

**Approved Meeting Minutes**  
**PARK ADVISORY COMMITTEE**  
 September 28, 2015

ATTENDING: Kern, Best, Ho, Gregory, Madsen, Rickard, Beyaert, Mercurio, Palacios, Robinson, Sanwong, Yee, Coomber, Thompson, Texeira, Volin, Wilkins, Godfrey  
 NOT ATTENDING: Pellegrini, Coffey, Simmons  
 STAFF ATTENDING: Pfuehler, O'Connor, Nisbet, Graul, Waluch, Gonzales, Clay, Barial Knight, Perkins  
 GUESTS: Director John Sutter  
 PUBLIC: John Maunder, Paul Donavan

The meeting began at 7:05 p.m.

1. **Approval of June 22, 2015 and July 27 Minutes:** The June and July minutes were approved with minor edits. PAC Chair Kern abstained from approving the June 22 minutes due to absence. PAC Members Texeira, Mercurio, Palacios, and Volin abstained from the July 27 minutes due to absences.
2. **Introductions:** Kern asked PAC members, staff and the public to introduce themselves. He then suggested changing the order of the presentations in order to allow adequate time for the gun range discussion on the agenda.
3. **Board Member Comments:** Director John Sutter announced next Sunday, October 4 is the Gathering of the Ohlone Peoples at Coyote Hills Regional Park from 10:00 a.m. – 4:30 p.m. On Sunday October 11 from 8:00 a.m. – 2:00 p.m. there will be a Niles Canyon Stroll and Roll. Director Sutter commented Niles Canyon road will be closed to traffic. This is a rare opportunity to walk through the very scenic canyon.

Director Sutter commented he is on the Board of the San Francisco Bay Restoration Authority, where he represents agencies that manage property along the shoreline. The San Francisco Bay Restoration Authority was established by the Legislature several years ago, most of the Board members are city or county electeds from around the Bay. Its function is to try to restore San Francisco Bay wetlands. The Authority has no money, and will be going out for a nine-county parcel tax on the June ballot. The parcel tax will cost twelve dollars per year per parcel, and should raise about \$500,000 per year which will fund many projects around the Bay.

Director Sutter explained he is the Chair of the Board Operations Committee. He would like to discuss the Informational Report about the Anthony Chabot Gun Club. It is unusual in that there is no staff recommendation nor is there a request for a recommendation from the Board Operations Committee. Director Sutter stated he made a chart of expenses, which he distributed to the PAC.

Director Sutter stated he tried to figure out the capital expenses. For example, annual cost of future operations and the cost to close the Gun Club. Director Sutter said there would be substantial capital costs, about \$3,112,000 to keep the Gun Club running, and an annual expense of approximately \$ 458,999 per year.

Director Sutter suggested although no action has been requested on the Informational Report

about the Anthony Chabot Gun Club, the PAC should express their opinion on this issue.

- 4. Public Comments:** Jamie Perkins, Senior Office Assistant, Recreation Areas Unit, addressed the PAC regarding Board material dated July 7, 2015 seeking authorization to adjust the salary range and salary schedule for Management and Confidential employees. This action excluded union employees. She stated she believed Management and Confidential employees would receive close to 50% increases in salary over the course of their step increases, which are currently 5% between each step. She compared those figures to union members who will receive a 10% increase in salary over the course of their step increases, which average about 2.5% each step. Perkins stated, at the September 15 Board meeting, the Board approved adjustments to the wages and benefits of the Public Safety Management, but not the employees of the Police Association. Perkins added Clerical and Park Ranger job descriptions have not been updated and reviewed since 1998 and 1999.

Perkins suggested salary surveys and compensation studies should be done for all employees. A wage rate adjustment for all employees should be proposed based on this information. Increases should be made effective at the same pay period of the Management and Confidential salaries which is October 1, 2015.

Perkins reported the union president requested a committee be formed to work with the District's Human Resources Department on a salary survey, starting with Clericals and Park Rangers. Perkins asked PAC members to support salary studies, and collective increases for union employees in accordance to those given to management and confidential staff.

**5. Presentations:**

**(I) a. Informational Report – Anthony Chabot Marksmanship Range – Jim O'Connor, AGM Operations**

Kern explained the PAC's role is to provide input about the staff Informational Report. Staff has asked the PAC to look at some of the issues relevant to the regulatory requirements and operating costs. This will serve as a baseline of information for making a final decision whether to continue, amend, or change the lease agreement. The District Board will consider this matter at an upcoming Board meeting as an informational item. The PAC has been asked to provide input which will be incorporated into the report. In order to facilitate this exchange, the PAC Executive Committee met with Jim O'Connor, AGM Operations to discuss the Informational Report. Kern instructed the PAC to make specific recommendations about the report's completeness and/or need for further elaboration after O'Connor's presentation.

Volin asked for clarification about how the input from the PAC will be recorded and transmitted to the Board. Kern replied he will summarize in a letter and circulate to the PAC members to make sure he's captured the comments and thoughts of everyone. When finalized he will send to District staff and the Board of Directors.

PAC Member Beyaert inquired who decided this is only an informational item. O'Connor responded the District is still negotiating with the Gun Range on the lease renewal. This is an

attempt to establish the baseline of information for decision making in the future. The timeline is constrained as the short-term lease extension is through December 31. This item will come back before the PAC in November.

O'Connor said the intent of the meeting is to gather information, correct errors, answer questions, and hear observations from the PAC. The intent of the District is to get the report accurate. O'Connor continued Director Sutter has asked the final draft of the report be brought back to the Board Operations Committee.

O'Connor provided a brief history about the gun range. It was built in 1963 jointly by the District and Oakland Pistol Club, the predecessor of the current Chabot Gun Club. The range area under lease is about 86 acres. The range itself is about 15 acres. The most recent lease with the Chabot Gun Club was established in 1989 and ended in 2014. Prior to the end of the lease, the Gun Club expressed an interest in extending. This triggered a series of meetings with the Gun Club to negotiate an extension. As staff and the Board started working through the process, the District took into account the changing regulatory environment – particularly with regard to stormwater pollution control legislation. Public and park users also expressed concerns about the environmental impact and sound issues associated with the range.

O'Connor reported two previous sound studies were conducted, but were focused primarily on the neighborhood and not on the park users of the trail system or campground. The District knew many of the buildings on site were getting near the end of their useful service life, so capital costs also had to be considered. All of these factors need to be taken into consideration in making a decision about the future of the range. At the end of the year, since there wasn't enough time to research all the questions with any kind of accuracy, it was decided to request from the Board a one-year extension of the lease for the Gun Club. This allowed the District to do the research needed and create the Informational Report which is before the PAC today.

O'Connor showed the PAC committee maps of the Chabot Gun Club and the surrounding area. He explained the range is open during the day, but there is no shooting in the evening. There is an average of 168 public shooters each day, and there are 35,000 public range visits per year. Military and law enforcement also use the range. Five local law enforcement agencies, and five Federal agencies and contractors use the range for training. There are about 6,000 enforcement participants per year, and 254 use days per year. District Police use the range two to three times per month.

O'Connor explained there are nine other similar public outdoor ranges within 100 miles and seven public indoor ranges within 50 miles. The impact on law enforcement if the gun range closed would be the difficulty in getting into a busy range, travel time, and cost to use the range. Beyaert added outdoor private ranges should be included and he knows of at least two close by.

A key question for the future is can the range support itself. Increasing costs primarily due to environmental requirements, mainly stormwater compliance, is the responsibility of the Gun Club. The Gun Club pays a 5% concession fee to the District's General Fund, and 5% fee to the Maintenance Fund which is used for major maintenance projects at the range.

The gun range is subject to the general permit for industrial sources of pollutants. This includes a site specific plan to control the potential runoff of pollutants called the “Storm Water Pollution Prevention Plan” or “SWPPP.” The District’s current SWPPP requires implementation of best management practices (BMPs) along with stormwater monitoring. A BMP is designed to retain stormwater and sedimentation on site, divert clean water away from the industrial site so it doesn’t become contaminated, and to treat water before it leaves the site to remove pollutants.

The District is very involved in implementing the SWPPP and, as landowner, is the holder of the permit. The District hired a consultant, Geosyntec Consultants, to determine the cost and feasibility of various stormwater BMP options. Some of their findings included:

- Cartridge Drainage Filters: \$264, 000
- Backstop Berm Restoration – remove lead, amend soil and reconstruct berms: \$620,000 to \$1,660,000
- Annual BMP O&M costs: \$250,000

Palacios asked who pays for it. O’Connor stated right now it is the responsibility of the Gun Club. Volin added the net income from gun range to the District is \$40,000. The sound and lead study cost \$180,000 and those figures should be included in the report. Beyaert stated he thought the Gun Club was responsible for the BMP. O’Connor replied we are ultimately responsible. Ho asked who holds the permit. Chief of Stewardship Matt Graul stated the District. Volin asked who pays. Graul replied the Gun Club.

O’Connor stated if the range operates for one or two more years, even with the BMPs in place, source removal would have to be done. In ten years, source removal would have to be done again to stay in compliance. Preliminary analysis indicates a cost range between \$2.5 million and \$20 million depending on clean-up methodology used to remove contaminants from the gun range site.

O’Connor explained the use of non-lead ammunition has increased in California, primarily due to the 2008 state-wide ban on wildlife hunting with lead bullets which takes full effect in 2019. Non-lead ammunition is currently readily available in stores and online. Non-lead ammunition, however, tends to be about 30% more expensive than similar caliber premium lead ammunition. With respect to environmental impacts, non-lead ammunition does not contain any known toxins. It is less prone to fragmenting and, therefore, easier to reclaim than the softer lead ammunition which creates many smaller particles on impact. Use of non-lead ammunition would allow for clean-up activities to occur while continuing operation of the range without adding additional sources of lead to the site. O’Connor indicated one shooting lane at a time could be cleaned-up and converted to non-lead ammunition, and then work could begin on the next lane.

Beyaert asked how often the berm would need to be cleaned up. O’Connor replied every ten years. Palacios asked who pays for the monitoring. O’Connor replied we are looking into the future and don’t know who would pay for it yet. Texiera asked how long it would take to close the range. O’Connor didn’t want to speculate, but stated it would take several layers of environmental compliance.

O'Connor reported there were two objectives for the sound study: 1) measure ambient sound levels and gunshot sound levels in the surrounding residential neighborhoods, park trails and Anthony Chabot campgrounds; 2) Determine options for mitigating range noise. Saturday and Sunday are the loudest days. O'Connor commented the gun range is not exceeding the noise standard, but there is no doubt the sound is an annoyance. Beyaert asked if any high powered automatic weapons are used at the range. O'Connor responded the loudest occurrences are when law enforcement all shoot at once as part of their drills. Yee asked how far away is the nearest home. Volin responded less than two miles.

O'Connor added some options to mitigate the noise are:

- Full or partial enclosure of the range firing lines;
- Additional earth berms to block sounds from surrounding receptors;
- Additional vegetation to reduce noise propagated from the range;
- Reduction of hours of range operation;
- Re-orientation or re-location of ranges;
- Installation of range tubes (muzzle blast mufflers);
- Limitations on guns used at the range;
- Exclusion of noisier range user groups.

O'Connor discussed the facility conditions and capital maintenance for the structures onsite. Renovation and replacement costs were outlined:

- CEQA: \$100,000 to \$200,000 for an EIR, required for any long-term extension
- Noise Mitigation: \$125,000 for range enclosures
- Facility Capital Maintenance: \$500,00 to \$1.5 million for building repairs
- Stormwater Compliance: \$1.3 million to \$2.5 million for berm cleanouts, drainage filters, ditch cleanout, and annual operating and maintenance

A shorter term of operations would significantly reduce costs by eliminating many of the stormwater compliance, noise reduction and facility maintenance related capital costs, but on-going operating and maintenance would still be required.

PAC Member Robinson inquired about stormwater compliance and asked if there were other areas or issues beside lead which need to be addressed. Graul answered there is some potential legacy contamination of polyaromatic hydrocarbons (PAHs). They are not readily on the surface, but might have to be looked at in a long-term clean up. They were used in clay pigeons, and were often broken up and used as a road base. There is no known hotspot of it, but it is a potential candidate. O'Connor interjected the District would need to conduct a thorough sampling of the site.

PAC Member Godfrey asked if there has been any preliminary analysis done on the water. Graul replied last year data collected during storms found water leaving the range with higher than the benchmark values of lead. Beyaert asked about sediments. Graul stated studying sediments would be inconclusive because of lead used in fishing equipment.

PAC Member Rickard inquired about the negotiations with the Gun Club and all the expenses involved in continued operation of the facility. If the Gun Club were to continue and be economically self-sufficient, their revenue would have to increase substantially. O'Connor replied, concession operation costs should be neutral or revenue positive to the District.

Addressing the increased costs associated with the Gun Club is an important part of this discussion.

Texeira noted the Fiscal Analysis included a lot of information about remediation and making improvements. Source removal costs between \$2.5 million to \$20 million are a huge range. It might be helpful to see a longer term projection of costs going forward which account for the state and federal regulations. O'Connor stated the real detail will come from the EIR process.

Mercurio added there are some real financial issues here which seem to imply changes should be made. PAC Member Gregory agreed with Mercurio.

Beyaert suggested a number of items be included: a map in the Report, add private ranges within a 100 mile radius, the economic sustainability of operations with and without lead shot, and lay out clearly the annual cost to the District with or without lead.

PAC Member Ho asked if using copper bullets would eventually become an issue/pollutant. Graul answered copper is regulated under the stormwater permit; theoretically it could become an issue.

PAC Member Sanwong asked how other facilities are addressing the new regulations. O'Connor referenced mitigation and adding wetlands.

Kern provided an opportunity for public comments. Senior Range Master John Maunder stated the Chabot Gun Club received the Informational Report. They have shared it with their attorneys and consultants. He commended the District for the level of detail within the report. He appreciates the chance to provide input on the Informational Report when they have finished their review.

Volin added the economic benefit to the District is \$40,000. The \$4 million for lead mitigation is 100 times the income the District is receiving. The continued costs are staggering. Is there any major decrease with non-lead bullets. O'Connor responded even if the gun range closed the lead would have to be reclaimed out of the berms and the soil would have to be remediated. Graul added the closure cost doesn't change.

Director Sutter stated it is important for the PAC to consider the District's Vision Statement, which says we have environmental ethic in everything we do. There's a basic issue whether the District should operate a gun range or not. When the Board understood the large costs associated with the gun range, it decided the District should consider whether operating a gun range should be part of its portfolio. He stated he didn't know of any public park agency in the Bay Area, except maybe Santa Clara County, who operates a gun range. Continued operation means continued noise and lead. Law enforcement officers will continue to use lead bullets to simulate actual field conditions. In addition, the effect on the campgrounds should be considered.

Director Sutter continued there are some positives for law enforcement and others who use the range, but there's also the question about whether the District should be operating a gun range.

Chair Kern suggested a motion should be made to receive the Informational Report and submit comments including those which reflect the total costs (including those to date for consultants and District staff time), issues of environmental compliance, the District's potential responsibility and who is the actual permit holder, issues of state or federal funding for cleanup and other associated operational costs, listing of private ranges and who uses them, identify PAHs, and how the options are characterized in the final summary including an array of options, both short and long term. Rickard inquired if the letter would be reviewed by the full PAC. Kern stated yes.

Beyart stated the District's mission with regard to the environment should also be considered. Ho stated the summary should be clearer. Palacios commented staff indicated this is not an action item. Kern stated he would transmit the PACs comments in writing. Volin added there are ethical and moral questions. He added the directions of the Board have been unclear. He would like clear direction. Kern concluded by stating he would proceed by getting a letter out with a fast turnaround time.

**(I) b. Stewardship Project Highlights – Matt Graul, Chief of Stewardship**

Graul provided an abbreviated presentation about wildlife monitoring using remote cameras. Round the clock cameras improve monitoring and data collection beyond what an observer can do when conducting a biological investigation. Stewardship has been using remote cameras with great success in the Sunol Ohlone area. Some animals rarely seen are Mountain Lions, Great Horned Owls and Gray Fox.

Stewardship has set up two infra-ray motion cameras in Sunol Ohlone. Stewardship would like to expand this work through the East Bay Hills and Diablo Range in the future, to better understand how mountain lions are using District parklands.

For this pilot study, two areas were chosen, one on the ridge of the Ohlone Wilderness which is more of a pine woodland with adjacent open grassland. The other area is a sycamore riparian biome in the Alameda Creek region of Camp Ohlone.

Other unexpected animals seen were Golden Eagles hunting in the pools at Alameda Creek. Stewardship wanted to show an abundance of animals, and has detected at least eight to nine individual mountain lions within the Sunol area.

The cameras have noted seasonal changes too. It appears bobcats may be moving down into the riparian areas certain times of the year and mountain lions move up to the ridge at other times year. It looks like they are offsetting each other. Stewardship is also looking at the correlation between deer and mountain lion populations. The more cameras installed, the more data will be obtained.

The common thought has been adult female mountain lions don't interact together or stay together, but establish their own territories. Collected data shows, however, at certain times of the year, they live together, share kills, etc.

Volin suggested putting some of the images on the District's website. Graul agreed that was a good idea. Robinson added the images would play well on social media. Kern thanked Graul for abbreviating his presentation and assured him the PAC would have him return soon to finish.

6. **PAC Member Comments:**

Beyaert shared the District now has a fleet of kayaks for use; previously they have been using California Canoe and Kayaks. Beyaert also commented about the rape of a 14 year old girl at Miller Knox Regional Shoreline by a 17 year old boy. There was difficulty in locating the crime scene, but the 17 year old was arrested.

Sanwong suggested a future item on the PAC agenda could be an overall discussion about dogs on trails. Dogs scaring horses, dogs dehydrated, etc.

Volin offered his heartfelt thanks to staff and PAC members that sent cards and wished him well for his health. Volin reported all went well and he is on the mend.

Godfrey encouraged the PAC members to attend the Niles Canyon Stroll and Roll.

Gregory shared he attended the East Bay MUD Watershed Plan Update on August 20.

Rickard commented about the issue of coordination between District police and local authorities. He attended the last Board meeting with two members of the Delta Peddlers. They made a presentation about an assault that occurred on the Delta DeAnza trail back in July. The incident occurred on the Antioch/Pittsburg border which resulted in Antioch police not responding.

PAC Member Thompson thanked the District for hosting a really nice event recognizing Bill Lockyer for his work in developing the Bay Trail, and naming a section of the trail after him.

Mercurio reported he and PAC Members Coffey and Rickard went to a dedication of a new section of the Bay Trail in Hercules. It is a critical link near the Bio-Rad facility. It was a great event and well attended with many agencies represented.

7. **Report from Chair**

Kern urged PAC members to attend the Concord Hills Regional Park tour slated for Saturday, October 17.

Kern inquired if any PAC members plan to attend the October 4 Gathering of the Ohlone Peoples at Coyote Hills. Kern commented it would be good to attend to learn more about their traditions and the challenges this community faces.

8. **Board Committee Reports** – None

9. **Status of Recommendations** – Current

10. **Old Business** – None

11. **New Business** – Calendar Graul for future PAC meeting, so he may finish his presentation to the Committee.

12. **Adjournment** – The meeting was adjourned at 9:07 p.m.

Summary of Actions:

1. The June and July minutes were approved at the September 28, 2015 Park Advisory Committee

- meeting with minor edits.
2. The Chair agreed to submit written comments about the Chabot Gun Range to District staff and Board on behalf of the PAC.
  3. The next meeting is October 20, 2015 in the Board Room at District Headquarters.

Respectfully submitted,

Sharon Clay  
Confidential Secretary