




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

DATE	October 15, 2024
TITLE	Authorization to Enter into a Park District Preserve Lands Access Agreement for the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan Preserve System: 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 authorize entering into a Park District Preserve Lands Access Agreement for the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan Preserve Lands for a term of five years.

BACKGROUND

The East Bay Regional Park District (Park District) currently manages approximately 15,000 acres of land acquired in partnership with the East Contra Costa County Habitat Conservancy (Conservancy) through the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP). For the duration of the HCP term (currently 2037), the Conservancy and Park District share joint responsibility for management of these lands. In consideration of its shared land management responsibilities, the Park District routinely grants access to the Conservancy and its contractors and designees to HCP Preserve Lands to perform a variety of management, maintenance, restoration, and monitoring activities. Staff recognized a need to have a standard omnibus access agreement to grant the Conservancy and its contractors and designees access to HCP Preserve Lands. This standard agreement will provide more streamlined access authorization and ensure the Park District receives the necessary protections and insurance documentation.

ANALYSIS

- The Preserve Lands Access Agreement (Access Agreement) has a term of five (5) years but can be terminated by either party with thirty (30) days' notice. During the term of the Access Agreement, the Conservancy and its employees, guests, and its contractors ("Authorized Personnel") are granted access to HCP Preserve lands to conduct necessary management, maintenance, restoration, and monitoring activities. Prior to entering any of the HCP Preserve Lands, the Conservancy will provide the Park District with notice of the requested access, who the Authorized Personnel will be, and details of the proposed activities. The Park District will then have the opportunity to review the proposed access and activities and provide any appropriate guidelines for entry. The Conservancy and any Authorized Personnel

accessing HCP Preserve lands will be required to bear all costs of entry and indemnify the Park District for activities conducted. Additionally, the Access Agreement will require the Conservancy and any Authorized Personnel accessing HCP Preserve Lands to have the types of insurance the Park District requires of other third parties who access and perform work on Park District property, including commercial general liability insurance, automobile insurance, Workers Compensation insurance with a waiver of subrogation, and, if applicable, professional liability insurance.

ALTERNATIVES	
Alternative I	The Park District could grant access to HCP Preserve Lands through one-off agreements.
Pros	There are none.
Cons	One-off agreements are not standardized and are more time-consuming.
Reason for not recommending	Entering an omnibus access agreement would provide more streamlined access authorization and ensure the necessary insurance and other documentation is received.

FISCAL IMPACT

There is no fiscal impact.

ATTACHMENT

HCP Preserve Lands Overview Map



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

**AUTHORIZATION TO ENTER INTO A PARK DISTRICT PRESERVE LANDS
ACCESS AGREEMENT FOR THE EAST CONTRA COSTA COUNTY HABITAT
CONSERVATION PLAN / NATURAL COMMUNITY CONSERVATION PLAN
PRESERVE SYSTEM: DISTRICT-WIDE**

WHEREAS, The East Bay Regional Park (Park District) manages approximately 15,000 acres of land acquired in partnership with the East Contra Costa County Habitat Conservancy (Conservancy) through the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP); and

WHEREAS, for the duration of the HCP term (currently 2037), the Conservancy and Park District share responsibility for management of these lands; and

WHEREAS, the Park District routinely grants access to the Conservancy and its contractors and designees to HCP Preserve Lands to perform a variety of management, maintenance, restoration, and monitoring activities; and

WHEREAS, the Park District recognized a need to have a standard omnibus access agreement to grant the Conservancy and its contractors and designees access to HCP Preserve Lands; and

WHEREAS, the Park District and Conservancy have negotiated a Park District Preserve Lands Access Agreement that will provide for the terms on which the Conservancy and its Authorized Personnel will access Park District preserve lands.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorize entering into a Park District Preserve Lands Access Agreement for HCP Preserve Lands, for a five year term whereby the Conservancy and its contractors will provide the Park District with appropriate levels and types of insurance and indemnity for access to the Park District Preserve Lands; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

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

FOR:

AGAINST:
ABSTAIN:
ABSENT: