



**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE	October 15, 2024
TITLE	Authorization to Amend Ordinance 38: Rules and Regulations of the Park District Regarding Special Protection Areas: District-wide
DIVISION	Acquisition, Stewardship, and Development
FROM	Brian Holt, Chief of Planning, Trails & GIS Ken Wysocki, Assistant General Manager of Acquisition, Stewardship & Development
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends that the Board of Directors adopt an amendment to Ordinance 38: Rules and Regulations of the East Bay Regional Park District (Park District) regarding Special Protection Areas. Staff presented this item at the September 4, 2024, Board Executive Committee, and received the Committees’ recommendation to bring the item to the Board of Directors for adoption.

BACKGROUND

Park District lands include properties with sensitive cultural and natural resources that require special management consideration and certain use restrictions. Many of these lands are encumbered with conservation instruments (e.g., conservation easements or deed restrictions) that prescribe specific land use restrictions, including properties acquired through the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP). Other areas are not encumbered by conservation instruments but warrant certain use restrictions to protect sensitive resources.

Use restrictions for specific properties are typically established through Board of Directors actions through adopting land use plans, property acquisitions, management agreements, or other property agreements. Use restrictions vary by property and may exclude all public access, or limit public access to certain uses such as on-trail use, no dogs, etc. In many cases, state and federal resource agencies provide external oversight of these restrictions. The Park District will continue to manage and acquire land with sensitive natural and/or cultural resources and being able to effectively enforce use restrictions on these lands is an important Park District objective.

The 2013 Park District Master Plan and current regulations in Ordinance 38 support the Park District’s ability to provide a higher level of enforcement within areas designated as Special Protection Areas to preserve cultural and/or natural resources. Section 810 of Ordinance 38 establishes the Park District’s rules and regulations regarding Special Protection Areas. Staff recognized a need to be able to designate and regulate activities within Special Protection Areas more precisely. The recommended amendment to Section 810 of Ordinance 38 would enable the General Manager to

designate a Special Protection Area and establish site specific restrictions within a Special Protection Area by declaring an area a Special Protection Area, establishing by written rule which uses are prohibited within that particular area, and then posting the restrictions on the Park District’s website and on signs at applicable locations. Section 810 of Ordinance 38 would be revised as follows, with additions in italicized underline and deletions in ~~strikeout~~. All other sections of Ordinance 38 would remain in full force and effect.

Section 810. Special Protection Areas.

- a) To ensure the security, safeguarding and preservation of sensitive natural and/or cultural resources within the District, the General Manager or their designee may, from time to time, declare an area within the District to be a Special Protection Area.
- b) Upon designation of an area within the District as a Special Protection Area, the General Manager or their designee may establish specific restrictions prohibiting certain activities within a Special Protection Area, including but not limited to the following: walking, riding or operating a bicycle or other conveyance, riding a horse, or bringing an animal. ~~No person shall ride or operate a bicycle or ride a horse, within a Special Protection Area, unless expressly permitted in writing by the General Manager or their designee. except on designated trails. Special Protection Areas are designated by the Board to preserve cultural and/or natural resources. Failure to obey any directive issued by the General Manager or their designee pursuant to this section shall be a violation of this Ordinance.~~
- c) Whenever any activity is specifically permitted, restricted, or prohibited in a Special Protection Area, the General Manager or their designee shall post the permissions, restrictions, or prohibitions on the District’s website and cause signs to be posted in areas to notify the public of such restrictions or prohibitions. Failure to obey the restrictions or prohibitions stated on the District website and on any properly posted sign shall be a violation of this Ordinance.

ANALYSIS

The General Manager recommends that the Board of Directors adopt an amendment to Ordinance 38 to change how the Park District can designate and regulate Special Protection Areas. This will allow the Park District to more efficiently designate Special Protection Areas.

ALTERNATIVES	
Alternative 1	The Park District could not amend Ordinance 38 Section 810 Special Protection Area.
Pros	There are none.
Cons	The Park District would have more limited ability to designate use restrictions in Special Protection Areas.
Reason for not recommending	Amending Section 810 of Ordinance 38 will allow the Park District to efficiently establish and enforce restrictions in Special Protection Areas.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of this ordinance.

ATTACHMENTS

None.



**EAST BAY REGIONAL PARK DISTRICT
ORDINANCE NO. 2024 – 10 -
OCTOBER 15, 2024**

**AUTHORIZATION TO AMEND ORDINANCE 38: RULES AND REGULATIONS OF
THE PARK DISTRICT REGARDING SPECIAL PROTECTION AREAS: DISTRICT-
WIDE**

WHEREAS, Ordinance 38 outlines the rules and regulations of the East Bay Regional Park District (Park District); and

WHEREAS, the 2013 Park District Master Plan and current regulations in Ordinance 38 support the Park District’s ability to provide a higher level of enforcement within Special Protection Areas; and

WHEREAS, the Park District currently manages and will continue to acquire land with sensitive natural and/or cultural resources and being able to effectively enforce certain restrictions on these lands is an important Park District objective; and

WHEREAS, the Park District recognized the need to be able to more efficiently designate and regulate activities within a Special Protection Area; and

WHEREAS, the General Manager recommends that the Board of Directors authorize an amendment to Ordinance 38 to allow how the Park District can designate and regulate Special Protection Areas; and

WHEREAS, the Board of Directors and the East Bay Regional Park District find that the adoption of this ordinance is not a project subject to the California Environmental Quality Act (CEQA) because it will not result in any impacts on the environment, and even if it were a project subject to CEQA, it would be exempt from CEQA under CEQA Guidelines sections 15304 (Minor Alterations to Land) and 15308 (Actions by Regulatory Agencies for Protection of the Environment);

NOW, THEREFORE BE IT ORDAINED, by the Board of Directors of the East Bay Regional Park District:

Section 1. Section 810 of Ordinance 38 shall be revised to read as follows, with additions in *italicized underline*, and deletions in ~~strikeout~~:

- a) To ensure the security, safeguarding and preservation of sensitive natural and/or cultural resources within the District, the General Manager or their designee may, from time to time, declare an area within the District to be a Special Protection Area.
- b) Upon designation of an area within the District as a Special Protection Area, the General Manager or their designee may establish specific restrictions prohibiting certain activities within a Special Protection Area, including but not limited to the following: walking, riding or operating a bicycle or other conveyance, riding a horse, or bringing an animal. ~~No person shall ride or operate a bicycle or~~

~~ride a horse, within a Special Protection Area, unless expressly permitted in writing by the General Manager or their designee, except on designated trails. Special Protection Areas are designated by the Board to preserve cultural and/or natural resources. Failure to obey any directive issued by the General Manager or their designee pursuant to this section shall be a violation of this Ordinance.~~

- c) Whenever any activity is specifically permitted, restricted, or prohibited in a Special Protection Area, the General Manager or their designee shall post the permissions, restrictions, or prohibitions on the District's website and cause signs to be posted in areas to notify the public of such restrictions or prohibitions. Failure to obey the restrictions or prohibitions stated on the District website and on any properly posted sign shall be a violation of this Ordinance.

Section 2. All other sections of Ordinance 38 shall remain in full force and effect.

Section 3. This Ordinance shall be published once within 30 days after adoption, in a newspaper of general circulation printed, published, and circulated in the District.

Section 4. This Ordinance shall become effective immediately upon its adoption by the Board.

Section 5. Section 1 of this Ordinance shall be codified as part of Ordinance 38. Sections 2, 3, 4, and 5 of this Ordinance shall NOT be codified.

Moved by Director _____, and seconded by Director _____, and adopted October 15, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: