

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

November 15, 2022

D. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

b. Board Legislative Committee (8.29.2022) (Echols)

The August 29 Board Legislative Committee meeting was held in-person and via video conference pursuant to EBRPD Resolution 2021-09-277 and the Brown Act, as amended by AB 361.

Members of the public can watch the meeting on the Park District's YouTube channel which can be found at: <https://youtu.be/0EYToO5-nPc>

Attendees:

Board: Chair Elizabeth Echols, Beverly Lane, Dennis Waespi

Staff: Erich Pfuehler, Lisa Baldinger, Flora Csontos, Yulie Padmore, Brian Holt, Katy Hornbeck

Consultants: Doug Houston, Peter Umhofer

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

This meeting was called to order at 12:38 PM.

Executive Assistant Yulie Padmore conducted a roll call of Board Legislative Committee members and staff.

Items discussed:

I. DEPUTY GENERAL MANAGER'S COMMENTS

A. *Proposition 68 Reflection and Update*

Grants Manager Katy Hornbeck and Legislative and Policy Management Analyst Lisa Baldinger provided a presentation about Proposition 68 funding opportunities. Proposition 68 passed by California voters in 2018 with the Park District's support.

Director Beverly Lane asked which grants were not awarded. Hornbeck responded there are six State Parks programs. Out of those six programs, two Proposition 68 grant programs were not awarded: Statewide and Regional. Hornbeck shared the Park District applied twice for the Statewide Park Program grant for the Tidewater project at Martin Luther King Jr. Regional Shoreline and there

are specific community support requirements. California Department of Fish and Wildlife and Coastal Conservancy are highly competitive grants.

Director Dennis Waespi thanked Hornbeck for all the work in the Grants Department. Waespi asked whether the Park District received a certain amount of per capita. Hornbeck stated the District received just over \$4.5 million. Design, Engineering and Construction determined distribution of funds among four Park District projects: first phase of the Martin Luther King Jr. Shoreline Tidewater Boating Center project (delivering the fill), Briones Regional Park staging area restroom replacements, Roberts Regional Recreation Area pool and the Tyler Ranch Staging Area.

Chair Director Elizabeth Echols commented it will be interesting to see what comes out of the debrief of the Statewide program considering there were efforts to make it more amenable to park programming.

Chief of Government and Legislative Affairs Erich Pfuehler complimented Baldinger and Hornbeck for the presentation. He noted this is a perfect example of the cycle of funding opportunities the Park District pursues. It highlights the benefits of a partnership between Grants and Government Affairs.

B. *Federal Wildfire Legislation*

Legislative and Policy Management Analyst Lisa Baldinger provided a verbal update about the comprehensive wildfire legislation which passed the House on July 29, 2022. The House of Representatives approved the Federal wildfire package, HR 5118 Wildfire Response and Drought Resiliency Act, which was comprised of 49 different pieces of legislation. Baldinger highlighted investment areas including landscape scale reforestation projects, ecosystem restoration grant fund, Alaska Native biochar demonstration project and legislative definitions.

Federal Advocate Peter Umhofer highlights the timing of this Federal package noting it came about during the busy month of July. The hope is the Senate will take up the package, but with a limited number of legislative days left there are many questions regarding how productive this task would be. There is potential for HR 5118 to be included in a “must pass” vehicle the Senate could consider before the legislative year. However, Umhofer commented on the Senate’s lack of appetite to move bills such as this forward.

Director Waespi thanked Baldinger and Umhofer. He showed appreciation that biochar is becoming popular.

Director Lane acknowledged this bill’s focus on best practices. Baldinger followed up there is a National Fish and Wildlife Foundation program the Park District may be eligible to apply for in the package. The program is work to protect, conserve and restore land aimed at helping communities respond and adapt to climate impacts. The Park District’s letter to Senators Feinstein and Padilla shared how this program would benefit the Park District’s work and emphasized the need to keep this program in legislation at its current level, if not higher.

II. LOCAL ISSUES / ACTIONS TAKEN BY OTHER JURISDICTIONS

Chief of Planning, Trails and GIS Brian Holt provided a verbal update about the Strategic Actions of Governmental Entities (SAGE) program within the Park District’s Acquisition, Stewardship and Design Division. Director Lane commented the Moraga Fire Department passed an ordinance which requires the

Park District to implement a fuel break along the edges of its property and asked whether SAGE is tracking. Chief Holt confirmed. Director Lane expressed interest in communication with Orinda prior to their implementing restrictions. Fire Chief Aileen Theile stated Planning and Fire are in communications to track the various municipalities. State Advocate Doug Houston highlighted that Orinda/Moraga secured \$800k in the third version of the budget.

Advocate Houston provided an update pertaining to McKay Avenue at Robert W. Crown Memorial State Beach. Houston attended the State Historic Preservation Officers meeting which identified a new historic district in the City of Alameda. It includes the state funded wellness center and the Maritime Officer's Club which is slated for conversion and demolition. Neighbors and historians oppose this project. The item was tabled for further consideration.

III. FUNDING AND GRANTS UPDATE

Grants Manager Katy Hornbeck provided a verbal update about pending, applied for, and approved grants and other funding related items. Director Lane mentioned the importance of thanking elected officials for their individual member successes noting, in addition to Assembly Member Grayson's support, that Senator Steve Glazer also worked to award \$3 million to Thurgood Marshall Regional Park – Home of the Port Chicago 50. Chief Pfuehler mentioned plans for an upcoming public statement and groundbreaking which will create opportunities to thank the Senator and recognize his support for funding.

IV. ADVOCATE BRIEFINGS

A. Federal Advocate Briefing – Federal Advocate Peter Umhofer provided a verbal update about funding for Thurgood Marshall Regional Park – Home of the Port Chicago 50, Exoneration of the Port Chicago 50, America the Beautiful Update, Federal Budget, Timing for Community Benefit Project Announcements and the Inflation Reduction Act. Director Lane asked if the \$3million was for the park in general or specifically for the visitor center. Advocate Umhofer responded the funds are provided through the Department of Housing and Urban Community Development Fund and can be used for building restoration which is targeted for the visitor center. Baldinger specified Government Affairs worked with Design and Construction on putting together a high-level budget for design, study and utility investments to begin the process for the visitor center. The funding would not break ground, but does activate the preparation work. Director Lane asked about funding through the National Park Service. Baldinger shared the Park District has a monthly check-in with National Park Service and there is a Finance sub-committee in which she participates. There is a plan to discuss a timeline of cost-sharing between the Park District and the National Park Service.

Director Dennis Waespi expressed disappointment in the lack of high-level initiative to approve exoneration of the Port Chicago 50. Umhofer agreed with Director Waespi and shared his appreciation for the San Francisco Chronicle and Smithsonian articles about the Port Chicago disaster. He noted there may be a need to think of additional ways to gain recognition beyond seeking support from the Administration.

Director Echols agreed with Director Waespi and Director Lane. She expressed mutual frustration that the Port Chicago 50 are not yet exonerated. Echols added it should be a no-brainer to get this done as quickly as possible. If it is shifted back to the Navy, then the White House should take the lead.

Pfuehler commented Government Affairs is in the beginning stages of developing an Exoneration Working Group to get this effort over the finish line.

- B. State Advocate Briefing – State Advocate Doug Houston, Houston Magnani provided a verbal update about the Budget Junior bill, the AB 2789 (Mullin D-South San Francisco) – Park District Sponsored Best Value Contracting Legislation Update and SB 1012 (Glazer D-Orinda) – State Parks Open Fires Update.

Director Elizabeth Echols expressed appreciation for the work and is looking forward to receiving a report from Advocate Houston about where all of the above state items land.

V. LEGISLATIVE PROGRAM UPDATES

Chief of Government and Legislative Affairs Erich Pfuehler and Legislative and Policy Management Analyst Lisa Baldinger presented legislative program updates.

A. NEW LEGISLATION

I. RECOMMENDED BILLS FOR SUPPORT

a. AB 2278 (Kalra D-San Jose) – 30x30 Reporting

This bill would require the Secretary of the California Natural Resources Agency to report to the Legislature about the progress toward achieving the goal of conserving 30% of California's lands and coastal waters by 2030. The directives of 30x30 were established by Executive Order No. N-82-20 relating to biodiversity and conservation. The report shall include, but is not limited to, the following information:

- The number of acres conserved in the prior calendar year and the remaining conservation needs to meet the 30x30 goal, including information about conserving California's biodiversity.
- The progress made in the prior calendar year on the ten pathways to achieve the 30x30 goal.
- The state funding expended in the prior calendar year for 30x30 goals, including funding for land and water conservation, science and research, public outreach and engagement, and managing, monitoring and restoring conserved lands and water.
- The progress made by the 30x30 Partnership in the prior calendar year, including by the 30x30 Coordinating Committee, California Biodiversity Council and California Biodiversity Network.
- The status of CA Nature, which is the suite of interactive mapping and visualization tools, and other scientific research or tools developed in the prior calendar year to support the 30x30 goal.
- The progress made in the prior calendar year to address equity as part of the 30x30 goal.
- Identified barriers to implementing the 30x30 goal and actions taken or needed to address those barriers.
- Targets and specific actions for the next calendar year to help meet the 30x30 goal.

The Department of Natural Resources is supportive of the bill.

Legislative Program Area: Ecosystem Stewardship

b. AB 2344 (Friedman D-Glendale) – Wildlife Connectivity

This bill would require Caltrans to identify barriers to wildlife movement before planning and designing transportation projects. Caltrans would also need to implement at least ten projects per year which improve wildlife connectivity.

Habitat for the state's most iconic species – including mountain lions, desert tortoises and California tiger salamanders – has been fragmented by roads, freeways and development. This fragmentation has led to inbreeding and genetic isolation for many sensitive species. Assembly Bill 2344 would prioritize effective wildlife crossings so animals can roam and find mates.

The Department of Transportation (DoT) would be required to complete the initial wildlife connectivity project list on or before January 1, 2024. DoT would update the project list every two years thereafter. The list will be made public as a draft for comment prior to adoption.

While the bill establishes the program, no additional funds are provided to DoT. The cost of wildlife crossings can be significant ranging from \$1.5 million to \$150 million. California spends approximately \$30 billion annually on transportation projects. Recent state and Federal allocations for wildlife crossings can aid in incorporating these projects more regularly as part of the state's transportation infrastructure. As part of the 2021 budget, Governor Newsom allocated \$61 million to build wildlife crossings across the state. President Biden's Infrastructure Investment and Jobs Act (IIJA) includes \$350 million nationwide over five years for a wildlife crossing pilot program. It also adds wildlife crossings as eligible for funding under the Nationally Significant Freight and Highway (NSFH) program. Likewise, Proposition 68 provided funding to the Wildlife Conservation Board (WCB) for grants related to wildlife corridors. A list was developed in 2020 to prioritize wildlife crossing barriers which supports the WCB program. Twelve wildlife crossing grants were approved by the WCB in 2021. There is a solicitation currently open (also under Proposition 68). The WCB's existing program means some progress and funding for wildlife connectivity is already under way.

The Oakland Zoo, Midpeninsula Open Space District and Santa Clara Valley Open Space Authority all support.

Legislative Program Area: Ecosystem Stewardship

c. AB 2878 (Aguiar-Curry) – Forest Biomass Waste Utilization

State law requires forest vegetation removal on one million acres per year, which will generate millions of tons of forest waste biomass. Pile and burn of that waste biomass emits significant climate and air pollution. Converting forest waste biomass to beneficial re-uses can, instead, reduce emissions from pile and burn while creating renewable power and fuels, biochar, cross-laminated timber and other valuable wood products. The Park District's Fire Department will soon be conducting a pilot program with a carbonator converting removed dead trees into biochar.

This bill seeks to align the use of vegetation removed from California's forests associated with wildfire mitigation with the state's climate and workforce development goals. The bill would establish the Forest Waste Biomass Utilization Program within CAL FIRE's State

Board of Forestry and Fire Protection (Board). The Board's Joint Institute for Wood Products Innovation is called upon to develop a plan which focuses on market strategy, workforce training and plan implementation. The Board, in coordination with the Wildfire and Forest Resilience Task Force, would submit an annual report about the progress in implementing the plan to the Legislature, beginning January 1, 2024.

This bill would also require the California Natural Resources Agency (CNRA) to integrate recommendations for forest biomass waste utilization in relevant, state climate adaptation plans. It also requires CNRA, in coordination with the California Environmental Protection Agency (CalEPA) and the Wildfire and Forest Resilience Task Force, to prepare and publish updates to the California Forest Carbon Plan every five years. In addition, it requires the California Air Resources Board to consider biomass waste utilization in their greenhouse gas reduction fund scoping plan. Lastly, the bill requires the California Public Utilities Commission to prepare and submit a report to the Legislature evaluating innovative bioenergy technologies which utilize forest biomass waste.

Legislative Program Area: Wildfire Resilience

- d. S. 4371 (Padilla D-CA) and H.R. 8046 (Ruiz D-CA) – Cesar Chavez and the Farmworker Movement National Historical Park Act

These bills would preserve the nationally significant sites associated with César E. Chávez and the farmworker movement across California and Arizona as historic park areas under the National Park Service (NPS). The legislation is cosponsored by Senator Feinstein (D-CA) and Representatives Grijalva and Gallego (both D-AZ). It is also supported by the City of Oakland, California Environmental Voters and California Wilderness Coalition.

The bill would, upon written agreement by the site owner, authorize the Department of Interior to include McDonnell Hall in San Jose as part of the National Historical Park. It would designate the approximately 300-mile march route taken by farmworkers between Delano and Sacramento in 1966 as a National Historic Trail. While the march did not traverse Alameda or Contra Costa counties, supporting National Historic Trail designation is consistent with the Park District's trail advocacy work. It requires the Department of Interior to complete a general management plan for the historical park within three years.

Congress enacted bipartisan legislation from Senator John McCain (R-AZ) and Representative Hilda Solis (D-CA) in 2008 directing NPS to conduct a special resource study of sites significant to the life of César Chávez and the farm labor movement in the western United States. President Obama established the César E. Chávez National Monument in Keene, California in 2012 to recognize César Chávez and the farmworker movement's achievements and contributions to the history of the nation.

The National Park Service transmitted the final Special Resource Study to Congress in 2013. The study team evaluated over 100 sites significant to Cesar Chavez and the farm labor movement, finding several were nationally significant and depicted a distinct and important aspect of American history associated with civil rights and labor movements which is not adequately represented or protected elsewhere. While NPS included five potential management alternatives to protect these sites, they ultimately recommended Congress

establish a National Historical Park which would incorporate nationally significant sites in California and Arizona related to the life of Cesar Chavez and the farm labor movement.

Legislative Program Area: Multi-benefit

e. H.R. 8366 (Neguse D-CO) – Land Restoration and Resiliency Act

This bill would require the Director of the United States Fish and Wildlife Service to enter into an agreement with the National Fish and Wildlife Foundation to establish the Community Resilience and Restoration Fund. Funding would be directed to:

- Improve community safety in the face of climactic extremes through conservation, protection and restoration of resilience lands.
- Protect, conserve, build and restore resilience lands in order to help communities respond and adapt to natural threats – including wildfire, drought, extreme heat and other threats posed or exacerbated by the impacts of global climate change.
- Protect and enhance the biodiversity of wildlife populations across resilience lands.
- Support the health of resilience lands for the benefit of present and future generations.
- Foster innovative, nature-based solutions to help meet these goals.
- Enhance natural carbon sequestration capabilities by strengthening local community capacity.

From 2023 to 2028, \$100 million would be appropriated annually in support of this program. “Units of Local Government” are eligible for these grants.

Legislative Program Area: Ecosystem Stewardship

f. H.R. 8449 (Schrier D-WA) – Fire Ready Nation

This bill would create within the National Oceanic and Atmospheric Administration (NOAA) a program to monitor wildfire behavior similar to weather monitoring. Specifically, it seeks to improve wildfire, fire weather, fire risk and smoke related forecasting, detection, modeling, observations and service delivery. The bill is intended to address growing needs in the wildland-urban interface. While the main focus is on Federal lands, the bill does include a provision to coordinate with non-Federal entities. It includes a competitive grant program to support coordination efforts.

Legislative Program Area: Wildfire Resilience

2. RECOMMENDED BILLS TO OPPOSE – N/A

3. RECOMMENDED BILLS TO WATCH

a. SB 1167 (Allen D-Santa Monica) – State Parks Acquisition Supporting 30x30

The author is working with the Administration and stakeholders to develop a proposal aimed at improving State Parks’ acquisition program in order to help meet the state’s 30x30 goals. Based on conversations with the author’s staff, the language in this bill is likely a placeholder until amendments are worked out. The current version of this bill allows State Parks to make acquisitions when certain conditions are met, rather than going through the State Public Works Board (SPWB).

Legislative Program Area: Ecosystem Stewardship

b. AB 1909 (Friedman D-Santa Monica) – Omnibus Bicycle Bill

This bill would, among other things, eliminate local authority on banning class 1 and 2 electric bicycles on bike paths. It eliminates the statewide ban of class 3 electric bicycles on a bicycle path or trail, bikeway, bicycle lane, equestrian trail or hiking or recreational trail. It authorizes a local authority having jurisdiction over an equestrian trail or hiking or recreational trail to prohibit the operation of an electric bicycle of any class on that trail. Local jurisdictions will also continue to have authority over setting speed limits and safety guidance on trails.

Legislative Program Area: Climate-Friendly Transportation

c. AB 2243 (Garcia D-Coachella) – Wildfire Smoke Impacts

This bill directs Cal/OSHA to consider revising California's current outdoor heat illness prevention standard and wildfire smoke standard. The bill passed the California Senate Committee on Labor, Public Employment and Retirement on June 22, 2022.

If passed, AB 2243 would direct Cal/OSHA to:

- Consider creating an ultra-high heat threshold of 105 degrees and additional protections for outdoor workers when the temperature surpasses this threshold. These protections could include:
 - Mandatory, paid rest and recover breaks every hour
 - More accessible cool water in the areas where workers spend their shifts
 - Increased employee heat-related illness symptom monitoring by employers throughout the workday.
- Consider requiring employers to distribute a copy of the Heat Illness Prevention Plan (Plan) to all new employees upon hire and when temperatures first exceed 80 degrees. In addition, the Plan will be distributed to all employees annually. Currently, Heat Illness Prevention Plans are only provided upon employee request.
- Require Cal/OSHA to consider additional protections related to acclimatization (the temporary adaptation of the body to work in the heat which occurs gradually when a person is exposed to heat) and training programs for outdoor workers in directly administering first aid to treat heat-related illness.
- Consider lowering the Air Quality Index (AQI) level for PM 2.5 at which employees must wear respiratory equipment when exposed to wildfire smoke from 500 AQI to 301 AQI. The requirement that employers who should "reasonably anticipate" their employees may be exposed to wildfire smoke must make protective equipment available once the AQI reaches 151 would remain unchanged.

AB 2243 would also lower California's wildfire smoke AQI threshold requiring employers to ensure employees wear respirators when AQI exceeds 251. As with California's current air quality standard, AB 2243 would continue to exempt specific workplaces, including workplaces where workers are either not exposed to or are only minimally exposed to poor air quality. Firefighters who are actively engaged in fighting fires are also exempt.

AB 2243 is primarily designed to address many of the concerns farmworkers have raised regarding California's existing law. It does, however, seem to apply to additional outdoor employment.

Legislative Program Area: Community Health

d. AB 2319 (Bonta D-Alameda) – Alameda Point Surplus Land

This bill would add Alameda Point to the definition of “exempt surplus land.” Making this exemption should expedite the construction of low-, very low- and moderate-income housing at Alameda Point. These types of projects have been dramatically slowed due to the state's interpretation of how the Surplus Land Act should apply. There is an existing settlement agreement between the City of Alameda and a local nonprofit, Renewed Hope, requiring 25% of all housing units at the former Naval base to be low-, very low- or moderate-income housing, which is higher than the 15% inclusionary zoning requirement in the remainder of the City of Alameda.

AB 2319 is narrowly tailored to just apply to the former naval base in Alameda. It also specifies some of the land can be used for “open-space purposes.” Defining the land can be used for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

Legislative Program Area: Welcoming Visitor Use Facilities

B. PROJECTS AND PROGRAMS

Chief of Government and Legislative Affairs Erich Pfuehler and Legislative and Policy Management Analyst Lisa Baldinger presented a project and program update on the Exoneration of the Port Chicago 50 and Member Funding Request Updates.

C. SITE VISITS AND MEETINGS

Chief of Government and Legislative Affairs Erich Pfuehler and Legislative Assistant Flora Csontos presented the following legislative site visits and meetings updates:

1. July 25, 2022: Elected Official Staff Site Visit – Thurgood Marshall Regional Park – Home of the Port Chicago 50
2. July 27, 2022: Agency Site Visit with State Parks at Marsh Creek State Historic Park
3. August 2, 2022: Representative DeSaulnier Site Visit at Big Break Regional Shoreline
4. August 6, 2022: Representative Swalwell Walk and Talk – Lake Chabot Regional Park
5. August 13, 2022: Representative DeSaulnier Walk and Talk – Thurgood Marshall Regional Park – Home of the Port Chicago 50

Director Dennis Waespi thanked Government Affairs and acknowledged the value of the walk and talks.

VI.OPEN FORUM PUBLIC COMMENT

Kelly Abreu referenced a recently published climate study proving sea level is expected to rise over a foot in the next century from melting glaciers of Greenland. Abreu expressed support to exonerate the Port Chicago 50. Abreu provided a native acknowledgement recognizing indigenous peoples of the Amazon as the inventors of biochar. Abreu expressed disapproval of putting housing in parks outside of the urban limit boundary. He shared Mission Peak in Fremont and Castlewood in Pleasanton are examples of people who live in parks and oppose public park usage near their homes.

VII. SOCIAL MEDIA

Legislative Assistant Flora Csontos provided a quick verbal report. Chair Echols expressed appreciation for social media.

VIII. BOARD COMMENTS

Director Waespi recognized the work of Government Affairs and the Federal/State Advocates. He expressed appreciation for up-to-date information. Director Lane and Director Echols agreed with Director Waespi's comments.