

**Approved Meeting Minutes**  
**PARK ADVISORY COMMITTEE**  
April 23, 2018

ATTENDING: Best, Brubaker, Bueren, Mercurio, Rickard, Godfrey, Sanwong, Skaredoff, Thompson, Trotter, Tsutsui, Ho, Wilkins, Williams

NOT ATTENDING: Robinson, Kern, Gregory, Madsen, Yee

STAFF ATTENDING: Pfuehler, Love, Theile, Rasmussen, Graul, Ciaburro, Clay

GUESTS: Board Member Ellen Corbett

PUBLIC: Kelly Abreu, Bruce 'Ollie' Olson

The meeting began at 7:06 p.m.

1. **Approval of the March 26, 2018 Minutes:** The March 26, 2018 minutes were approved. The motion to approve was moved by PAC member Best. PAC member Tsutsui seconded approval of the minutes.
2. **Introductions:** PAC chair Bueren asked PAC members, staff and the public to introduce themselves.
3. **Board Member Comments:** Director Ellen Corbett touched briefly on the resolution passed at the April 17, 2018 Board meeting to establish a Climate Change Policy Framework for managing park resources in a changing climate. Corbett thanked staff for their hard work. She stated this is important work and commented about how well District staff work together.

Corbett mentioned there will be an opening soon of a demonstration garden with California natives at Crab Cove. Corbett reported the District received funding from San Francisco Bay Area Restoration Authority (SFBRA) for work done at Encinal Beach. Corbett hopes with more advocacy work, the District will be eligible for future funding from SFBRA.

Corbett stated she and Rosario are serving as co-chairs of the Measure CC extension effort. Corbett thanked the PAC members for their good work on the Advisory Committee and Measure CC.

PAC member Trotter mentioned, as of April 1, most of Contra Costa County, including many facilities that East Bay Regional Park District owns, are now within the Marin Clean Energy's (MCE) jurisdiction. Trotter said the Park District hasn't opted in to the Deep Green Program which is 100% renewable. It would fit nicely with the Park District's policies and programs. Trotter asked what can be done to move this forward to the Board, so the Board can decide if they want to opt in to this program. Corbett mentioned she would like to learn more about the program.

4. **Foundation Update:** Erich Pfuehler, Government Affairs Manager reported on Friday, May 4 there

will be a fundraiser for the Regional Park Foundation at Drake's Brewery in San Leandro from 4pm – 9pm. On May 16, there will be a What's Brewing in the Parks event at Lake Temescal from 6pm – 8pm.

**5. Public Comments:**

Kelly Abreu commented the Park District and many other agencies have an interest in waterways and water resources. He asserted the District failed to oversee the planning review and lack of permits for projects on Morrison Canyon Road in Fremont. Abreu stated waterways and creeks are threatened when local agencies don't enforce environmental law.

**6. Presentations:**

**(I) a. Measure WW Urban Creeks Program and Update – Jeff Rasmussen, Assistant Finance Officer**

Jeff Rasmussen, Assistant Finance Officer provided an update about Measure WW Urban Creek Program. Rasmussen reported \$1.6 million has been allocated for WW Urban Creeks. Rasmussen thanked the PAC for their invaluable advice regarding this program.

Rasmussen explained on November 4, 2008, the voters within the jurisdiction of the East Bay Regional Park District approved Measure WW – A Regional Open Space Wildlife, Shoreline and Parks Bond Extension. Of the \$500 million bond extension, \$8 million of the proceeds are allocated to urban creek projects. The \$8 million allocation is for both Park District eligible projects, and for cities and community organizations to restore urban creeks and acquire creek easements. There is a 50% match requirement, with a minimum grant of \$50,000 and a maximum grant of \$800,000.

The Park District currently has the following urban creek projects budgeted: \$55,483 for a Twin Culvert Study at Wildcat; \$24,395 for Dunsmuir Acquisition; and \$331,600, for the Tilden Nature Area Pond Restoration.

Rasmussen commented the District has a very limited amount of funding for urban creek projects. The demand for Park District projects alone exceeds \$40 million. He provided a list of the proposed projects which include: Jewel Lake Restoration, \$4 million; Restore Degraded Sections of Wildcat Creek, \$3 million; Jordan Pond Restoration, \$2 million; Wildcat Creek Watershed Outfall Restoration, \$1 million; Eliminate fish barriers along the Skyline Trail in Sibley, \$500,000; Redwood Creek Restoration, \$1 million; McCosker Creek Renovation \$5 million; Wildcat Canyon Twin Culverts, \$3 million; Pleasanton Ridge Creek Restorations, \$2 million; Kennedy Grove Creek Restoration, \$250,000; Markley Creek Restoration, \$500,000; MLK Creeks Trash Racks, \$3 million; BART to the Bay Trail, \$4 million; Schoolhouse Creek Restoration, \$4 million; Rheem Creek Re-alignment, \$7 million.

Rasmussen reported on March 21, 2017, the Board approved the Measure WW Urban Creeks Grant Program Procedural Guidelines which established the policies and procedures by which the Park District would award and reimburse agencies for up to \$1.6 million in eligible expenses on local urban creek projects.

On February 28, 2018, the District received grant applications totaling \$1,589,433. On April 17, 2018, the Board approved three grants: \$800,000 to the City of San Pablo for Wildcat Creek Restoration, \$599,743 to the Town of Moraga for Laguna Creek Restoration and \$189,700 to the City of Lafayette, for Golden Gate Way Creek Restoration.

There was an extensive outreach effort during the development of the guidelines and this program. Rasmussen thanked the PAC for their guidance and advisory recommendation in January of 2017. The advice and recommendation from the PAC was extremely helpful in developing the program. Bueren asked why there were only three applicants considering all the outreach that was done. Rasmussen replied these projects are very difficult and have many requirements such as permitting, planning, community coordination and impact on the environment. PAC member Ho commented the San Pablo project began years earlier. Staff worked with developers to get the land reserved for the restoration and trails.

**Recommendation:** None. This was an informational item.

(I) **b. Acquisition of Programmatic Permits for District-wide Routine Maintenance Activities – Matt Graul, Chief of Stewardship**

Matt Graul, Chief of Stewardship provided a PowerPoint on Acquisition of Programmatic Permits for District-wide Routine Maintenance Activities. Graul reported the District has up to six agencies that require permits for routine maintenance. Graul stated when working in or near a water body, several State and Federal agencies become involved: U.S. Army Corps of Engineers (Corps); U.S. Fish and Wildlife Service (USFWS); National Marine Fisheries Service; San Francisco Bay Regional Water Quality Control Board; California Department of Fish and Wildlife (CDFW); and the San Francisco Bay Conservation Development Commission.

Graul explained a routine maintenance project involves work in jurisdictional waters and meets specific “routine activities” criteria. The District refers to them as Trails, Creeks and Ponds (TCP) projects. Graul discussed what a jurisdictional water body is, and the streams, creeks, ponds that flow into them. Typical routine maintenance projects include streambank stabilization, spring box maintenance and installation, dredge silt basins, ponds and lakes, and maintenance of existing shoreline facilities.

The Park District began acquiring permits for maintenance activities in 1997, and received a Regional General Permit in 1998. Up until 2012, there were programmatic permits between the USFWS and the Corps for the entire state of California. It covered the biologic opinion for the potential presence California red-legged frogs, California tiger salamanders or Alameda whipsnakes. The District had to comply with some general conditions within the programmatic permits. In 2012, there was a dispute between the agencies. The USFWS felt that the Corps wasn’t implementing it appropriately and not protecting species adequately, so they chose not to renew the permit. Graul explained this became a big issue because the District was no longer able to work under this blanket permit. In 2013, the District sought its own programmatic biological opinion from USFWS. It has taken four years and five different staff at the Federal level to obtain the draft biological opinion. In 2018, the District received the final draft biological opinion from USFWS. The Corps will send the official copy along with the five-year Regional General permit in the coming weeks. Graul explained these permits are needed because there are many federally listed species residing within the District’s parklands. Stewardship has identified the primary species; the Alameda striped racer, California Red-legged frog, California Tiger salamander and California least tern. There are a number of other species on the list that reside near the Bay or in East County.

Internally, 120 District projects have been submitted by park staff. They have been reviewed by Stewardship and narrowed down to 65 projects. The list will be finalized and submitted to the

agencies on June 1. The next step is to obtain an Incidental Take permit or Safe Harbor Agreement from CDFW.

PAC member Rickard asked if taking responsibility for the Oakland estuary from the Corps of Engineers will make the District's job easier in that area. Graul replied it will be much easier to manage because the District will be working with the real estate branch of the Corps, not the regulatory branch.

Brubaker asked what the trend is for any new species that might be listed as endangered. Graul answered they anticipate the Foothill Yellow-Legged frog to be listed.

**Recommendation:** None. This was an informational item.

(l) **c. Wildfire Hazard Reduction and Resource Management Plan Review – Aileen Theile, Acting Fire Chief**

Aileen Theile, Acting Fire Chief stated the safety of the public, employees and firefighters is of utmost concern to the Park District. Nowhere is it more important than along the 25-miles of hills that extend from Richmond to Castro Valley along the Wildland Urban Interface (WUI). The WUI is wildland the Park District owns and manages which abuts up to homes near the ridgetops. Should a fire in the East Bay hills occur, it can quickly become catastrophic due to extreme winds, similar to what recently occurred in Santa Rosa. This is the area of focus of the Wildfire Hazard Reduction and Resource Management Plan.

Theile explained the Wildfire Hazard Reduction and Resource Management Plan was approved by the Board in 2010. It is a comprehensive, site specific plan with over 300 recommended treatment areas or RTAs. These areas were identified by consultants who understood the wildland interface and how fire is effectively moved. There are three components that determine how a fire will behave: fuel, topography and wind.

While staff can't do anything about the weather, wind or topography, the Park District and Fire Department can make investments in managing the fuel and hazards. It requires careful coordination between Operations, Stewardship and the Fire Department. Individual prescriptions are written for each area/site. They go through a vetting process by the Fire Department and Stewardship. They are guided by the Wildfire Hazard Reduction and Resource Management Plan. These plans are written for the long-term and are referred to by staff for 20-25 years. The Fire Department cannot prevent fires, but can work to keep fires to a minimum by reducing the fuel load.

Theile explained nowhere in the Wildfire Hazard Reduction and Resource Management Plan does it state the Park District can stop fires. It was not the intention of the plan, the intention is to reduce the fuels in such a way that when a fire does happen, the Park District will be able to get in and mitigate. It will be a safer more manageable fire, staff will be able to clear evacuation ingress and egress routes, and try to take a lot of the intensity out of a potential wildland fire.

Theile stated the renewal of Measure CC is important because it helps fund fuels management. Pfuehler added the wildfire reduction plan was actually a product of the original Measure CC.

When it was slated to go on the ballot, the Park District and environmental community worked together to include funding for an environmentally approved plan for fuels reduction work.

Tsutsui asked about the life cycle of the eucalyptus plantation. Theile replied they have a lifespan of 50-60 years, and most of the trees were planted about 50-60 years ago. Those planted 50 years ago are failing on a regular basis. Theile continued eucalyptus trees actually do not do well in plantations. They need to compete for sunlight and the trees within the grove are weak. If the outer trees begin to fail, the inner trees are unable to withstand the wind because they have historically been protected by the outer trees. The Park District is trying to remove the fuel ladder, by creating a break between surface fuels and fires that get up into the tree canopy. Tsutsui asked how long is mitigation needed. Theile explained there will probably not be many eucalyptus plantation trees left in the next 50 years. Graul said fuel and hazards are being managed, which will, over time, make overall management easier. As other native trees grow, they will be protected. Brubaker asked about the challenges of permitting the fuels reduction program. Theile replied the Stewardship department has developed relationships with the regulatory agencies which helps. PAC member Mercurio asked if the eucalyptus plantations were for harvest. Graul replied that was the intent. Trotter asked about the alternative endowment funding the Park District negotiated with Fish and Wildlife. Graul replied it is not finalized, but the Park District is looking to set aside a dedicated fund. Staff are working on conditions about when funds would become available and how accessing the money would be determined.

**Recommendation:** None. This was an informational item.

## 7. **PAC Member Comments**

Rickard suggested a visit to Vasco Caves is a good place to see red-legged frogs, tiger salamanders, vernal pools fairy shrimp and golden eagles, all within close proximity.

PAC member Skaredoff announced he attended Earth Day, and John Muir's birthday at the John Muir Historic Site in Martinez. He also attended an Earth Day event at the California Nursery Historical Park in Fremont.

Brubaker announced the Dotson Family Marsh Restoration and Public Access Project won the Excellence in Design award from the California Parks and Recreation Society.

Mercurio told the PAC membership about the American Discovery Trail that runs from Point Reyes to Chesapeake Bay. It is managed by the American Discovery Society. The Park District will host the American Discovery Trail annual meeting at MLK Shoreline in Oakland and General Manager Robert E. Doyle will be speaking.

PAC member Sanwong said the newly opened Castleridge trailhead in Pleasanton has been warmly received by the public.

PAC member Williams announced on Earth Day Castro Valley Sanitary District will be at several sites to help with cleanup. They will provide mulch and have a collection day at Canyon Middle School.

**8. Report from Chair:**

PAC Chair Bueren reported the PAC will present their recommendation on the Dog Policy Report at the May 3 Board Executive Committee meeting.

**9. Board Committee Reports – None.**

**10. Old Business – None.**

**11. New Business – Pfuehler stated the May field trip will be moved to June.**

**12. Adjournment – The meeting was adjourned at 8:41 p.m.**

Summary of Actions:

1. The PAC approved the March 26, 2018 minutes.

Respectfully submitted,

Sharon Clay, Confidential Secretary