

AGENDA  
REGULAR MEETINGS  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 15, 2016

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

- a. Board Legislative Committee (06.01.16) (Burgis)

Present

Board: Dennis Waespi, Diane Burgis, John Sutter

Staff: Robert E. Doyle, Erich Pfuehler, Carol Victor, Bob Nisbet, Brian Holt, Sandra Hamlat, Jeff Rasmussen, Tiffany Margulici

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

Public: Rick Rickard

This meeting was called to order at 12:47 p.m.

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION

**I. AB 2087 (Levine D-Marine County) – Regional Conservation Frameworks**

Advocate Doug Houston stated this bill would authorize the Department of Fish and Wildlife to approve Regional Conservation Frameworks (RCFs) to guide conservation of natural resources and infrastructure planning. RCFs seek to integrate and incentivize advanced mitigation and conservation as part of the local land use planning process. They are similar to other habitat conservation plans, although they are voluntary and non-regulatory.

Government Affairs Manager Erich Pfuehler commented efforts to coordinate transportation, housing and land use planning continue to be a point of emphasis. Tools which encourage developers and planners to work with the conservation community on the front end are valuable. While the RCFs are not binding, they do provide a blueprint for regional advanced mitigation. Staff recommended a support position.

The Board Legislative Committee voted unanimously to SUPPORT.

## **2. AB 2146 (Patterson R-Fresno) – CalFire Cap and Trade Allocation**

Houston explained this bill would allocate \$200 million in cap and trade funds for forest thinning practices to prevent fires. Pfuehler noted that 66% of black carbon emissions in the state come from wildfires, which is equal to the emissions from 2.3 million vehicles annually.

Pfuehler added this particular legislation is unlikely to advance as the author is a Republican and the funding source is one the Governor holds on to very tightly. It does, however, provide a good illustration of the nexus between the two issues and is consistent with the District's position on wildfire fuels management.

The Board Legislative Committee voted unanimously to SUPPORT.

## **3. AB 2549 (Committee on Water, Parks and Wildlife) – State Parks Planning Processes**

Houston disclosed this bill seeks to expedite the review and processing of general plans and master plan amendments in the state park system. It would require the Department of Parks and Recreation (DPR) to provide clear guidance for park management, streamline the general plan process and provide public input. Houston added this approach makes sense.

The Board Legislative Committee voted unanimously to SUPPORT.

## **4. AB 2722 (Burke D-Inglewood) – Transformative Climate Communities**

Houston acknowledged this is an attempt to direct a significant amount of money to the top 5% of the most disadvantaged communities in the state. It provides a holistic approach to reducing greenhouse gases (GHG) while providing local economic, workforce, environmental and health benefits.

Although this program could be beneficial to communities in the East Bay, allocation is decided by economic and income statistics so eligibility is not yet known. It does provide a path to investing in California's most disadvantaged communities while also reducing GHG.

Director John Sutter asked about the definition of disadvantaged and community. Is it a neighborhood, city, county, etc. He also wondered who determines which communities are disadvantaged.

Houston acknowledged these were all good questions, but the details about the definition have not been fully determined.

The Board Legislative Committee voted unanimously to SUPPORT.

## **5. AB 2800 (Quirk D-Hayward) – Climate-Safe Infrastructure Working Group**

Houston stated this bill seeks to bring together climate scientists and professional engineers to examine integrating climate change data into infrastructure engineering. The goal is to ensure the state improves its methodologies and approaches to investing in infrastructure to

maximize carbon benefits. This would increase the state's scientific understanding about the projected impacts of climate change. It would also help determine how to best build and maintain infrastructure.

Houston believes the legislation provides a reasonable approach to ensure the state is making sound infrastructure investments which account for a changing climate and reduce carbon. Pfuehler added the data would also analyze how infrastructure can withstand the future impacts of climate change like sea level rise. This data could benefit the District when building and maintaining levees, trails and wetlands.

The Board Legislative Committee voted unanimously to SUPPORT.

#### **6. SB 868 (Jackson D-Santa Barbara) – Remote Piloted Aircraft Act**

Houston stated this bill would prohibit the use of drones in state parks without a permit. It also grants the Department of Transportation (DoT) the authority to establish rules and regulations for drone operation.

The District has had concerns about people operating drones during emergencies, such as wildfires, and supports establishing these rules.

The Board Legislative Committee voted unanimously to SUPPORT.

#### **7. SB 1111 (Pavley D-Santa Monica) – State Parks Operating Agreements**

Houston pointed out five nonprofit organizations currently operate units in the state park system. SB 1111 removes a cap in current law limiting the DPR's authority to enter into operating agreements with nonprofit organizations. The current cap is set at 20 operating agreements with some nonprofits operating the entirety of a park unit.

Houston stated the notion of nonprofits operating state parks has been generally embraced because there have been increases in visitation, programming, revenue and community support. This legislation is also consistent with the District's commitment to making it easier for other agencies and nonprofits to work with, and support, state parks.

Sutter did raise the philosophical question about how far does this go. Is there a tipping point at which the state park system is no longer a system, but rather a series of independent operating agreements.

The Board Legislative Committee voted unanimously to SUPPORT.

#### **8. SB 1294 (Pavley D-Santa Monica) – Community Climate and Drought Resilience**

Houston reported more and more is being learned about soil content and soil amendment practices which can lead to better sequestration of carbon. This bill seeks to maximize the use of compost in public and private settings to maximize carbon benefits associated with soil.

Pfuehler added District staff are looking at the idea of increasing the use of compost and creating what is known as “healthy soils.” The District’s Climate Action Team is currently looking into the role open spaces and parks can play in establishing healthy soils, as well as sequestering carbon.

The Board Legislative Committee voted unanimously to SUPPORT.

## B. ISSUES

### 1. Endowments Bill Update (SB 1020)

Houston relayed the goal is to engage the Department of Fish and Wildlife (DFW) in a more meaningful conversation about alternatives to endowments for agencies like the District. The District can ensure the stewardship and maintenance of sensitive habitats through its mission, historical performance and master plan policies. The proposed endowment account is redundant and restrictive.

The bill has advanced off the Senate floor. There are currently discussions with DFW to address the District’s concerns. After a fairly productive meeting with DFW, they have agreed to try to revise the language to make it favorable for the District, but without opening up the language too broadly as to allow other agencies to take advantage. Since this meeting, there has not been much progress from DFW. Updates will be forthcoming.

### 2. Park Bond Update (AB 2444)

Houston is hoping the bill will advance off the Assembly floor so work can begin in the Senate. There have not been any signals from the administration, and so it is presumed the Governor is not supportive. If it does not happen this time, a good template has been created for future discussions and future ballot cycles. General Manager Robert E. Doyle acknowledged Houston’s hard work on this priority for the District.

### 3. Budget May Revise

Houston reported California Gov. Jerry Brown's revised two-year budget plan released on May 13th reflects conservative changes, but no immediate cuts, to help the state weather lower tax revenues.

Houston believes this is an indication the overall revenue picture will be more negative.

### 4. Cap and Trade

Pfuehler cautioned cap and trade proceeds from the auction in May were considerably lower than they have been in the past. The quarterly projection was \$500 million, but the final total sold was only \$10 million.

It will have a major negative impact on what will be available for cap and trade expenditures. Hopefully, this will not become a trend, but this is something to watch moving forward.

### 5. Other Issues –

**AB 1550 (Gomez D-Los Angeles) – Greenhouse gases: investment plan: disadvantaged communities**

(NOTE: This is not on the Agenda. This is an introduction, so there was no vote)

Houston discussed this bill which seeks to amend Section 39713 of the Health and Safety Code relating to greenhouse gases. It would require the investment plan to allocate a minimum of 25% of the available monies in the Greenhouse Gas Reduction Fund (GGRF) to projects located within and benefitting disadvantaged communities. It also allocates a minimum of 20% to projects that benefit low-income households.

There is a strong feeling from legislators that cap and trade allocations should benefit disadvantaged communities which incur much of the environmental and health impacts caused by industries which have exasperated the changing climate. The Bay Area has not been very competitive in these types of GHG funds because the air and water quality issues in the Central Valley and Southern California are more impactful. This bill, however, could establish a precedent for other expenditures to benefit disadvantaged communities in the Bay Area, because allocation is based on regional poverty levels.

## II. FEDERAL LEGISLATION / ISSUES

### A. NEW LEGISLATION – N/A

### B. ISSUES

#### **1. Land and Water Conservation Fund Grant Application**

Pfuehler shared the District has applied to the highly competitive Land and Water Conservation Fund \$50 million nationwide grant program. The District applied for \$750,000 to make improvements at Bay Point Regional Shoreline to create wetlands in anticipation of sea-level rise and allow more fishing access. State Parks did a site visit and announced the District is one of two projects nominated from the state of California. The proposal is now considered by the National Park Service.

Pfuehler extended his thanks and compliments to Assistant Finance Officer Jeff Rasmussen and Grants Manager Tiffany Margulici for their work on this project.

#### **2. Water Resources Development Act**

Pfuehler stated District Board Members and staff had a very good conversation with Representative Eric Swalwell (D-Dublin) during the Washington D.C. trip. District Board Members and staff discussed the District's shoreline restoration efforts which anticipate sea-level rise – particularly along the Hayward Shoreline. The fact that it can take years for basic maintenance permits to restore failing levees was of interest to the Representative.

In response to the conversation, Rep. Swalwell made a request to the chair of the Water Resources and Environment Subcommittee to include an amendment which would prioritize permitting projects in the Bay Area that protect communities at risk of water intrusion. This effort could also compliment the San Francisco Bay Restoration Authority Measure AA.

#### **3. Next 100 Years of American Conservation**

Pfuehler announced on April 19, as part of the 100th anniversary of the National Park Service (NPS), Secretary of Interior Sally Jewell spoke at the National Geographic Society about the

next 100 years of American conservation. She made a significant presentation about the need for a course correction in the way America conserves public lands, waters and wildlife. She announced a plan for the Commerce Department to conduct a survey to quantify the economic benefits of National Parks.

GM Doyle stated combining the Federal data in conjunction with the District study and other regional studies could help legislators better understand the importance of investing in parks and open space.

#### **4. National Park Service 100th Anniversary Resolution**

Pfuehler mentioned the District is partnering with the NPS on a centennial event in Concord at the site of the future Port Chicago Naval Magazine National Memorial visitor center. To celebrate and promote this event, staff proposes the District approve a resolution to commemorate the NPS 100th Anniversary, and perhaps present it to representatives of the Obama Administration at the Concord event.

The Board Legislative Committee voted unanimously to SUPPORT.

#### **5. Other Issues – N/A**

### III. DISCUSSION ABOUT CONTRA COSTA COUNTY MARSH CREEK TRAIL CONCEPT

At the liaison meeting with Contra Costa County Supervisors, Director Sutter attended and stated the District Board was asked to consider adopting a resolution in support of “the concept of a Marsh Creek corridor multi-use trail that connects the Delta to Mount Diablo and neighboring communities.”

GM Doyle believes this would be a very challenging trail to build because of the topography, but the County is moving forward with a feasibility study. Pfuehler believes we should support this project in principle, but with the caveat that we make it clear that it is the County’s project.

Staff would prepare a resolution and present it to the full Board with the recommendation that we support the concept and principle of this project, but making clear that this is not a commitment of District funds.

The Board Legislative Committee voted unanimously to SUPPORT.

### IV. Articles

Provided in Board Legislative Committee packet.

### V. Open Forum for Public Comments

None.

VI. Board Comments

None.

This meeting adjourned at 2:33 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "E. Pfuehler", with a long horizontal flourish extending to the right.

Erich Pfuehler  
Government Affairs Manager

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