




**EAST BAY REGIONAL PARK DISTRICT
BOARD EXECUTIVE COMMITTEE MEETING
AGENDA STAFF REPORT**

DATE	September 4, 2024
TITLE	Amending Ordinance 38: Rules and Regulations of the Park District Regarding Special Protection Areas
DIVISION	Acquisition, Stewardship, and Development
FROM	Brian Holt, Chief Planning, Trails and GIS Ken Wysocki, Assistant General Manager, Acquisition, Stewardship and Development
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends that the Board Executive Committee recommend adoption of an amendment to Ordinance 38: Rules and Regulations of the East Bay Regional Park District (Park District) regarding Special Protection Areas.

BACKGROUND

The Park District system includes a variety of lands 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. Currently, approximately 25,000 acres of Park District lands are subject to such conservation instruments, 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 also warrant certain use restrictions to protect sensitive resources.

The Park District is responsible for enforcing use restrictions in areas of sensitive natural and/or cultural resource value, and in many cases, state and federal resource agencies provide external oversight of Park District land management. 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. Additionally, the Park District will continue to manage and acquire land with sensitive natural and/or cultural resources and being able to effectively enforce specific 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 in order 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 has recognized the 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 Executive Committee recommend adoption of 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 I	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

Attachment A. Ordinance 38 Update Exec Comm - Presentation