the public, Board and PAC comments. By the time the report comes to the full Board, there will be a sense of the issues that the PAC has identified and what they are suggesting. A final decision is not being requested. At the end of this process we anticipate going back to the full Board in closed session to obtain direction. The direction that will be requested of the full Board is related to the current short-term lease extension which ends in December 2015. The Board can consider a short term extension of 18 months to two years. Director Sutter expressed his concern with the important decisions being conducted in closed session instead of the public session, as people do not have an opportunity for input or hear the views of the Board members. Ms. Victor stated there is nothing to preclude the Board from stating their reaction based on the information provided. The only purpose of closed session is to receive additional direction from the Board to the agency negotiators; and the final decision would be conducted in a public session of the Board. Director Sutter stated the PAC should be encouraged to express their views so that information is available to the Board.

Public Speakers on item #1

Chabot Gun Club Range Master John Maunder stated the Chabot Gun Club received a copy of the Sound Study report late Friday afternoon. He indicated they have not had time to review the report due to its large size and many changes and that they have just began initiating conversations with the gun club's financial staff, safety staff, maintenance staff, consultants, and contractors in order to provide a meaningful response to the report. He commended staff for the effort and accuracy of the report. At this time, the gun club is requesting that more time be given for provide a response, that the

response can be brought back before the Committee for a recommendation, and then to the full Board with full input from the club, public and Committee.

Director Sutter inquired how much time is being requested. Mr. Maunder stated he would like to see the process moved forward one month.

President of the Chabot Gun Club Dennis Staats expressed the club's concern of not having enough time to review and respond to the Sound Study report. He indicated the club is currently in the process of a series of negotiations with the District. With such a large report, it is requested to have more time for review and speak with the proper parties in order to prepare a full response.

Peter Rauch expressed his interest in the general issues that the gun club raises in relation to sound and lead pollution. Mr. Rauch's request is to give some attention to issues he believes that were not covered. He questioned why the District is providing the service of the range and not a commercial entity. He requested the District to provide more context on why the District offers this service. He mentioned that patterns described in the sound nuisance section of the report reflect existing ordinances. The City of Oakland has two ordinances, with one related to nuisance and one not referencing decibel levels. Many aspects of the noise might bother people, but if they are looking at the decibel level numbers, it could be confusing to them.

Frank Burton commented that the staff report states the report is not yet final. He inquired when it will be finalized and posted to the public. Mr. Burton mentioned it was expressed to him by a resident living within one mile from the gun range, the nature of the sound is different than shown in the technical studies. He recommends a visit by the Committee to the staging area on the weekend to experience the sounds first hand.

AGM O'Connor clarified the referenced timeline issues raised today by stating there was not an expectation that if you received the report on Friday, you would have all your comments today. The reason we laid out the three meetings through October 20, was to give everyone plenty of time to provide input. He indicated that comments can also be submitted to the District in writing or by email. In terms of the Chabot Gun Club's future lease, that decision was fully planned to happen in November. If more time is needed, that does not present an issue. We can accept that request in writing or through email.

Director Siden commended staff for using professional resources to create the submitted reports. He mentioned that neighbors have attended Committee meetings on the gun range, as well as participants who utilize the range for recreation use and gun use instruction. AGM O'Connor commented that the information from the public is being gathered and will be included in the report.

Director Siden inquired if the club is used 365 days per year and what is the actual usage number. He inquired in moving forward, what is sustainable both short and long term; and what obligation does the District have to the range. He indicated he favored more time for the Committee to hear from others, after they have had time to review the Sound Study and Geosyntec reports. AGM O'Connor replied the item can be added to the October agenda.

Director Sutter agreed with Director Siden in commending the thorough preparation of the submitted reports. He expressed his gratitude to Mr. Maunder for the hospitality shown for site tours of the range.

Director Sutter commented that he views this exercise as more than looking at the gun club and its continued operation or how issues can be mitigated. It is a question of whether we should have this type of facility on District property. The gun range is a legitimate function of the District with both pros and cons. In terms of existing operations, the basic idea of what the District function is and how the gun range fits into the District's Master Plan and Vision needs to be discussed. There are numerous pluses to the gun range, with gun safety and gun use being a substantial contribution. The service to law enforcement is important although there are other available alternatives ranges for use to law enforcement agencies in Contra Costa and Alameda Counties. Although the District is reluctant to change existing uses and remove recreational opportunities such as the range, it has done so recently with other concessions where it was deemed necessary. The District has a responsibility to not only consider cost of operation of the range, but also how it deals with gun range neighbors who complain about the noise. Consideration should be given to District staff who work at the campgrounds. Mitigation of noise could be helpful if we continue the operation. In reference to expansion of the campgrounds, will it be feasible if it is next to the gun range with the noise. Director Sutter closed by reviewing a handout he prepared summarizing items presented earlier in the meeting, which discussed future capital costs, cost per gun range user, annual expenses and annual expenses of gun range user. He indicated we are looking at a substantial subsidy by the District to continue the operation of the gun range. Director Sutter stated if he were to make a recommendation, it would be to recommend staff to start an orderly process of closing the gun range.

2. Public Comments

There were no public comments.

3. AGM Comments

AGM O'Connor provided the following updates:

- The current Reservable Facilities Supervisor Michael McNally will begin an "acting" assignment as the Office Services Facilities Manager for Steve Myli.
- Recreation Coordinator Elaine Deshaies will begin an "acting" assignment as the Reservable Facilities Supervisor for Michael McNally.
- Interviews are almost complete to replace retiring Supervising Natural Erica Herron at Sunol.
- Lake Anza has been closed due to blue/green algae.
- Jeff Manley is the new Lakes Unit Manager replacing retiring Unit Manager Warren Schultz.
- Redwood Canyon Public Golf Course is on target with capital repairs. The second Request for Proposal is anticipated to go out in October or early November with a potential operator in place by April 2016.

4. Board Comments

Director Siden commented on an advertisement in The Alameda Sun newspaper inquiring on machine gun activity at Lake Chabot from 1941-1947. District Counsel Carol Victor explained the machine gun range history is related to World War II. The range is not in District parklands and is part of East Bay Municipal District. The Department of the Navy or Army is undertaking a site investigation and closure, with regard to those activities.

Director Siden recalled discussing holding a future Committee meeting at the Brazil Room. Business Services Manager Mimi Waluch clarified that we had discussed going to Redwood Canyon and the Tilden golf course. We can take the request and schedule a future meeting at the Brazil room.

Meeting adjourned at 2:57 p.m.