



HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District

December 7, 2023

- 3:00 PM -

In-Person and Remote Participation

HASPA Board of Trustees Special Meeting Agenda

A Joint Powers Authority comprised of the East Bay Regional Park District, Hayward Area Recreation and Park District, and the City of Hayward.

Meeting location: HARD District Office at 1099 E Street, Hayward, CA and online via Zoom (Preregister for meeting link:

https://ebparks.zoom.us/webinar/register/WN_j62_aqHIS8OD926fFdaZAA)

Special notice regarding public participation:

The Hayward Area Shoreline Planning Agency (HASPA) intends to hold meetings through a hybrid platform of in-person and remote attendance to allow members of the public to participate via remote attendance through the East Bay Regional Park District's (EBRPD) virtual platform, Zoom. The Board of Trustees and designated staff will, with limited exceptions, participate in-person at the office of HARD, District Office at 1099 E Street, Hayward, or other designated public facility within the HASPA service area. Occasionally, members of the Board of Trustees may attend remotely as permitted by the Brown Act.

For those members of the public not attending in person, public comments may also be submitted one of in the following ways:

1. Send an email to asanders@ebparks.org by 12:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the HASPA Board of Trustees and Technical Advisory Committee (TAC) staff, and published on the EBRPD Public Meeting Page (<https://www.ebparks.org/calendar/public-meetings>). Written comments received after 12:00 p.m. that address an item on the agenda will still be included as part of the record.

2. Live via Zoom. If you would like to make a live public comment during the meeting this option is available through the virtual meeting platform: *Note: this virtual meeting preregistration link will have you preregister for the meeting and then provide you details to the virtual meeting for the purpose of providing a public comment: Preregistration required: https://ebparks.zoom.us/webinar/register/WN_j62_aqHIS8OD926fFdaZAA

Comments received during the meeting and up until the public comment period on the relevant agenda item is closed will be provided in writing to the HASPA Board of Trustees. All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record. If you have any questions, please contact Amanda Sanders at asanders@ebparks.org or (510) 544-2650.

How to view the meeting virtually and provide live Public Comment during the meeting: Preregistration is required at below link. Meeting details will be provided when preregistration is completed.

When: Dec 7, 2023 03:00 PM Pacific Time (US and Canada)

Topic: HASPA Board of Trustees Meeting

Register in advance for this webinar:

https://ebparks.zoom.us/webinar/register/WN_j62_aqHIS8OD926fFdaZAA

CALL TO ORDER

ROLL CALL

Public Comments

The Public Comment section provides an opportunity to address the Board on items not listed on the agenda. The Board welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the Board or are within the jurisdiction of the Board. As the Board is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

- 1. Approval of Minutes from the HASPA Meeting Held on October 26, 2023 - Draft Action Minutes of October 26, 2023 (Attachment 1)**
- 2. City of Hayward Project Updates (City Staff)**
- 3. JPA Agreement Update (Devan Reiff, EBRPD)**
- 4. Adoption of 2024 HASPA Board Calendar (Devan Reiff, EBRPD) (Attachment 2)**
- 5. Presentation: Algal Blooms in SF Bay (Jacqueline Zipkin, General Manager, East Bay Dischargers Authority)**
- 6. Presentation: First Successful Nesting of Black Oystercatchers Among Endangered California Least Terns Along the West Coast of North America, (Hayward Shoreline) (David "Doc Quack" Riensche, EBRPD Wildlife Biologist) (Attachment 3)**
- 7. Old/New Business (TAC)**

8. Board Member Announcements

9. Agenda Setting for Next Meeting

Future agenda items requested:

- a. Community Engagement Plan – include public event for 2024 King tides (January or February)
- b. Discussion of promoting HASPA to include additional agencies

ADJOURNMENT

HASPA facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed for you to participate, please contact EBRPD staff at (510) 544-2325 as soon as possible, but preferably at least three working days prior to the meeting.

Attachment 1: 10.26.2023 BOT Minutes

HAYWARD AREA SHORELINE PLANNING AGENCY
City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District

Meeting of Board of Trustees
Hybrid Meeting: Alameda County Mosquito Abatement District & Zoom
October 26, 2023

DRAFT MINUTES

HASPA TRUSTEES PRESENT:

Dennis Waespi, East Bay Regional Park District, HASPA Chair
Paul Hodges, Hayward Area Recreation and Park District
Lou Andrade, Hayward Area Recreation and Park District (Alternate)
Francisco Zermeño, City of Hayward

HASPA PROSPECTIVE TRUSTEES PRESENT:

Eric Hentschke, Alameda County Mosquito Abatement District
Rita Duncan, Oro Loma Sanitary District

HASPA TAC MEMBERS PRESENT:

Devan Reiff, East Bay Regional Park District
Eddie Willis, East Bay Regional Park District
Robbie Parry, East Bay Regional Park District
Taylor Richard, City of Hayward
Erik Pearson, City of Hayward
Brian Laczko, Hayward Area Recreation and Park District
Erika Castillo, Alameda County Mosquito Abatement District
Jackie Zipkin, East Bay Dischargers Authority
Jimmy Dang, Oro Loma Sanitary District

STAFF:

Amanda Sanders, East Bay Regional Park District
Rae Ingram, East Bay Regional Park District
Robert Ferdan, Alameda County Mosquito Abatement District

VISITORS:

Nicole Witt, Hanson Bridgett
MJ Brown, Regional Government Services

CALL TO ORDER: A special meeting of the Hayward Area Shoreline Planning Agency (HASPA) was called to order at 3:02 P.M. by Dennis Waespi, HASPA Chair, and role was taken by Devan Reiff. The meeting was interrupted at 3:30 p.m. on Zoom and started again by Chair Waespi at 3:40 p.m.

1. Approval of Minutes from the HASPA Meeting held on August 10, 2023 - Draft Action Minutes of August 10, 2023

Trustee Zermeño motioned the vote and Trustee Hodges seconded. Vote: Ayes – Zermeño, Hodges, Waespi. Approved unanimously.

Public Comments: None

2. City of Hayward Project Updates (City Staff): No updates to report

3. JPA Agreement (Devan Reiff, EBRPD; Nicole Witt, Hanson Bridgett)

Devan Reiff gave a PowerPoint presentation regarding specific details that remain to be decided in the HASPA JPA negotiations, and staff's recommendations. Shoreline ownership is about 1,756 acres, largest landowner is EBRPD, followed by City of Hayward, HARD, AC Flood Control, State of CA, CA and Hayward, Oro Loma SD, USA. Any of these owners could be part of HASPA or the HASPA TAC group.

Proposed HASPA administrative budget for FY 2025 is a total of \$130,000—made up of the following work programs: Administration & Grants (\$50,000), Transparency (\$30,000), Finance (\$25,000), and Community Engagement (\$25,000). The assumption is the budget would pay for a third-party professional administrator. Prospective Trustee Duncan asked what the difference was between “transparency” and “community engagement”? Devan replied that “transparency” is the legal requirements to promote the meetings, follow the Brown Act, public meeting noticing, Zoom account management, preparing minutes and records management. “Community engagement” is promoting HASPA at public meetings, for example at the City of Hayward’s summer street fairs. Also, engagement involves circulating letters of public support for grant opportunities and projects. Prospective Trustee Duncan stated that she would like more money in the “community engagement” portion of the budget. Chair Waespi said that he would appreciate having more funds in the “community engagement” budget. Chair Waespi questioned staff about how much money it costs to host the meetings as hybrid, using the Zoom platform, and suggested making HASPA Board meetings in-person only. Chair Waespi suggested that some work tasks could be done by the HASPA members instead of having the third-party consultant do them, and absorb the cost of staff time. Trustee Zermeño said that community engagement is most important -- to establish HASPA’s presence in the public’s awareness of protecting the shoreline. Trustee Zermeño asked if grant applications and support letters for grants should be in the same budget programs. Trustee Zermeño said that there might not be a need for the “transparency” program, or maybe combine it with the “community engagement” program. Prospective Trustee Duncan would like community engagement efforts to have more outreach, not just tables at fairs. Devan said that staff should prepare a draft HASPA community engagement plan to discuss at a future Board meeting. Trustee Zermeño said it might be good to have a public meeting at Hayward City Hall Rotunda with exhibits, photos, maps, as a good way for more people to be involved with the work of HASPA. Chair Waespi mentioned that HASPA had historically included a community advisory group and this might be the time to convene such a group, again. Members could attend HASPA Board meetings and present a “road show” to focus

the public on HASPA. Trustee Hodges mentioned that staff could use the Hayward Shoreline Center to have open houses on the weekends to learn more. Chair Waespi suggested a permanent HASPA exhibit at the Shoreline Center.

Tired Dues discussion: Staff proposes the JPA include dues based on three Tiers, which are based on Trustee agency operating budgets. Tier 1) under \$10m (ACMAD); Tier 2) \$10m to \$100m (Oro Loma and HARD); Tier 3) over \$100m (City of Hayward and EBRPD). Trustee Zermeño approved of the tiers. Chair Waespi said he is interested in potential dues from agencies like AC Flood Control, and what operating budget would be used to determine the correct tier?

Weighted Voting discussion: Nicole Witt (Hanson Bridgett) provided a framing for the current status of the new JPA agreement. In the September 2022 HASPA Term Sheet, key provisions were a three-year rotation of the managing agency role, and participation dues increases with an annual cost escalator. The three-year rotation was difficult for the smaller agencies to agree to, so to bridge that gap, Counsel recommended a tiered dues structure and weighted voting.

Staff have proposed weighted voting and tiered dues amounts:

Agency	Weighted Voting %	Dues (FY 2025)
ACMAD (Tier 1)	10%	\$13,000
Oro Loma (Tier 2)	19%	\$24,700
HARD (Tier 2)	19%	\$24,700
Hayward (Tier 3)	26%	\$33,800
EBRPD (Tier 3)	26%	\$33,800
TOTALS	100%	\$130,000

Prospective Trustee Duncan said she isn't sure if the Oro Loma Board members would approve \$24,700 as annual HASPA dues. Devan Reiff replied that the proposed budget of \$130,000 is what each tier amount is based on, and that \$130,000 is the baseline amount to have a professional public agency. Even with the possible EPA Water Quality grant approval, funds to pay for HASPA administrative costs might be difficult to obtain from an outside entity (and so must come from Trustee participation). Trustee Zermeño asked if grant money came in, could it be used to help make up some of the dues for smaller Trustee agencies? Prospective Trustee Duncan thinks the current proposed dues amount would be prohibitive for Oro Loma. Chair Waespi asked if grants could be directed toward administration. Prospective Trustee Duncan said that the increase in dues that is double the FY 2024 amount is probably too much for Oro Loma. Trustee Zermeño asked Erik Pearson (Hayward) if the increase from \$12,000 in FY 2024 to \$33,000 in FY 2025 is acceptable to City staff, and Erik replied it was. Prospective Trustee Duncan said she would ask the Oro Loma Board what amount would be acceptable, especially considering the likelihood of dues increases in the future. Nicole Witt said that another aspect Devan will be talking about in the presentation today is the possibility of having the TAC be a more robust group, that might have dues and would be able to have input on the decisions of the HASPA Board. Prospective Trustee Hentschke asked if HASPA got new members that were in Tier 2, would that result in dues amounts reducing? Chair Waespi said yes but wasn't sure by how much. Chair Waespi thinks we can cut out some of the administrative tasks to reduce the annual budget cost of \$130,000 – specifically, by doing transparency tasks with TAC staff. If AC

Flood Control were to join HASPA in the future, which tier would they join in? Tier Two was the assumption.

New definitions in the JPA agreement:

- “Managing Agency” – will be the agency, rotated from the Tier 3 Trustee agencies, which manages HASPA and the third-party administrative consultant.
- “Supporting Agency” – is a TAC-member agency that is contracted to do specific work scopes for the HASPA Board.
- “Surcharges” – newly budgeted costs above the annual administrative dues.

TAC roles discussion: the HASPA TAC is composed of staff from: agencies on the BOT, prospective Trustee agencies, and staff from other public agencies with land or interests on the shoreline.

Timeline discussion: the next HASPA Board meeting is scheduled for November 9th, which staff proposes to cancel and to reschedule to a date in December (see next item). The first regular Board meeting of 2024 is proposed to be February, where the Board would review and adopt the new JPA agreement. In February/March 2024, the various Trustee agency boards and councils would consider and adopt the new JPA. In April/May 2024, EBRPD proposes to conduct a competitive selection process for a HASPA administrative consultant.

Motion to adopt proposals made by staff: Motion by Trustee Zermeño, Trustee Hodges seconded the motion. Chair Waespi comments – in the spirit of congeniality, the position of HASPA Board Chair usually rotates with the representative from the managing agency. He proposes an alternative: rotate the Chair/presidency between each Trustee agency annually, regardless of which agency is currently serving as the managing agency. Nicole said that the JPA language currently says that decisions like this can be in a separate document for the Board by-laws and be created later. Chair Waespi says that the JPA agreement needs to be adopted so that HASPA dues won't be spent on further attorney fees. There was no public comment. Motion approved unanimously.

4. Old/New Business (TAC)

a. Reschedule November 9, 2023 Regular Board Meeting to new meeting date (December 14, 2023)

Devan proposed rescheduling the November 9th meeting for December 7th, instead of December 14th (as published in the agenda) and wanted feedback. The date of December 7 was agreed to unanimously. Prospective Trustee Duncan can participate via Zoom.

b. First meeting of 2024 will not be until February.

5. Board Member Announcements

Trustee Zermeño said it was a “good meeting.”

6. Agenda Setting for Next Meeting

Chair Waespi would like an agenda item to talk about getting together a packet, fair, and festivals to promote HASPA. How else can new agencies be approached to join? Make a video for city councils, or more.

Note that the king tides in January and February would be good to have a community event.

Another suggestion: could have a HASPA event as part of 90th anniversary of EBRPD.

Prospective Trustee Duncan would like to have an agenda item to talk about recruiting more agencies to HASPA.

ADJOURNMENT @ 4:44pm

Attachment 2: Proposed 2024 HASPA Board Meeting



HAYWARD AREA SHORELINE PLANNING AGENCY

JOINT POWERS AUTHORITY

City of Hayward

East Bay Regional Park District (EBRPD)

Hayward Area Recreation and Park District (HARD)

2024 HASPA MEETING SCHEDULE

Meeting Location: Hybrid meetings, in person location: Hayward Area Recreation & Park District, 1099 "E" Street | Hayward, CA | 94541, or other Trustee office locations as needed.

Meeting Time: 3:00 – 5:00 P.M.

Meeting Dates: The Hayward Area Shoreline Planning Agency (HASPA) meets on the second Thursday of February, April, July and October/November.

February 8, 2024

April 11, 2024

July 11, 2024

October 10 or November 14, 2024

Special meetings will be scheduled by the Board as determined necessary.

Should there be any questions related to HASPA Trustee meeting dates, times, locations, or ADA accommodations, please contact Amanda Sanders with East Bay Regional Park District at asanders@ebparks.org.

Attachment 3: Black Oystercatcher Nests Success



BLACK OYSTERCATCHER NESTS SUCCESS WITH CALIFORNIA LEAST TERNS IN THE SAN FRANCISCO BAY



Authors
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Abstract

"Tern Town", located along the eastern side of the San Francisco Bay, provides island nesting habitat for three special status species. Since 2015, and for a total of six breeding seasons, the endangered California least tern (*Sterna antillarum brownii*), the threatened western snowy plover (*Charadrius alexandrinus nivosus*) and species of special concern the black skimmer (*Rynchops niger*) have nested successfully, in association with American avocet (*Recurvirostra americana*) and black-necked stilt (*Himantopus mexicanus*). On June 6, 2022, the black oystercatcher (*Himantopus bachmani*), which is uncommon within its range and is typically limited to the rocky intertidal, established a nest on the island. Black oystercatchers have been documented nesting near gulls and terns (*Sterna* spp.) and are known to use their bills to jab at other species chicks that wander into their territory. We witnessed no such incident, and this is the first documented occurrence of oystercatchers successfully nesting and fledging young with California least terns. Diet trend data showed the oystercatchers forage on, in decreasing order of abundance: Japanese little-necked clam, ribbed mussel, bent-neck dam, and limpet. This site-specific information on breeding black oystercatchers supports recovery plan tasks that are consistent with managing habitat for near California least tern, western snowy plover and black skimmer.



Figure 1 — Nesting black oystercatcher (*Himantopus bachmani*) at Hayward Regional Shoreline, California.



Left — Wildlife volunteer's "Tern Town Team" patch is earned by helping to monitor, protect, and educate about these shorebirds.

The East Bay Regional Park District manages California least tern, western snowy plover and black skimmer nesting habitat, at Hayward Regional Shoreline (37°37'47"N 122°24'16"W) located along the eastern shore of San Francisco Bay (Riesencke 2007; Riesencke et al. 2012b; Riesencke et al. 2015). We conducted this study on Island Five (also known as "Tern Town").

The black oystercatcher, which is uncommon within its range along the west coast of North America and is typically limited to the rocky intertidal, established a nest on June 6, 2022, on the eastern edge of the "Tern Town" island (Figure 1) and ultimately produced one fledgling. Their nesting habitat ranges from mixed sand and gravel beaches to exposed rocky headlands (Andres and Fabra 1995). The black oystercatcher is currently on Audubon's Priority Birds 2021 list, and is particularly vulnerable to nest site disturbances or destruction, predators, and oil spills.

These birds which bring a taste of the rocky Pacific coastline are known to breed in just a few locations within the East Bay Regional Park District, which manages landholdings in Alameda and Contra Costa counties. The majority of identified nesting sites are located in the Central San Francisco Bay, which provides some similar habitat conditions to the rocky intertidal, including in the Richmond area of Contra Costa County at Bird Rock, a small rock adjacent to Brooks Island and the West Brother Island near Point San Pablo (Glover, 2009). Within Alameda County they have nested on the freshwater islands west of the USS Home, at the former Alameda Naval Air Station, in Alameda's Ballena Bay (Ramo's personal communication, 2018), as well as along the Emeryville Crescent (Richmond et al. 2011). Black oystercatchers have been documented breeding at two locations in the South San Francisco Bay, which provides a very different habitat from the rocky intertidal, including at Eden Landing Ecological Reserve, a California Department of Fish and Wildlife property located directly south of Hayward Regional Shoreline. Since 2016 they have nested at Eden Landing on a small island near riprap that provides suitable foraging habitat, and were confirmed to fledge chicks in most years (Pearl's personal communication).



Figure 2 — Black oystercatcher adult with camouflaged chick nesting (*Himantopus bachmani*) at Hayward Regional Shoreline, California.

In central California more than 90 percent of black oystercatcher foraging habitat is washed occasionally by waves; wave-splashed mussel beds more frequently and thus are more susceptible to oystercatcher attacks (Barwick 1976; Fabra 1992). Oystercatchers frequently forage where sea mussel (*Mytilus californianus*) and bay mussel (*M. bairdii*) are dense (Grove 1982; Fabra 1992). The nesting pair of black oystercatcher at "Tern Town" used the detachment method (Andres and Fabra 1995) to carry whole mollusks from a freshwater area, ranging from 334 to 772 meters away to feed their young (Figure 2). The diet trend data, gathered by collecting dropped shells at their island nest site, showed that the percentage of prey fed to their offspring was composed of Japanese little-necked clam, ribbed mussel, bent-neck clam, limpet sp., and bay mussel (Table 1).

PREY SPECIES	SAMPLE NUMBER	PERCENTAGE OF DIET	AVERAGE SIZE
Japanese Little-necked Clam <i>Ruditapes philippinarum</i>	34	46.5	39.97 mm
Ribbed Mussel <i>Gastreaia densa</i>	23	31.5	6.74 mm
Bent-Necked Clam <i>Alcockia naucora</i>	9	12	50.67 mm
Limpet <i>Patellopsopoda</i> sp.	5	6.6	20.6 mm
Bay Mussel <i>Mytilus edulis</i>	2	2.2	36 mm

Table 1 — Percentage of prey determined from collections of used shells, in diet of Black Oystercatcher (*Himantopus bachmani*) pair breeding in a California Least Tern Colony at Hayward Regional Shoreline, California, 2022.

While black oystercatchers are known to nest near gulls and terns (*Sterna* spp.), occasionally less than three meters away (Andres and Fabra 1995; Yonemaru et al. 1992), this is the first documented occurrence within an active California least tern colony. Adult oystercatchers are known to use their bills to jab at gull or tern chicks that wander too close to their territory (Andres and Fabra 1995; Yonemaru et al. 1992), yet we witnessed no such incident. This site-specific information on breeding black oystercatchers near California least tern, western snowy plover, and black skimmer will assist in developing



Above — Japanese little-necked clams (*Ruditapes philippinarum*).

management programs that identify special site protection plans and help with recovery of these special status species.

Literature Cited

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 Andres, B.A., and G.A. Fabra. 1995. Black Oystercatcher (*Himantopus bachmani*) in the Birds of North America, v. 155 (A. Poole and F. Gill, eds.). The Academy of Natural Sciences, Philadelphia, and The American Ornithologists' Union, Washington, DC.
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