

The Board Meeting, which was held on April 20, 2010 at the AC Transit Board room, 1600 Franklin Street, Oakland, CA was called to order at 5:30 p.m. by Board President Doug Siden.

ROLL CALL

Directors Present: Doug Siden, President
Beverly Lane, Vice-President
Carol Severin, Treasurer
John Sutter, Secretary
Ayn Wieskamp
Whitney Dotson

Directors Absent: Ted Radke.

At this time, the Board of Directors met in Closed Session to discuss those items outlined on the Board Meeting Closed Session Agenda.

The Open Session of the Board Meeting was called to order at 6:05 p.m. by Board President Doug Siden.

Staff Present Included: Pat O'Brien, Ted Radosevich, Dave Collins, Bob Doyle, Carol Victor, Mike Anderson, Rosemary Cameron, Police Chief Tim Anderson, John Escobar, Neal Fujita, Lt. Jon King, Capt. Mark Ruppenthal, Doug Jackley, Kevin Iacovoni, Fire Chief Ken Blonski, Asst. Fire Chief John Swanson, Bill Nichols, Brian Wiese, Shelly Lewis,

A. APPROVAL OF AGENDA

By motion of Director Wieskamp and seconded by Director Severin, the Board voted to unanimously to approve the agenda, with item D-7, Board Comments, being withheld until the next meeting Board meeting in May.

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, John Sutter, Ayn Wieskamp
Directors Absent: Ted Radke

B. SPECIAL PRESENTATION

Police Chief Tim Anderson presented the "Distinguished Service Award" to District Public Safety personnel Volunteer Flight Medic Jared Apperson, Det. Kenneth Wong, Ofc. Ken Iacovoni, and off-duty San Ramon Fire Paramedic Brain Medley in recognition of their efforts in saving the life of Mr. Schmidt on October 10, 2009 who suffered a heart attack in Anthony Regional Park. Capt. Steve Cuniea of the Sunnyvale Department of Public Safety, on behalf of the Sudden Cardiac Arrest Association, also presented Certificates of Recognition to these individuals.

C. PUBLIC COMMENTS

Gary Waldeck of the Vargas Peak Radio Association addressed the Board and stated that his group has been operating a volunteer emergency amateur radio repeater system installed at the Comcast communications site on Morrison Canyon/Vargas Plateau for more than 40 years, which they would like to continue. Mr. Waldeck added that they have received an eviction notice from Comcast as a result of Comcast's planned donation of the site to the District, and requested that the Board issue a direction to its staff to place the eviction notice (with a May 17, 2010 eviction date) on hold until their group is able to find an appropriate solution. President Director Siden

responded that the Board could not make any decision on this item as it is not on the agenda; GM O'Brien stated that this issue will more than likely be discussed at the Operations Committee level.

City of Alameda residents Dorothy Freeman, Jean and Jim Sweeney addressed the Board regarding their opposition to the approval of the application of the Boys and Girls Club of Alameda to the City of Alameda for \$1 million of Measure WW Local Grant funds, stating the following:

- A review of the copy of the application references a new set of guidelines that have not been approved by the District nor released to the public;
- The application has been approved prior to a review by the citizen's oversight committee;
- The project is contrary to the language and intent of Measure WW.

President Siden clarified that only the list of eligible projects has been approved, not the specific application of the Boys and Girls Club. He asked District staff to provide this approved list to Ms. Freeman.

D. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

By motion of Director Lane and seconded by Director Sutter, the Board voted unanimously to approve the Consent Calendar.

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, John Sutter, Ayn Wieskamp.
Directors Absent: Ted Radke

- D-I-a. Approval of District Check Listing for the Period of March 25, 2010 through April 9, 2010
Resolution No. 2010 – 4 - 098 (attached)
- D-I-b. Authorization to Negotiate with Various Property Owners
Resolution No. 2010 – 4 - 099 (attached)
- D-I-c. Authorization to Transfer Funds and Accept the Bid for Installation of a Restroom
Building and Sewer Lift Station: Wildcat Canyon Regional Park/Alvarado Area
Resolution No. 2010 – 4 - 100 (attached)
- D-I-d. Authorization to Transfer Funds Between Fuels Management Projects in the
East Bay Hills Fuel Break
Resolution No. 2010 – 4 - 101 (attached)
- D-I-e. Authorization to File Applications for the Federal Jobs for Main Street Act of 2010 (Stimulus II)
Funding and Statement of Assurance to Complete the Projects: District-Wide
Resolution No. 2010 – 4 - 102 (attached)

2. PLANNING/STEWARDSHIP AND DEVELOPMENT

PUBLIC HEARING

- D-2-a. Certification of an Environmental Impact Report and Adoption of the Mitigation Monitoring
and Reporting Program, Findings and a Statement of Overriding Considerations for the
Wildfire Hazard Reduction and Resource Management Plan
Resolution No. 2010 – 4 - 103 (attached)

By motion of Director Sutter and seconded by Director Dotson, the Board voted unanimously to adopt the above resolution:

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, John Sutter, Ayn Wieskamp.
Directors Absent: Ted Radke

Adoption of the Wildfire Hazard Reduction and Resource Management Plan
Resolution No. 2010 – 4 - 104 (attached)

By motion of Director Severin and seconded by Director Lane, the Board voted unanimously to adopt the above resolution:

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, John Sutter, Ayn Wieskamp.
Directors Absent: Ted Radke

Brian Wiese, Chief of Planning and Stewardship, briefly spoke about the background and credentials of staff involved in the development of the plan. District Fire Lt. and Park Supervisor Bill Nichols shared his experience as a firefighter in the 1991 Oakland Hills fire. Speaking on behalf of fellow firefighters, he added that reducing the fuel load will make it easier to control large fires, and requested the adoption of the Plan.

Ken Blonksi, District Fire Chief, explained the rationale behind why the Plan is proposed, explaining that in the three components called the Fire Triangle – *Topography, Weather and Fuel* – only *Fuel* can be controlled. Fire Chief Blonksi also discussed the three approaches/strategies developed in a study by the National Association of Public Administrators as ordered by Congress: creation of fire-resistant communities, creation of strategic fuel break systems, and the reduction of heavy vegetative fuel loads and restoration of forests.

Mr. Wiese gave a brief history of wildfires in the East Bay, showing 17 major wildfires which took place over a period between 1923 and 1991. He added that District firefighters respond to more than a dozen smaller fires within the District every fire season. Mr. Wiese spoke about the District's voter-approved Measure CC which allocated \$9.5 million to reduce the risk of wildfires. He enumerated the goals of the Plan:

1. reduction of wildfire hazard on District lands to an acceptable level of risk - wildfires are a natural occurrence and cannot be totally eliminated and the modern approach to wildfire mitigation emphasizes planning, preparation and land management, over incident response and fire suppression;
2. Maintain and enhance ecological values for plant and wildfire habitat;
3. Preserve aesthetic landscape values for park users and neighbors;
4. Provide a vegetation management plan which is cost effective and sustainable on an on-going basis.

Mr. Wiese added that the Plan places a major focus on follow-up treatment of stumps to prevent re-sprouting; otherwise, re-growth will be thicker than the one it replaced. The herbicide will be applied directly onto cut stumps and will be absorbed into the roots, with about a 95% effectiveness rate per treatment in stopping re-sprouts. Mr. Wiese stated that in most cases, the Plan does not include clear-cutting and proposes the selective removal of the highest-hazard fuels such as eucalyptus and Monterey pine, with the object of reducing ground and ladder fuels and gradually open up the canopy to create shaded fuel breaks that will encourage the growth of smaller and less hazardous native under-storey. The Plan looks at fuel management and habitat values for 14 different vegetation communities found in the East Bay hills. Mr. Wiese also discussed the three main sections of the Plan: Wildfire Hazard Assessment, Resource Assessment and Implementation Program. He stated that the Plan is different in that it is comprehensive, system-wide and up-to-date, science-based, focuses on follow-up and long-term maintenance, and provides for ongoing program evaluation, review and improvement.

Judith Malamut, Consultant and Principal for LSA, spoke about the EIR process. Ms. Malamute also addressed a question regarding the project's potential greenhouse gas (GHG) emissions and effects on local climate change. She stated that the draft EIR contains a discussion of the carbon emissions associated with the implementation of the Plan, which follows all the procedures and requirements of the state CEQA Guidelines and Bay Area Air Quality Management District, including the CEQA Guideline amendments related to climate change that became effective on March 18, 2010. She explained that the amendments confirm that the lead agency shall have the discretion to determine in the context of a particular project whether to use a model or methodology to quantify greenhouse gas emissions resulting from a project or to rely on qualitative analysis or performance-based standards, adding that the EIR relied on a qualitative analysis to demonstrate consistency with state goals and plans, including fuel reduction to minimize the frequency and magnitude of catastrophic fires and associated GHG emissions. In order to provide additional information to the public, the final EIR also quantified GHG emissions associated with the Plan, including its effect on carbon sequestration.

John Swanson, Asst. Fire Chief, discussed the Plan's implementation process, stating that it will take 10 – 20 years. He explained that each year, staff will bring to the Board as part of the yearly budget process an annual program of fuels treatment work for approval. Each recommended treatment area within the proposed annual program of work will be prioritized using criteria within the Plan. Mr. Swanson added that as part of Adaptive Management, there will be a monitoring and maintenance reporting component.

Public Comments:

- Zachary Running Wolf – stated his opposition to the plan and the cutting of trees due to global warming, especially since only a very small percentage of “old growth” trees remain.
- Helen Kazoriz – stated her opposition to the plan as it endangers public health and the environment, asserting that it will only contribute to wildfires. She added that the plan introduces the possibility of erosion and mudslides, increases the amount of dry vegetation and the use of chemicals which will increase the amount of toxic chemicals already being used in the District's IPM program.
- Richard Sykes, EBMUD Natural Resources Dept. Manager – stated that he believes the plan is a well-balanced approach to managing fire risk and tries to balance the many competing interests for land management, adding that EBMUD has a similar plan that they have been implementing in the East Bay hills for about a dozen years, and encouraged the Board to adopt the plan.
- Michael Lozeau, Attorney for Hills Conservation Network (HCN) – stated that the plan is flawed and uses the wrong baseline for greenhouse gas emission calculations and was based on projecting and comparing future fires. Under CEQA, the comparison should be based on existing environment. He suggested that the District look at the analysis more closely to mitigate actual impacts and re-circulate the plan for more public comments, adding that HCN plans to challenge the plan should the Board certify it as is.
- Leroy Griffin, Oakland Fire Department – stated the Fire Department's support of the plan.
- Tom and Jane Kelly – stated that there are other options to address the growing number of exotic plants. Claims from the manufacturer that using Round-up is safe are not true and is actually harmful to the environment. They asked disapproval of the sections of the plan that call for the use of chemicals.
- Stuart Flashman, Sierra Club/SF Bay Chapter – commended the plan, stating that the District has done an excellent job in negotiating the various compromises that needed to be made. He added that additional work will be needed as the plan is implemented, including additional environmental review. He also suggested that a sentence be added to address the potential conflicts between this and other land use plans.
- Cheryl Miller, Hills Emergency Forum (HEF) – stated that on behalf of the HEF member agencies, including Oakland, Berkeley, Orinda, Moraga, El Cerrito, Kensington, CalFire, UC Berkeley, Lawrence Berkeley National Laboratory, and EBMUD, she is encouraging the Board to certify the EIR and adopt the plan.

- Roger Wong, Chief Wildland Fire Management Officer, National Park Service – signified support for the plan, which he believed takes a balanced approach to mitigating the effects of large-scale conflagration in the East Bay. He stated that he deals with the exact same issues in his position, and suggested proceeding slowly and methodically if the plan is approved so that previous speakers’ concerns and comments are addressed.
- R.K. Rose, Save Sutro Organization – stated that she was concerned that the EIR appears to downplay the risks on the use of Garlon and other herbicides as studies have shown that Garlon causes severe birth defects in rats at relatively low levels of exposure, and is also dangerous to other animals and plants. She added that run-off will also increase risks to wildlife, the environment and people.
- Madeline Hovland – she stated that her house survived 1991 fire and was happy to vote for Measure CC since she believed it was meant for increased access, wildfire protection, public safety and environmental maintenance. However, public hearings on this plan showed that the EIR was heavily biased towards landscape transformation by means of native plant restoration. Measure CC did not state anything about native vegetation, and would have not voted for it if this was mentioned. She asked the Board to take more time to look at what most taxpayers consider more essential, which is public safety.
- Morley Singer – stated that the project is of such enormity and complexity that approval should be delayed to allow further discussion, especially the effects of the use of herbicides;
- Janet Klein, Natural Resource Program Manager, Marin Municipal Water District – stated that they are engaged in a process similar to the District. She added that they learned that fuel breaks managed improperly creates the opportunity for weed to spread, citing that french broom grew at a rate of 60 acres a year. She suggested that District staff involved in the plan incorporate enough adaptive measures to allow response to some of the public’s concerns raised.
- Kingman Lim, Certified Arborist – stated that he was opposed to the spraying of herbicides like Garlon and Round Up, and knows that while labor intensive, the work can be done without spraying and application of herbicides. To reduce fire hazard, he suggested taking away the fuel ladder and debris on the floor, not the big trees.
- Paul Rotter – stated that this process is going on in many communities, and is concerned that real fire reduction efforts will be less effective because so much effort will go into native plant restoration and removal of non-native trees with little or no gain in safety and fire hazard reduction. He added that wholesale removal of trees will increase the District’s footprint.
- Dan Grasetti, HCN – stated that the plan is heavily biased towards landscape transformation and is not cost-effective and believes that cost is very relevant, contrary to what is stated in the EIR. He added that the plan also creates a great amount of environmental damage due to the release of over a hundred thousand tons of sequestered carbon. He asked for Board consideration of the cheaper HCN proposal, adding that District staff did not listen to nor address HCN comments and suggestions of alternative plans presented during the public meetings.
- Jerry Baer, HCN – stated that the comments and suggestions provided by HCN members were discounted and were not considered, adding that their comments were labeled as irrelevant or too costly.
- Zev Balsen, Fire Science Lab/UC Berkeley – gave his support of the plan, stating that all current research suggest that plans to reduce fuel loads, rather than increasing emissions, have the exact opposite effect when it includes the protection of large, well-spaced trees and leads to a decrease in emissions over time.
- Mary McAllister – stated that the plan will require an enormous amount of herbicides and spraying stumps will not prevent the growth of re-sprouts which will have to be re-sprayed annually. She asked that the EIR be re-drafted.
- Keith McAllister – stated that his Measure CC parcel tax money is being used for a landscape alteration plan rather than for fire mitigation. He added that the plan being proposed is based on the myth that eucalyptus is more flammable and that native plants are less flammable than non-natives; mature eucalyptus trees are difficult to ignite without having a fire ladder and relatively fire-resistant leaves, compared to native grasses which are easy to ignite.

- Laura Baker, East Bay Chapter/CA Native Plant Society – stated her appreciation that the District tried to balance its responsibility to improve fire safety along the urban interface while maintaining its mission to protect the natural resources, adding that while concerns raised at this meeting should be looked at, it should not delay the plan’s implementation.
- Afton Crooks, Sierra Club and Temescal Work Group – stated that this has been a 15-year project for many broad-based groups. She suggested the word “not” be added to the first bullet point on page 14 of the plan to read: “...system-wide plans will be flexible enough to accommodate existing LUPs which will **not** take precedence unless amended.”
- Bill McClung – stated that the plan is a good process and needs to go forward and be evaluated as it goes along for the various issues raised;
- Ciara Wood/Diablo Fire Safe Council – stated their support for the plan, adding that great emphasis has been placed on fuel reduction and creation of defensible space by the fire community, which is recognized in the plan.
- Martin Holden, Claremont Canyon Conservancy – stated that the District team has been responsive to the community and that he is in support of the plan, adding that there is no way to maintain a eucalyptus forest without the selective use of herbicides.
- Barry Pilger, Claremont Canyon Conservancy and Oakland Wildfire Prevention District – stated his support of the plan and its implementation. He added that the plan strikes an appropriate balance among all the interests, with an emphasis on safety and restoration.
- Peter Scott, HCN and North Hills Phoenix Association Vegetation Management Committee – stated that his house survived the 1970 fire but not the 1991 fire, and supports the District’s efforts for reducing the risk of ignition and fire in the hills. He mentioned, however, that while the plan states that it addresses the risks of a Diablo-wind fire and that its goal is to create a landscape environment with flame lengths of no more than 8 feet, the calculation used a wind-speed of only 5 miles an hour.
- Nik Bertulis/Teacher, Merritt College Horticulture and Environmental Management – stated his support of the plan, but without the use of chemicals.
- Lance Maples/President – Contra Costa County Fire Association/Fire Chief, El Cerrito and Kensington – provided his support of the District plan as it is the key to a successful outcome of a wildland interface fire.
- Ed Bennett – stated his support of the plan, adding that as the District in time will gain more experience in its implementation and will be able to modify it as necessary. He also suggested that the District continue its process of educating area residents.
- Joanne Drabek – stated that she was pleased with the plan and looked forward to its implementation.
- Connie Barker/President, Environmental Health Network of CA – stated her group’s objection to the plan as it does not take into account the effect of pesticides on people and the level of its use in public parks.
- Kensington residents – several residents expressed support for the plan, stating that their group has spent close to \$2 million of their own money to improve the water system at the District’s interface, and have also been working on clearing vegetation around their properties. They also mentioned that the issue is not necessarily a park problem but a problem of all the communities that border the park, adding that while the risks of a conflagration cannot be totally eliminated, the plan will reduce the odds of its occurrence, and that accepting and implementing the plan and EIR is a step in the right direction.

Brian Wiese acknowledged the comments provided by all the speakers, and confirmed that it is the intention of staff to proceed gradually and carefully with the implementation of plan.

The Board of Directors provided their comments as follows:

Director Wieskamp stated that she appreciated all the genuine statements made by the various speakers, as well as the expertise that went into the development of the plan. She added that it is never easy to balance many goals, that the District is facing tough financial times and will not be ignoring cost-effectiveness in making the plan financially sustainable. Director Wieskamp commented that she knew many people who were affected by the 1991 wildfire, and will work with the many neighbors and various organizations to prevent another occurrence. She spoke about the plan's emphasis on "adaptive management" wherein the Board will study and approve each annual program for implementation before it is carried out.

Director Dotson stated that a lot of work has been done to come up with the plan, and that he understands the concerns provided by the speakers on the use of pesticides and hoped that its use can be phased out in the future. He stated that the plan should be adopted, while working to improve it as it is implemented.

Director Severin stated that "flexibility" and "adaptability" are key words to remember, and that the team involved in the development of the plan is extremely talented. Director Severin added that changes will probably be made along the way, especially as it pertains to the use of herbicides. She stated that staff will be coming to the Board annually to seek approval of its yearly activities prior to implementation, and that the plan should be implemented and changes will be made as necessary.

Director Lane stated that she has been following this process closely, and also knew people who were affected by the 1991 fire. Director Lane stated that she believed the importance of addressing fuels management in the area proactively. She mentioned that she has read the pros and cons of the plan and the written material clearly states the management of both natives and non-natives in an effort to reduce fuel. She added that she was also sympathetic to the comments regarding the use of herbicides, and also hoped to find other options that will allow the control re-growth. Director Lane commented that it was also important that staff participating in the evaluations of pre-treatment resources have training in identifying cultural resources. She also stated that it was important to address the safety of firefighters when fires actually happen, and that she will support the plan.

Director Sutter stated that he has lived with this issue for a long time, but staff and consultants have done an excellent job balancing the many considerations. He expressed his appreciation to individuals who offered comments in all the public meetings, as well as those who submitted comments in writing, regardless of whether or not they supported the plan. Director Sutter stated that he agreed with the comments made by Mr. Holden in that eucalyptus cannot be cleared out without the use of herbicides, adding that staff's use of herbicides will be highly restrictive. Without the use of herbicides, there will be more growth in succeeding years. He added that it is an issue that the District must be consciously cognizant of and hoped that there will be other techniques in the future. Director Sutter emphasized the importance for the District to maintain any vegetation/clearance management projects that it initiates. He also asked that staff present their yearly prescriptions such that the public is notified and allowed to respond with their concerns prior to its presentation to the Board.

Director Siden asked GM O'Brien to clarify certain proposed revisions to the plan. GM O'Brien stated that after discussion with staff, it was recommended that the comments made by Stuart Flashman from the Sierra Club as well as Afton Crooks would be helpful in clarifying the plan, and should be added at the bottom of page 14 of the plan: *"Consistent with the above policies, this Plan includes detailed analyses and specific recommendations which update, amend, and supersede any earlier and more general statements in the individual land use plans that might appear to conflict with this Plan"*

Director Siden commended the work by staff, as well as retired Assistant General Manager Jerry Kent.

3. BOARD AND STAFF REPORTS
 - a. Actions Taken by Other Jurisdictions Affecting the Park District
4. GENERAL MANAGER'S COMMENTS
5. ANNOUNCEMENTS FROM THE CLOSED SESSION

Director Siden stated that there were no announcements from the Closed Session

6. BOARD COMMITTEE REPORTS
 - a. Regional Park Foundation (1-21-10) (Siden)

E. PUBLIC COMMENTS

There were no Public Comments at this time.

F. ADJOURNMENT

The Board meeting was adjourned by Board President Siden at 9:28 p.m.

Allen Pulido, Clerk of the Board

Attachments: Visitors Log, Resolution Nos. 2010 – 4 - 098 to 2010 - 4 - 104
Board Committee Report