

**CONTRA COSTA COUNTY
EAST BAY REGIONAL PARK DISTRICT
LIAISON COMMITTEE**

**12:00 p.m. to 1:30 p.m.
Monday, October 25, 2010**

**County Administration Building
651 Pine Street, Room 101
Martinez, CA 94553**

Agenda

<u>TOPIC</u>	<u>STATUS</u>
1. Army Corps Vegetation on Levees Policy	CCC I
2. Trails Update	EBRPD I
a. Carquinez Scenic Drive Bay Trail Project	
b. Update on Great California Delta Trail	
c. Feeder Trail No. 1	
d. Extension of the Marsh Creek Trail to the Delta	
3. State and Federal Legislation of Common Interest	CCC/EBRPD D
a. Senator Feinstein's National Heritage Area designation for the Delta	
b. Opportunities for coordinating appropriations requests on projects of mutual interest (e.g. appropriations requests for Carquinez Scenic Drive, East Contra Costa Trail Network, various flood control/creek restoration project and HCP appropriation requests)	
4. Update on East Contra Costa County Habitat Conservation Plan	CCC/EBRPD I
a. Land Acquisition (Clayton Ranch/Black Diamond Mines)	
b. Funding Update	
5. Public Comment	
6. Set Next Meeting Date	
(I) Information	
(D) Discussion	
(R) Recommendation	

Distribution List:

Packets:

Liaison Committee Members
Ted Radke, Whitney Dotson, John Sutter (alt)
Pat O'Brien, General Manager
Rosemary Cameron, AGM Public Affairs
Carol Johnson, Community Relations Manager
Allen Pulido, Clerk of the Board
Jim Townsend, Trails Program Development Manager
Bob Doyle, AGM Land Division
Nancy Wenninger, Manager Land Acquisition
Erich Pfuehler, Government Relations & Legislative Affairs

Agenda Only:

AGM's
Dave Kalahela, President, Local 2428
Yolande Barial, Clerk of the Board's Office

AGENDA
REGULAR MEETING
BOARD OF BOARD MEMBERS

EAST BAY REGIONAL PARK DISTRICT

January 11, 2011

C. BUSINESS BEFORE THE BOARD

5. BOARD COMMITTEE REPORTS

b. Contra Costa County/EBRPD Liaison Committee (10/25/10) (Radke)

Attendees:

Contra Costa County:
Supervisors:

Federal Glover, Susan Bonilla

Staff:

John Kopchik, Principal Planner, Community Development; John Greitzer, Senior Transportation Planner; Stephen Kowalewski, Development Director, Public Works; Steve Goetz, Deputy Director of Conservation & Transportation, Department of Conservation & Development; Mike Carlson, Division Head Transportation Engineering; Maureen Toms, Redevelopment Project Manager; Tim Jensen, Sr. Civil Engineer Flood Control

East Bay Regional
Park District
Board members:

Ted Radke, John Sutter

Staff:

Rosemary Cameron, AGM Public Affairs; Erich Pfuehler, Legislative Affairs Manager; Nancy Wenninger, Land Acquisition Manager; Jim Townsend, Trails Development Manager; Carol Johnson, Community Relations Manager; Sue Rogers, Confidential Secretary, General Manager's Office

Guests:

None

Contra Costa County Supervisor Susan Bonilla called the meeting to order at 12:14 p.m.

I. Army Corps Vegetation on Levies Policy

Contra Costa County Flood Control Sr. Civil Engineer Tim Jensen provided an overview of the Contra Costa County Flood Control District which was formed in 1951 as a Special District of the State of California and is staffed by County Public

Works staff. The district manages more than 70 miles of channels and 15 basins and is responsible for development planning and coordination, watershed planning, and maintains the regional flood protection system.

In 1996 Congress directed the Army Corps of Engineers to develop vegetation management guidelines for levees. In 2005 when hurricane Katrina occurred there were many failures of levees and flood walls and the Army Corps decided to create a policy intended to help ensure the safety of the community. However, the directions from Congress did not provide any environmental guidelines and now the Corps has decided that trees and vegetation on the levees are not appropriate. 2009 Army Corps guidelines stated that there needed to be a vegetation-free zone of 15-foot clearance on the waterside and landside of levees. Many levees in Contra Costa County as well as elsewhere already have trees and other vegetation. Though the Corps developed a variance to the guideline which states that an application can be submitted to the Corps to leave many trees on levees, the minimum requirement is that 2/3 of trees on the waterside must be removed. It was understood that all environmental studies, engineering studies, or permits must be done by the local flood control district. Federal and State agencies would require mitigation for the removal of trees that the County may not be able to mitigate for. This could cost millions to implement. If the County does nothing and the Army Corps does an inspection and finds the levees do not meet the standard guidelines the Corps will pull funding for their projects and disaster assistance.

Contra Costa County Flood Control communicated to other agencies and all together 170 comment letters were submitted to the Army Corps. Some environmental advocacy groups, including American Rivers and the Center for Biological Diversity, issued a Notice of Intent to Sue. A coalition of Federal and State agencies in the Pacific Northwest and a coalition of Delta Protection Agencies also wrote to the Army Corps. The Corps then began extending deadlines to submit comments. Even though the guidelines are not law the consequences will impact the community so the County is treating them as policy.

On October 11, 2010 the Flood Control District held a press conference at Wildcat Creek Levee with the support of East Bay Regional Park District, Contra Costa County Board of Supervisors, Regional Water Quality Control Board, and Fish and Game. Congressman Garamendi attended and spoke, encouraging the Army Corps of Engineers to come to the table to talk and resolve this issue.

Mr. Jensen indicated that this is a huge issue as there are over 100 miles of effected levees in the Bay Area, over 3,000 mile of effected levees in California, and possibly 10,000 to 15,000 miles of effected levees in the United States. The Army Corps has said they will put the program on hold and not make any decisions until April 30, 2011 and will consider the comments they have received and will do more research. The County is hopeful there will be a more scientifically based policy and not a blanket policy and so far the Flood Control District is happy with the results.

EBRPD Director Ted Radke suggested that since the Army Corps takes direction from Congress that perhaps there is need for a bill. Mr. Jensen stated that a representative from Congressman Miller's office was present at the press conference and they are engaged in the process as well as the California Department of Water Resources and the Central Valley Flood Protection Board are also discussing legislation.

2. Trails Update

a. Carquinez Scenic Drive Bay Trail Project

EBRPD Trails Development Manager Jim Townsend conveyed that park staff met with County Public Works staff in July to discuss the parameters of an agreement to move forward with planning to convert the 1.7-mile closed section of Carquinez Scenic Drive into a segment of the San Francisco Bay Trail. This agreement will allow the Park District to take on responsibility for designing, engineering, and completing the environmental permitting required, converting the closed section of Carquinez Scenic Drive into a bicycle and pedestrian trail. County staff is preparing a letter of agreement to serve as a basis for determining the respective roles of the County and Park District for this project. The Park District recently received a federal TIGER II Grant of \$10.2 million which will accelerate the timeline for projects that will be funded under this program. The federal environmental process needs to be completed by September, 2012 and the funds need to be expended on the project by the end of 2014. The Park District will be moving forward with the environmental work and design and should have an agreement to present to the Board and County Supervisors before the end of the year.

b. Great California Delta Trail

Mr. Townsend explained that the segment the Park District is currently working on will extend from Bay Point Regional Shoreline to the Pittsburg Marina. Park District staff is awaiting a response from Mirant Corporation, owner of the Pittsburgh power plant, to the Park District's proposal to route the Delta Trail along an existing shoreline levee road on the Mirant property. If Mirant's security concerns can be addressed, this alignment would result in a spectacular shoreline trail. Park staff is also working with PG&E and Contra Costa Water District to resolve right of way issues where the trail will cross their respective properties.

c. Feeder Trail No. 1

Mr. Townsend reported that after a 20-year negotiation, the County has completed the conveyance of its interest in the Feeder Trail No.1 right of way, extending from Franklin Canyon Road to Ferndale Road in the Martinez area, to the Park District for use as a trail. The Park District is negotiating with the Bay Area Ridge Trail Council to do some significant funding for improvements along the old roadway including drainage and fence and gate improvements to bring the trail up to a maintainable standard. Park District staff will now undertake negotiations with the property owners between Ferndale to

Pereira Road to complete this Bay Area Ridge Trail segment's connection to the existing Ridge Trail across EBMUD's Pinole Valley property.

d. Extension of the Marsh Creek Trail to the Delta

Mr. Townsend explained that the Marsh Creek Trail currently extends 9.2 miles along Marsh Creek, from Concord Avenue in Brentwood to the Big Break Trail in Oakley. The Marsh Creek levee continues along the creek an additional one mile north to the confluence of Marsh Creek and the Delta, but the levee road surface is in poor condition and is closed to the public. The proposed restoration project on the adjacent Dutch Slough property will result in the reconfiguration of the existing levee, making it impractical to improve the levee road surface at this time. Because the timeline for the restoration project is uncertain, the trail could be opened as a "rough surface" segment until the restoration project moves forward. The Park District would like to discuss with County Public Works and Flood Control the possibility of opening this segment.

3. State and Federal Legislation Updated

a. National Heritage Area Designation for the Delta

Deputy Director of Conservation & Transportation Department of Conservation & Development Steve Goetz, informed the committee that Senator Feinstein has been working with various counties and interest groups on implementing legislation for a National Heritage Area for the Delta. The advantage of the legislation is that it expedites the designation process which normally takes a number of years through the National Parks Service. Through legislation the designation can be achieved as fast as congress can act on it. The purpose of the legislation to form a National Heritage Area is to cover a nationally significant piece of geography in the country and to promote the qualities of that area that make it unique. There are approximately 50 National Heritage Areas in the United States and California does not currently have a designated area. Senator Feinstein has requested input from various stakeholders on boundaries for the National Heritage Area (a map was distributed). It covers five counties including the legal delta in Contra Costa County and the Carquinez Strait Preservation Trust boundaries. The Board of Supervisors has submitted a letter of support. EBRPD Board Member Ted Radke stated that the Park District would be interested in supporting the bill as long as it includes Carquinez Strait in the boundaries.

b. Opportunities for Coordination Appropriations on Projects of Mutual Interest.

Mr. Goetz conveyed that the County is working on their State and Federal legislative priorities for 2011 and have several projects of mutual interest with the Park District including the East County Trail Master Plan appropriations request and a Carquinez Trail appropriation request. The County welcomes District staff and board members to suggest any other areas of opportunity for 2011. Mr. Townsend added that the most challenging project of the TIGER II grant is the Mokelumne Trail Overcrossing of the Highway 4 bypass in East Contra Costa County which is a mitigation requirement.

Because it is mitigation it doesn't qualify for funding and the State Bypass Authority does not currently have funds to start the project. This is a critical non-motorized transportation link that the Park District would like to apply some funding toward but it will require significant additional funding before he presents to the Board and senior management. Contra Costa County Supervisor Federal Glover added that the County would like to do this project as well but they cannot identify the first dollars for the project. Mr. Townsend indicated that the Park District could probably provide the final funding for the project but not the first. This project would need to be completed in five years.

4. Update on East Contra Costa County Habitat Conservation Plan

a. Land Acquisition (Clayton Ranch/Black Diamond Mines)

Contra Costa County Principal Planner of Community Development John Kopchik, provided a map and list of acquired properties that the Park District has purchased. The HCP has provided \$34,000,000 for acquisitions and three-fourths of that comes from grants. Most of what has been spent is federal grant funds and the Park District has contributed approximately \$10,000,000 of those funds. A total of 7,500-acres of land have been acquired in the last two years. The economic climate makes this an opportune time to purchase land. Huge swaths of land are being protected for species and nearly all of this land will be open to the public and will be a visual and recreational asset for the community.

EBRPD Land Acquisition Manager Nancy Wenninger, replied that from the Park District's perspective this partnership has been extremely successful and the Park District appreciates the help that Mr. Kopchik has provided to secure acquisitions the Park District has wanted to include for a long time. Ms. Wenninger then made a presentation on the two most recent acquisitions under option.

The Waste Management property was purchased to become a landfill adjacent to the Keller Canyon Landfill site. The property is over 460-acres on both sides of Kirker Pass Road and starts to build a corridor for wildlife and trails from Black Diamond Mines to the Concord Naval Weapons Station which will, in time, become a Regional Park. The property has never been developed and is rolling grasslands, seasonal wetlands and stock ponds, with some interesting rock formations in the northern portion of the property. The property cost \$3 million, a portion of which comes from Measure WW funding, and the balance from the HCP and should close escrow by the end of 2010.

Another property under option is almost 800 acres that will connect the Black Diamond Mines Regional Preserve to Clayton Ranch land bank. This property was owned by Maxine Barron who passed away last year and her heirs did not want to see the property developed so approached the Park District for an appraisal. This is a beautiful piece of land with rolling hills, grasslands, some oak woodlands and some water. This property cost \$3 million and escrow should close by the end of March 2011. These

properties are within the HCP and also will make good additions to the parklands as trail connections and excellent wildlife habitat.

Ms. Wenninger thanked Mr. Kopchik and the County staff working for the Conservancy for their support and skill for raising funds. EBRPD Board member John Sutter commented that in the last two years more land has been acquired than in the first 30 years of the Park District's existence.

7. Public Comment:

Contra Costa County Senior Transportation Planner John Greitzer gave a brief update on the status of the Bailey Road project. The planning process is complete for making Bailey more pedestrian and bicycle friendly. The County component of the project, a portion of Bailey Road between Willow Pass Road and Highway 4, is in the implementation stage and Public Works is starting to underground utilities along Bailey Road. The County will be looking for additional grant opportunities to fully fund the remainder of the project which includes widening sidewalks, landscaping, and other enhancements to the pedestrian/bicycle environment. The other project is the design of a couple of freeway ramps at Bailey Road exit at Highway 4 by CalTrans. The County has put in the request for the project to start next summer.

Contra Costa County Division Head, Transportation Engineering Mike Carlson, reported that the County has acquired the property for the pedestrian trail from the railroad, and completed the CEQA documents, and will complete design in early November. At that time it will go out to advertise for bids for construction of the project. Supervisor Bonilla added that the project is being funded with mitigation for the closure of the Port Chicago Highway.

Supervisor Bonilla thanked AGM of Public Affairs Rosemary Cameron for her many years of service and recognized this as her last meeting.

Supervisor Glover recognized that this is Supervisor Bonilla's last meeting as well.

8. Next Meeting Date

No date will be set until the membership of the committee has been determined by each agency in the New Year.

Supervisor Bonilla adjourned the meeting at 1:23 p.m.

