



**EAST BAY REGIONAL PARK DISTRICT
LEGISLATIVE COMMITTEE
AGENDA STAFF REPORT**

DATE	January 10, 2024
TITLE	Approval of the Minutes for the Board Legislative Committee Meeting December 15, 2023
DIVISION	General Manager's Office
FROM	Lauren Blanchard/Ashley Grenier, Recording Clerk

RECOMMENDATION

Recommend approval of the minutes for the Board Legislative Committee Meeting of December 15, 2023.

COMMITTEE MINUTES

The December 15, 2023 Board Legislative Committee meeting was held in-person and via video conference pursuant to the Brown Act, as amended by AB 2449.

Members of the public can watch the meeting on the Park District's website here:
<https://www.ebparks.org/calendar/public-meetings>.

Attendees:

Board: Chair Colin Coffey, Director Olivia Sanwong and Director John Mercurio (Alternate)

Staff: Dr. Ana Alvarez, Erich Pfuehler, Lisa Baldinger, Ashley Grenier, Lauren Blanchard, Katy Hornbeck, Brian Holt

Consultants: none present

Public: Members of the public were able to access the meeting via live video stream.

This meeting was called to order at 12:32 PM.

Items discussed:

1. Roll Call

Acting Legislative Assistant Ashley Grenier conducted a roll call of Board Legislative Committee members and staff.

2. Approval of September 27, 2023 Board Legislative Committee Minutes

Vote: Director Sanwong made a motion to approve the minutes. The motion was seconded by Chair Coffey. The motion passed with approval by Chair Coffey and Director Sanwong and one abstention by Director Mercurio.

3. Public Comments on Items Not on the Agenda

No public Comment

4. Informational items

Item 4b moved up in agenda to accommodate Chief of Planning Holt’s request, no objection made.

b. Update on Local Actions Taken By Other Jurisdictions – Chief of Planning, Trails, and GIS Brian Holt presented the following specific items outline in the table below:

Jurisdiction	Body	Date	Description
Martinez	City Council Study Session	Sept. 6	The City Council received a presentation, held a discussion, and provided feedback to staff regarding the Public Review Draft Waterfront Marina Trust Land Use Plan . Based upon City Council feedback and that received from the State Lands Commission, the consultant team will finalize the Plan in preparation for City adoption. The Martinez Waterfront Marina encompasses approximately 70 acres in three parcels within the Martinez shoreline area, including the marina, a portion of North Court Street, Yacht Club and Eagle Marine. The Marina includes 332 boat slips, a park, open space and marine-related businesses. An additional 65 acres consists of Trust Lands held by the East Bay Regional Park District (EBRPD) which are leased to the City, and include baseball fields, bocce courts area, trails and a horse arena. The entire waterfront area subject to this planning effort covers approximately 135 acres. There are additional EBRPD open space and park areas west of the planning area.
Orinda	City Council	Sept. 19	The Annual Development Agreement Compliance Review for the Wilder Project . A public hearing to determine whether OG Property Owners, LLC (OG) is in compliance with its agreement for Gateway Valley and related approvals. Although OG has made progress recently toward curing the Events of Default identified in 2022, which finds that OG remains out of compliance with certain requirements of the agreement and related approvals.

Alameda City Council Nov. 7

A workshop to provide direction on **De-Pave Park** Design Options, including the proposed removal of Building 29 and whether to keep or remove Building 25. De-Pave Park is located on the western edge of Seaplane Lagoon at Alameda Point designed as a publicly accessible ecological park created by removing all existing concrete, re-purposing it onsite and creating significant and varied habitat to support a wide range of wildlife. Following two rounds of inclusive community input on the De-Pave Park design, staff is presenting three options for the design. The park designs all include a wide pedestrian and bicycle promenade the length of the park, overlooks and an educational gathering space, tide pools, a beach, picnic area, parking lot and restroom, areas to fish in the bay, seating throughout the park, tidal wetlands, habitat and nature play. Staff continue to monitor activities at Alameda Point and future connections of the San Francisco Bay Trail.

Fremont City Council Nov. 14

Award of a construction contract, and approval of plans and specifications for the **Vallejo Mill Historical Park Pickleball Courts and Dog Park Project**. The existing Vallejo Mill Historical Park site is situated in the Niles area with Niles Canyon Road (State Route 84) to the south, Mission Boulevard (State Route 238) to the west and the Niles Canyon Railway to the north, adjacent to the former Louie property and proposed segment of the Bay Area Ridge Trail that is planned to connect to Garin Regional Park.

Director Sanwong made several project comments. General Counsel, Lynne Bourgault, responded the projects should not be commented upon as the projects were not on the agenda.

Director Mercurio asked how the Bay Trail relates to the Martinez project. Holt shared the Bay Trail does connect to the project on one side while there is a gap in the Bay Trail on the other side that the Park District is currently working on bridging.

Director Coffey asked about the timeframe for the Martinez project. Holt commented there does not yet appear to be a funding mechanism or concrete timeframe for phases of this project.

Director Coffey inquired about the restoration portion of the Martinez project. Holt noted the many funding opportunities available for shoreline restoration and Martinez is actively targeting this area for restoration.

Director Coffey inquired about the augmented access over the railway to improve access to the waterfront from downtown Martinez. Holt responded he was uncertain of the city of Martinez's exact plans as to whether there would be a pedestrian overpass or at-grade improvements, etc.

a. Government and Legislative Affairs Report

i. Year in Review

Acting Legislative Assistant, Ashley Grenier, provided an update on the highlights of our October 2022 - October 2023 legislative program as outlined below:

2023 Legislative Program Highlights by the Numbers, include the following:

- 8 Board Legislative Committee meetings
- 12 Park Advisory Committee meetings
- 71 Federal and State bills considered
- Submitted 10 state member requests and 5 Federal member requests totaling \$22.5 million in project and program funds
 - o \$5.5 million advancing for grant contracts
 - o \$1.9 million continuing through Congressional committee discussions
- Conducted 2 analytical surveys
- 92 letters initiated and distributed
- 14 strategic engagement events – of note:
 - o Annual State Advocacy Conference
 - o Annual Federal Advocacy Conference
 - o 7 Legislative Site Visits with 68 elected office representatives in attendance
 - o 5 Walk and Talks with over 200 public attendees

Director Mercurio complimented the government and legislative affairs team’s work over the past year and stated the work the team does is key to the success of the Park District.

Director Mercurio asked about the competitiveness of the RAISE grant which the district did not receive but for which we were a finalist. Grants Manager Katy Hornbeck commented she would have to research the exact numbers of applications and finalists and get back to the Director.

ii. 2023 State Legislation Report

Legislative and Policy Management Analyst Lisa Baldinger gave an update on the status of legislation supported by the district over the last year as outlined below.

Over the course of the year, the Park District’s Board of Directors, at the recommendation of the Legislative Committee, formally supported 26 state bills. Of the bills supported, 12% addressed the goal of climate-friendly transportation, 27% advanced ecosystem stewardship, 8% focused on green jobs, 27% invested in resources to support welcoming visitor use facilities and 12% further refined wildfire resilience investments. The remaining 15% advanced items of administrative interest to the Park District. In response to bills proposed, the Governor was required to sign or veto legislation by September 30, 2024. Of the Park District’s supported legislation, 35% were signed into law and 4% vetoed.

Bills Supported by the Park District - Signed into Law

• **AB 30 (Ward D-San Diego) Atmospheric Rivers Forecasting Program**

This bill will require the Department of Water Resources to develop new methods aimed at improving predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flow and environmental conditions. It also requires the Department to operate reservoirs in a manner which improves flood protection and better captures the water generated by atmospheric rivers. Research on atmospheric rivers can be used to refine climate projections of extreme weather, water events and changes in the Sierra snowpack.

- **AB 1150 (Committee on Water Parks and Wildlife) State Parks Community Access Agreements**

This legislation will address the Park District's welcoming visitor use facilities goal. It expands access to the California state parks system by supporting community access agreements aimed at providing service support for underserved populations. This will include activities and programs focused on natural, cultural and historic resources of the state parks system. The activities and programs may include hiking, mountain biking, off-highway vehicle recreation, surfing, stand-up paddle boarding, kayaking and boating. The community access agreement must be between a non-profit and the state parks system. The agreement provides free or reduced-cost access for the non-profit to the parks' interpretive services and visitor services. All agreements are considered pilot under this legislation. As the Park District operates and manages three state parks, such program support has the potential to extend both to Robert W. Crown Memorial State Beach and Del Valle Regional Park visitor centers. It will also extend to McLaughlin Eastshore State Park, as well as for East Bay non-profits serving disadvantaged communities to visit the nearby state parks of Mount Diablo State Park, Mount Tamalpais State Park, Angel Island State Park and others. Additionally, this legislation would alter fee collection processes for quagga and zebra mussel infestation and prevention, which may have operational impacts at Del Valle Regional Park, Shadow Cliffs Regional Recreation Area, Quarry Lakes Regional Recreation Area and Contra Loma Regional Park.

RESOLUTION NO.: 2023 – 04 – 072

- **AB 345 (Wilson D-Suisun City) Advanced Payment for Habitat Restoration and Flood Control Projects**

This bill will address the Park District's goal of ecosystem stewardship work. It enables the Department of Water Resources to provide advance payments to local agencies for projects which restore habitat for threatened and endangered species or improve flood protection. Currently, costs must be incurred by the local agencies and invoiced against as part of the granting process. The Park District will be eligible for such advance payments.

RESOLUTION NO.: 2023 – 04 - 074

- **AB 363 (Bauer-Kahan D-Orinda) Pollinator Protection Act**

Designed to provide benefits in alignment with the Park District's ecosystem stewardship goal, this legislation directs the Department of Pesticide Regulation to review the impacts of neonicotinoids (a class of neuro-active insecticides chemically similar to nicotine) for non-agricultural uses. Specifically, it will help the state to better understand the impacts of neonicotinoids on pollinators, aquatic ecosystems, humans and direct public health policies. It is the goal of this legislation to update policies related to neonicotinoid pesticides to reflect best science.

RESOLUTION NO.: 2023 – 08 - 188

- **AB 618 (Bauer-Kahan D-Orinda) State Park Reservation Discounts**

Initiated to improve smooth processes for welcoming visitor use facilities, this legislation will require the Department of Parks and Recreation to provide future camping credits for cancellations made within seven calendar days of the reservation. The credit can be used for future reservations within five years of the original reservation start date. Additionally, the program will establish a reservation lottery system for the five most popular units of the state parks system.

RESOLUTION NO.: 2023 – 08 - 188

- **AB 809 (Bennett D-Oxnard) California Salmonid Monitoring Program Fund**

Advancing work aligned with the goal of ecosystem stewardship, this bill will establish a California

Monitoring Program to collect data on salmon and steelhead trout populations aimed at informing state and Federal agencies on best practices for recovery, conservation and management. It authorizes the Department of Fish and Wildlife to consult with local agencies, such as the Park District, as well as tribes, conservation organizations and academic institutes. This program is likely to support the ecosystems of the East Bay which serve as home to both steelhead and rainbow trout in parks including at Reinhard Redwood Regional Park, Sibley Volcanic Regional Preserve and Wildcat Canyon Regional Park.

RESOLUTION NO.: 2023 – 09 - 198

- **AB 557 (Hart D-Santa Barbara) Teleconferencing for Local Agencies**

This bill eliminates the January 1, 2024 sunset date for allowing local agencies to use teleconferencing during a proclaimed state of emergency. It also changes the frequency with which a legislative body must take action in order to continue to teleconference from every 30 days to every 45 days. The bill was sponsored by the California Special Districts Association.

RESOLUTION NO.: 2023 – 10 - 206

- **ACA I (Aguilar-Curry D-Winters) Local Revenue Voter Approval Threshold**

This constitutional amendment will now advance to the California voters. If passed, it will modify the voter threshold needed to approve local revenue enhancement and bond measures from the current 2/3 to 55%. This amendment is patterned after the thresholds required for local school bonds. ACA I contains many safeguards to protect taxpayer investments including:

- Funds generated need to be exclusively for the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing projects.
- Local spending plans must specify projects and scope of investment.
- Annual and publicly accessible audits of funds generated.
- Appointment of a citizen's oversight committee to oversee expenditures.

RESOLUTION NO.: 2023 – 10 - 206

- **SCR 82 (Wahab D-Hayward) October as California Firefighter Appreciation Month** This resolution proclaims the month of October 2023 as California Firefighter Appreciation Month and October 14, 2023, as California Firefighters Memorial Day. The California Firefighters Memorial has over 1,500 names of firefighters who perished fighting fires in California.

RESOLUTION NO.: 2023 – 10 - 206

Bills Supported by the Park District – Vetoed

- **AB 57 (Kalra D-San Jose) California Pocket Forest Initiative**

This legislation was likely to support the Park District's wildfire resilience and ecosystem stewardship goals. As designed, it aimed to establish the California Pocket Forest Initiative which seeks to establishing pocket forests on public lands. This bill intended to prioritize disadvantaged communities and communities which lack publicly accessible green space. The Park District would have qualified for grants established through this program. The veto

message provided by the Office of the Governor identified the budget shortfall as the reason this legislation was not advanced.

RESOLUTION NO.: 2023 – 09 - 198

Director Sanwong commented a lot of committees and committee chairs have changed recently and asked how that might affect our work with the legislature. Baldinger responded that legislation that has gone through committee will proceed to the floor and/or go back to committee with the new members but would stay within the committee to which it was assigned.

- c. Update on Grants from 9/29/2023 - 11/20/2023 – [Grants Staff Report 11.20.pdf](#)
Grants Manager Katy Hornbeck presented a grants staff report. Hornbeck highlighted that the Park District submitted 10 grant applications to support capital improvement and restoration projects with a value of \$22.26 million. All projects are in support of the 30x30 Conservation Initiative. Additionally, during this reporting period, the Park District received notice of funding awards in the total amount of \$1.39 million to support fuels mitigation work at Anthony Chabot, the purchasing of bullet proof vests for Public Safety, and the development of a Feral Pig Management Plan.

Hornbeck commented that she found the breakdown of the RAISE grants application numbers. 11,000 applications were received requesting a total of \$15B with only \$2.2B of funding available from the DOT. Ultimately, 162 projects were funded, with one project awarded in each state with half the projects in urban areas, half rural.

Director Sanwong asked for confirmation that while we have been awarded the grant for fuels mitigation at Anthony Chabot, we do not yet know which agency will distribute/oversee our grant. Hornbeck confirmed that while it is likely it will be FEMA/Cal OES like last year, that has yet to be finalized.

- d. Legislative Program Updates
 - i. Update on Site Visits and Meetings
Acting Legislative Assistant Ashley Grenier provided the following legislative site visits and meetings updates since September 27, 2023. On September 29 Board members and executive staff participated in the District's Sacramento Appreciation Luncheon in Sacramento, which was attended by 22 people from elected offices and external agencies. On October 6, fourteen elected staff from local, state and federal offices joined us for a site visit to Las Trampas to envision the future of Holly Court. On October 9, Cal EPA Secretary and Deputy Secretary joined Deputy General Manager Dr. Ana M. Alvarez and others for a Latino Outdoors Community Walk in Point Pinole, to discuss the possibilities of providing equitable access at a site with considerable toxic cleanup and habitat restoration. Our last Walk and Talk of the year was held on October 29 with Assembly Member Lee at Ardenwood. Community members connected with the Assemblymember as well as Directors Waespi and Sanwong while on a walk led by Naturalist Christina Garcia. On December 8, U.S. Representative Mark DeSaulnier was recognized with the 2023 Radke Championing Advocacy Award along the Iron Horse Trail for his advocacy work supporting the Park District. General Manager Landreth, Directors Waespi, Mercurio, and Coffey, and RPF Board President Hausrath provided remarks.

Chair Coffey inquired about interest from electeds for walk-and-talks next year and commented that we'll want to proactively reach out to electeds with newly acquired land in their district, as well as newly elected members in our district for events for next year. Legislative and Policy Management Analyst Baldinger explained the process for scheduling walk-and-talks throughout the year.

5. Action Items

- a. Proposed 2024 Legislative Program

Legislative and Policy Management Analyst Lisa Baldinger outlined the [2024 Legislative Program](#). The Park District's identified advocacy goals are as follows:

- Climate - Friendly Transportation: To expand accessible active and public transportation to and within East Bay parks and trails.
- Community Health: To ensure equitable access to parks so all East Bay communities can enjoy the physical and psychological benefits of nature.
 - Ecosystem Stewardship: To support ecosystem health through restoration, acquisition and habitat enhancement, and improved efficiencies in regulatory approvals.
 - Green Jobs: To guide the development of career pathways for all in the parks, recreation, outdoor and environmental fields.
 - Sea Level Rise Preparedness: To address sea level rise with nature-based infrastructure and initiate mitigation strategies regarding climate change.
 - Welcoming Visitor Use Facilities: To be sure all visitors are welcomed to the East Bay parks and trails by providing facilities which are safe, accessible, inclusive and sustainable.
 - Wildfire Resilience: To minimize the risk of catastrophic wildfire in the East Bay by using proactive vegetation management which is ecologically sound.

In compliment, the proposed Legislative Program includes objectives at the local, state and Federal level in support pro-active engagement with elected officials and agency leadership to advance priorities of the Park District's Board of Directors and General Manager.

Director Coffey asked Baldinger to highlight those objectives that are truly new. Baldinger noted in regard to sea level rise preparedness the decision had been made to focus on the Tidewater project which is in a disadvantaged shoreline community in Oakland, rather than the Hayward Marsh project as that project was determined to not yet be ready for direct state funding. Language and layout were also refined.

Director Coffey asked for clarification as to whether they were voting to approve or voting to send to the full board for approval. Baldinger and General Counsel, Lynne Bourgault confirmed this item would go to the full board for consideration upon approval by the committee.

Director Mercurio asked about streamlining the approval process for projects. Baldinger responded in alignment with the State's Pathways to 30 by 30 goals, we have an objective of advancing legislation to extend the California Environmental Quality Act and to remove the 2025 sunset.

Director Sanwong commented this is a comprehensive document but we should continue conversation on the matrix of all of the topics and agencies we touch, as well as ecosystem stewardship in response to floods and fires and FEMA disaster recovery programs.

Director Coffey commented this is very ambitious and he remains concerned about the amount of work and resources it will require both internally and externally.

Vote: Director Mercurio made a motion to forward a recommendation of support to the East Bay Regional Park District Board of Directors. Second by Director Sanwong. Motion passed unanimously.

b. Recommended Legislation to Support

[Attachment A – Federal Legislation to Support.pdf](#)

Chief of Government and Legislative Affairs Erich Pfuehler provided updates about Federal legislation:

S. Res. 400 (Padilla D-CA) Honoring the Life and Legacy of Dianne Feinstein is a commemorative piece of legislation recognizing the life and legacy of the late Senator Dianne Feinstein. During her multidecade career in politics, Senator Feinstein supported efforts to address sea level rise and advance wildfire resiliency work across the State of California.

S. 2728 (Merkley D-OR) Reducing Waste in National Parks Act would codify a ban on the sale

of single-use plastic water bottles in National Park facilities. This legislation is in alignment with the Park District's Environmentally Sustainable Purchasing Policy 8.0. This legislation supports the Park District's Legislative Program goal of welcoming visitor use facilities.

S. 2749 (Merkley D-OR) Wildfire Resilient Communities Act seeks to reduce the risk of catastrophic wildfires through economically beneficial practices including grant investments in vegetation management work, local community partnerships and stewardship investments. Though this bill is focused on Federal lands, the outcome of such investments will allow the Park District to leverage best practices and benefit from safer forests nation-wide, having a positive impact on air quality and ecosystem health. This legislation supports the Park District's Legislative Program goal of wildfire resilience.

S. 2353 and H.R. 4920 (Lujan D-NM and Leger Fernandez D-NM) Responsible Wildland Fire Recovery Act would waive cost-share requirements for damage recovery investments following wildfire events, resulting in faster response to natural and built infrastructure repair needs. This legislation is focused on National Forest Service lands. The Park District, however, could benefit from the precedent set through this program at a national level. This legislation supports the Park District's Legislative Program goal of wildfire resilience.

S. 2838 and H.R. 5572 (Markey D-MA and Ocasio-Cortez D-NY) Civilian Climate Corps for Jobs and Justice Act would invest in Federal workforce development programs to increase the service and career ladder opportunities for individuals 17 years of age or older of diverse backgrounds, as legislatively defined. The program includes competitive grant funding, for which the Park District is eligible, to advance climate-focused partnership projects across the nation. This legislation supports the Park District's Legislative Program goal of green jobs.

S. 3127 and H.R. 6053 (Merkley D-OR and Huffman D-CA) Break Free from Plastic Pollution Act is focused on establishing a national program to support reusable and refillable products, uniform recycling and compost standards and invest in reuse support infrastructure, including water bottle filling stations. If advanced, the Park District would likely benefit from national standards and grant funded infrastructure investments. Additionally, a national decline in plastic use would benefit the global environment by mitigating microplastics and other harmful waste impacts. This legislation supports the Park District's Legislative Program goal of welcoming visitor use facilities.

S. 3261 and H.R. 6311 (Coons D-DE and Salazar R-FL) National Coordination on Adaptation and Resilience for Security Act is legislation seeking to advance a National Adaptation and Resilience Strategy and Implementation Plan. In response to a changing climate, this legislation would establish a new position in the White House, a Chief Resilience Officer, to implement the proposed plan. If advanced, the Park District would have opportunity to participate in plan development and liaise with a Chief Resilience Officer and their team to learn best practices and advance partnership opportunities. This legislation aligns with the Park District's Legislative Program overarching principle to advance climate resiliency adaptation and mitigation.

H.R. 5719 (Lee D-CA) Black Panther Party National Historical Park would direct the National Park Service to advance a general management plan for a new National Historic Site in California commemorating the Black Panther Party. It is likely such a site would be based in Oakland, California where the Park District is headquartered. Recognizing the significant contributions the Black Panther Party made to the national civil rights movement would support inclusive interpretation for the region, state and country. This action aligns with the Park District's Legislative Program's overarching principle to support inclusive interpretation and educational opportunities.

H.R. 5971 (Neguse D-CO) Study on Improving Lands Act directs a report be advanced which studies and analyzes the state of soil health on Federal lands. The health of soils is directly connected to the health of the ecosystem. By understanding soil quality and carbon

sequestration potential, agencies and organizations can better invest and plan for ecosystem restoration activities to maximize environmental and human health benefits. The Park District would have the opportunity to learn from best practices established during this study. This legislation supports the Park District's Legislative Program goal of ecosystem stewardship.

Vote: Director Sanwong made a motion to forward a recommendation of support to the East Bay Regional Park District Board of Directors. Second by Director Mercurio. Motion passed unanimously.

6. Announcements

Pfuehler acknowledged new Temporary Executive Assistant, Lauren Blanchard, who will be assisting the government affairs team.

Director Sanwong thanked the team for the end-of-year holiday celebration and gratitude for being able to serve on the legislative committee, her first-choice committee.

Director Mercurio echoed those sentiments of gratitude for being an alternate on the committee.

7. Adjournment - The committee adjourned at 2:15 PM.