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**AGENDA**  
**BOARD LEGISLATIVE COMMITTEE**  
**Friday, October 24, 2014**  
**12:45 p.m., Peralta Oaks Board Room**

The following agenda items are listed for Committee consideration. In accordance with the Board Operating Guidelines, no official action of the Board will be taken at this meeting; rather, the Committee's purpose shall be to review the listed items and to consider developing recommendations to the Board of Directors.

**AGENDA**

<u>STATUS</u>	<u>TIME</u>	<u>ITEM</u>	<u>STAFF</u>
	12:45 p.m.	I. STATE LEGISLATION / ISSUES	
		A. NEW LEGISLATION – N/A	Doyle/Pfuehler
(R)		B. ISSUES	Doyle/Pfuehler
		1. Proposition 1- State Water Bond	
		2. Proposition 48 –Referendum on Indian Gambling	
		3. Legislative Wrap up	
		4. Measure T- Dublin Open Space Initiative	
		5. Other issues	
		II. FEDERAL LEGISLATION / ISSUES	Doyle/Pfuehler
		A. NEW LEGISLATION – N/A	
(R)		B. ISSUES	Doyle/Pfuehler
		1. Land and Water Conservation Fund – competitive grant application update	
		2. Other issues	
		III. ADVOCATE CONTRACT RENEWAL	
		IV. PUBLIC COMMENTS	
		V. ARTICLES	

(R) Recommendation for Future Board Consideration  
 (I) Information  
 (D) Discussion

Future 2014 Meetings: November 21, 2014  
 December 19, 2014

Legislative Committee Members:  
 Doug Siden, Chair, Ted Radke, John Sutter,  
 Whitney Dotson, Alternate  
 Erich Pfuehler, Staff Coordinator

Board of Directors

Ayn Wieskamp President Ward 5	Whitney Dotson Vice-President Ward 1	Ted Radke Treasurer Ward 7	Doug Siden Secretary Ward 4	Beverly Lane Ward 6	Carol Severin Ward 3	John Sutter Ward 2	Robert E. Doyle General Manager
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AGENDA  
REGULAR MEETING  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, December 16, 2014

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

b. (Board Legislative Committee (10.24.14) (Sutter)

The Legislative Committee met at District headquarters on Friday, October 24, 2014.

Present: Directors: Ayn Wieskamp, Doug Siden  
Staff: Robert E. Doyle, Erich Pfuehler, Kristina Kelchner, Jeff Rasmussen,  
Larry Tong  
Consultants: Doug Houston, Houston Magnani & Associates  
Public: None

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION – N/A

B. ISSUES

**I. Proposition I – State Water Bond**

The \$7.5 billion water package will appear on the Nov. 4 ballot as Proposition I. In August, both Democrats and Republicans voted nearly unanimously to put the water bond on the ballot. Prop. I has backing from Governor Jerry Brown and the legislature, as well as agricultural and conservation groups.

The allocation of the funding is as follows:

- \$2.7 billion for water storage, potentially for new reservoirs
- \$900 million for groundwater cleanup and monitoring
- \$725 million for water recycling projects
- \$1.5 billion for watershed restoration programs, such as increasing river flows for wildlife
- \$200 million for storm water capture projects
- \$395 million for statewide flood management, including delta flood protection projects
- \* The state anticipates it would cost \$360 million annually over 40 years to pay off the bond debt.

The \$1.5 billion for watershed restoration programs could be a potential funding opportunity for the District.

Legislative Advocate Doug Houston reported a Public Policy Institute of California (PPIC) poll showed about 57% support for the state water bond. Both the Democratic and Republican parties support the bond. Ultra-conservative Republicans, however, are against it because of the debt it would incur.

Houston discussed the funding categories within the water bond. Most of the funding specific to the District will pass through the Coastal Conservancy. There is specific funding for the L.A. river restoration as “a river parkway urban greening program.” The bond contains funding for Integrated Regional Water Management Plan (IRWMP) programs. There is money for the Wildlife Conservation Board, but it is unclear how it will be allocated. There is language to improve “stream flows” which could mean acquisition of water rights. There is \$285 million in the Department of Fish and Wildlife allocation for work outside of the Delta and \$85 million for projects within the Delta. There is concern by environmentalists the \$285 million will be used on projects which essentially provide mitigation for the conveyance tunnels. Although there is language which suggests the funds cannot be used for that purpose, it is not definitive.

General Manager Robert E. Doyle inquired how much would be directly allocated by the Legislature versus how much discretion would be left to the agencies. Houston replied the only agency that has historically received continuous appropriation is the Wildlife Conservation Board (WCB). The current Administration wants legislative oversight over every dollar to ensure the funding is allocated in a fair and equitable way. Director Siden asked what role the Governor will have in the appropriation of the funds. Houston replied the Governor will propose allocations in his budget, but it will not be all \$7.5 billion at once. Recommendations by the Governor will be based on the readiness of projects and programs. Storage will be continuously appropriated, so the money for dams and storage will go directly to the Department of Water Resources (DWR), and based on the way they structured the language, underground storage will not be as competitive.

Government Relations and Legislative Affairs Manager Erich Pfuehler asked about the bond language being intentionally vague. Houston agreed it is vague. He thinks the Legislature will be able to provide more detail and clarity to the programs in future sessions. Pfuehler added the lobbying will be competitive and need to continue.

Doyle stated the District should seek to partner with some of the agencies which will receive funds from the water bond. The District has some footholds in the Delta which could qualify for restoration or public access funds. While public access is clearly a low priority in the bond, the District could partner with WCB from a recreation standpoint. WCB could buy the land. The District could do the restoration. WCB doesn't have the infrastructure to do the projects, but the Park District does. Pfuehler interjected the District has a fairly comprehensive list of shoreline projects which were provided to the San Francisco Bay Restoration Authority. Some of them may be eligible.

Director Wieskamp asked if there were any projects suitable for Coyote Hills. Doyle replied State Fish and Wildlife would like to put more money into the South Bay. Grants Manager Jeff Rasmussen commented he and Acting Environmental Programs Manager Chris Barton will be giving the Environmental Protection Agency a tour of Coyotes Hills to review future projects.

## **2. Proposition 48 – Referendum on Indian Gambling**

Prop. 48 asks voters to approve or reject a deal signed by the Governor and passed by the state legislature that would allow the North Fork Rancheria of Mono Indians to build a casino on a 305 acre plot of land about 30 miles northwest of Fresno.

In 2005, the North Fork Rancheria of Mono Indians submitted a request to the federal government to acquire and put into trust about 305 acres of land in Madera County along Highway 99 for the purpose of establishing a casino with up to 2,000 slot machines. In 2011,

the Federal government determined this would be in the best interest of the tribe and would not hurt the surrounding communities. The California Legislature passed AB 277, which approved the North Fork compact, as well as a compact with the Wiyot Tribe. The Wiyot compact does not allow the tribe to operate a casino, but allows the tribe to receive a portion of the revenue generated by North Fork's casino. Governor Jerry Brown signed the bill in July 2013. The Federal government issued final approval for the Wiyot compact in September 2013 and the North Fork compact in October 2013. A "yes" vote on Prop. 48 would allow the casino development to move forward. Governor Brown is a supporter.

This proposition was brought to the District's attention by Dave Weiman because the Citizen's for Sustainable Point Molate are opposed to Proposition 48. Weiman suggested the relevancy to the District is a successful "reservation shopping" effort precedent could be made here which could renew efforts for a casino at Point Molate.

Two other casino-owning tribes – the Table Mountain Rancheria whose casino is about 25 miles from the proposed North Fork site and the Chukchansi casino near the North Fork site – have advanced this referendum to stop the construction of casinos off-reservation.

### **3. Legislative wrap up**

Houston discussed Cap and Trade. The legislature and Governor agreed to a formula for the annual distribution of 60% of the Cap and Trade auction proceeds. Of that 60%, 20% will be an annual set aside for sustainable communities and affordable housing. Houston stated he is trying to find ways to weave projects into this new type of funding stream. Rasmussen indicated it looks like the successful projects are mostly urbanized parks or landscaped strips.

Pursuant to AB 32, the Governor needs to come up with a Cap and Trade investment plan every three years. Next year, the Governor and Legislature will have to do an update of the investment plan. Parks were excluded from the last investment plan, so it is incumbent upon Houston and the District to provide data to share with California Air Resources Board about the importance of parks, how they operate as carbon sinks and generate carbon benefits. This will help the District get into the queue for acquisition and park improvement money. There is some money appropriated for specific acquisitions: \$30 million for mountain meadows, coastal wetlands and vernal pools. Houston believes it is important for the District to apply for some of these funds.

Doyle asked Houston if there was any funding for better management of forests to reduce fire risk. Houston replied there is money included for forest health. Rasmussen announced Cal Fire just released information about a new Cap and Trade grant program at the Hills Emergency Forum. For the November 4 Board meeting, staff will be requesting authority to apply for around \$1.2 million in Cap and Trade grants. Doyle asked if there is any Cap and Trade money to get large agencies off of electrical power. Houston replied there will be some energy efficiency grants which will be administered through the California Energy Commission.

Houston reported SB 628 (Beall), Enhanced Infrastructure Districts, was a gut and amend bill that found its way through the process. It is the Governor's answer to the elimination of redevelopment agencies. SB 628 allows for the establishment of a Joint Powers Authority (JPA) type of District which allows all agencies within a designated jurisdiction to opt-in to financing infrastructure, development projects. Agencies which opt-in sacrifice some of their tax increment to do so. Agencies which do not opt-in do not lose any of their tax increment.

Houston suggested this could be a mechanism to leverage additional funding if enough agencies chose to opt-in on a package of projects in a geographic region.

The District attempted to amend AB 745 (Levine) for general manager expenditures of up to \$25,000. The District is seeking to increase that authority to \$50,000. AB 745 unifies this authority to all regional agencies across the board, as previously only three regional agencies had this authority. Siden asked about the outcome. Houston said the author was not willing to do it. He was mostly just trying to help Marin County Open Space.

The District's sponsored bill, SB 1183 (DeSaulnier), provides an opportunity to secure funding for bicycle trail development and maintenance. It passed the legislature and was signed by the Governor. Houston commented it was a real pleasure to work with Senator DeSaulnier. He was enthusiastic about the subject matter and a great author. Doyle said this could be an opportunity to build narrow trails to accommodate mountain bikes. He said the District does not have a crew for trail maintenance. The mountain biking community was represented in the Master Plan, and the District will have to deliver some projects. Wieskamp pointed out they want single track trails. Siden mentioned mountain bikers made a token effort to oppose Measure WW.

Houston said another bike bill the District was monitoring and supported, AB 1193 (Ting), creates new classifications of bikeways also known as cycle tracks. These are mostly stretches of urban road right-of-way which become dedicated, separated bike lanes with some type of physical barrier between the road and bike lane. These are used for commuter bicyclists. AB 1193 grants local agencies some flexibility on how to design their bikeways, but establishes some minimum standards within the Caltrans regulations.

Houston touched on AB 2150 (Rendon) and SB 633 (Pavley), two separate bills which included many of the recommendations made by the Parks Forward Commission. Both bills have bits and pieces about how to improve efficiencies and help State Parks become more entrepreneurial. Both bills were vetoed by the Governor. The Administration wants to wait for the final Parks Forward Commission's recommendations. The Governor has essentially issued a gag order on State Parks. Doyle added some in the Administration are not thrilled with Parks Forward. Siden asked about the gag order. Houston said the Governor just doesn't want any more stories about state parks, which remind people of the "lost" money, prior to the election. Wieskamp wondered if there is a value for the District if state parks are transferred to local authorities. Doyle said it depends on the agreements. Siden wondered if a new director for state parks would be named after the election. Pfuehler mentioned there is some speculation on some termed out legislators – State Senator Christine Kehoe for one.

The District actively supported AB 2193 (Gordon), the Habitat Restoration and Enhancement Act. It creates incentives for voluntary or small scale mitigation projects, some streamlining of permitting processes and could be a benefit to the District. The Senate put some more detailed information about what an agency could and couldn't do to secure these streamlined permits. It was sponsored by the California Council of Land Trusts on behalf of nonprofit land trusts throughout the state and private property owners. Public agencies were cobbled into the bill later in the process.

Houston reported the District endorsed Parks Makes Life Better Month and also supported the 150<sup>th</sup> Anniversary of the State Parks System.

The Park District also supported SB 1086 (de Leon) – the Park Bond placeholder. Doyle testified in support of the effort. SB 1086 did not find its way to the Governor’s desk, as the Water Bond took precedent over any other bond including an education bond. Written into SB 1086 was a regional park program. This program was included in the bill because regional parks and county parks did not fare very well under what is called the Statewide Park Program, a competitive program which targets urban areas.

Importantly, it would be good to see some recreational trails money in a Park Bond. The recreational trails program was eviscerated through the active transportation initiative. Money that was otherwise available for recreational trails is now being applied to active transportation and commuter oriented trails. Trails money from the environmental enhancement mitigation program was also assimilated into the active transportation initiative, so there’s not a single program for recreational trails. Pfuehler stated this was really a result of the Federal Transportation bill that nearly eliminated all trail funding.

#### **4. Measure T- Dublin Open Space Initiative**

Interagency Planning Manager Larry Tong reported about Measure T. He likened it to a land use puzzle with several different pieces. In December of 2010, Dublin City Council authorized a general plan amendment study to take a look at 1,990 dwelling units in Acacia Partner’s land on the east side of Dublin. In June of 2014, the Dublin City Council considered two-competing initiatives. One initiative they adopted established Dublin’s eastern urban limit line and set it west of Doolan Canyon. Simultaneously, Measure T was considered. The Dublin City Council agreed to put it on the ballot, and then unanimously opposed Measure T. In effect, Measure T would change the existing urban limit line to include all of the identified area and move it east of Doolan Canyon.

Danville developer Pacific Union sponsored the original general amendment study. The study was put on hold. In the interim, the City of Livermore petitioned LAFCo for this area to become part of their sphere of influence, primarily with the intent of keeping it open space. LAFCo has informed the cities of Dublin and Livermore they need to decide.

Doyle commented this is on the Nov. 4 ballot. He would like to bring this to the Board to see if they would like to take a position. Staff recommends the Board consider opposition of Measure T. The District has traditionally supported urban limit lines.

The Legislative Committee of the Board voted unanimously to oppose Measure T. Wieskamp recommended a press release be sent to the Tri-Valley papers to reflect the Committee’s position.

#### **5. Other issues**

None.

## **II. FEDERAL LEGISLATION / ISSUES**

### **A. NEW – N/A**

### **B. ISSUES**

#### **I. Land and Water Conservation Fund – competitive grant application update**

Pfuehler reported the District has a pending grant application for the Land and Water Conservation Fund in the amount of \$500,000. The project is to develop a staging area off of

Kirker Pass Road which will eventually connect to the Concord Hills Regional Park. The District is one of forty-nine pending applications and there will be six to twelve grants awarded. Pfuehler commented there have been encouraging discussions with National Park Service (NPS) and Doyle was recently in Washington speaking with NPS.

Doyle reported D.C. Advocate Peter Umhofer did a great job getting meetings scheduled. He was able to secure a meeting with the Associate Director of the National Parks and the Regional Division Chief for NPS that works on these types of grants and community assistance partnerships. It's a little difficult for them because the District is advocating for a grant that NPS is looking at on a competitive basis. NPS said the District's type of application had the priorities for which they were looking. They specifically referenced the Concord Hills Regional Park. NPS understands the 47% minority representation in the community surrounding the park which is 35% Hispanic. NPS sees this as an underserved community. The District is putting the staging area on the Pittsburg side of the park. This staging area will link up the HCP property, the new park in Concord and Black Diamond Mines. NPS likes the idea of taking regional open space, state open space, federal lands and connecting them together.

## **2. Other Issues**

Pfuehler noted there will be another meeting after the election to discuss how the District wants to work around the legislative schedule and the trip back to D.C. NRPA is no longer hosting an annual "legislative days" conference. Doyle commented this is probably the year the District may want to put a little more time, effort and dollars into the Land and Water Conservation Fund.

Siden inquired if there was a response to the letter sent on February 12, 2014 to David Cottingham of the U.S. Fish and Wildlife Service pertaining to the wind turbines. Doyle said they met with them last year, but have not received any written correspondence. There was a scoping hearing workshop in Sacramento that Wildlife Program Manager Doug Bell attended. Pfuehler said that he believed a lawsuit had been filed about the 30-year period, and Fish and Wildlife may not respond until after the lawsuit is settled. Siden asked if he could get an overview of where our wind turbines are located, who has the ownership and what is the status of their contracts.

## **III. ADVOCATE CONTRACT RENEWAL**

Doyle stated he anticipated bring forward to the full board a contract renewal for E2 strategies.

## **IV. PUBLIC COMMENTS**

None.

**Respectfully submitted:**



**Erich Pfuehler**  
**Government Relations and Legislative Affairs Manager**

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