



HAYWARD AREA SHORELINE PLANNING AGENCY

HASPA Meeting
HARD District Office
1099 E Street
Hayward, CA 94541
Teleconference Site: 26420 Parkside Drive, Hayward, CA 94542

**Thursday, December 15, 2011
5:00 p.m.**

THE CAC MEETING WILL BE HELD ONE HOUR PRIOR TO THE HASPA MEETING

AGENDA

- | | | |
|----|--|---------|
| 1. | Call to Order | Jameson |
| 2. | Introductions | |
| 3. | Agenda Approval | Jameson |
| 4. | Approval of HASPA Minutes for September 22, 2011 | Jameson |
| 5. | (i) Report from HASCAC Chair | Moose |

UNFINISHED BUSINESS

- | | | |
|-----|--|-----------------------------|
| 6. | (i) URS Corporation Mitigation Project (5 Min.) | Zabel |
| 7. | (d) Weber Property Development (5 Min.) | Pearson |
| 8. | (d) BCDC's Proposed Bay Plan Amendments (5 Min.) | Pearson |
| 9. | (a) Russell City Energy Center and the Citizens Advisory Committee (CAC) | Zabel,
Anderson, Pearson |
| 10. | (i) Sea Level Rise Study and ART Project Update (5 Min.) | Pearson |
| 11. | (i) CAC/TAC/Board Comments | |
| 12. | (d) Agenda Building | |
| 13. | Public Comments | |
| 14. | Adjournment | Jameson |

- (i) Information
- (d) Discussion
- (a) Action

Next HASPA Meeting: March 22, 2012



HAYWARD AREA SHORELINE PLANNING AGENCY

Hayward Area Recreation and Park District
East Bay Regional Park District
City of Hayward

Joint Meeting of Board of Trustees and Citizens Advisory Committee
HARD District Office Conference Room
1099 'E' Street
Hayward, CA 94541

September 22, 2011

DRAFT MINUTES

HASPA TRUSTEES PRESENT:

Minane Jameson, Hayward Area Recreation and Park District (Chair)
Carol Severin, East Bay Regional Park District
Barbara Halliday, City of Hayward (Alternate)

HASCAC MEMBERS PRESENT:

Betty Moose (Chair)
Audrey LePell (Vice-Chair)
Ron Barklow
Martin Eschen
Ernie Pacheco

HASTAC MEMBERS PRESENT:

Mark Taylor, East Bay Regional Park District
Jennifer Koney, Hayward Area Recreation and Park District

STAFF:

Erik Pearson, City of Hayward
Karl Zabel, Hayward Area Recreation and Park District
Julie Williams, Hayward Area Recreation and Park District

1. **Call to Order**
The meeting was called to order at 5:06 p.m. by Minane Jameson.
2. **Introductions**
Round robin introductions of all those present were made.
3. **Agenda Approval**
The agenda was approved by unanimous consent.
4. **Approval of HASPA Minutes for June 23, 2011.**
The minutes were approved by unanimous consent.

5. Report from HASCAC Chair

Betty Moose passed out information and a map on Castro Valley Creek. A complete report will be given at the next meeting.

Jennifer Koney reported the following information regarding Calpine:

- Audrey LePell reported that Andy Wilson made a site visit to Calpine Construction and Mark Taylor clarified that the pile driving is completed. Audrey expressed concern that there was no notification that the pile driving was beginning construction as was expected.
- Audrey also reported that Citizen's Against Pollution (CAP)'s Vice President Andy Wilson and Ernest Pacheco worked with HARD's General Manager to write letters to 1) Calpine, 2) the California Energy Commission, and 3) the Federal Aviation Administration expressing concerns and asking for further information. The concerns related to a) aircraft rerouting safety hazards and possible impacts on shoreline birds; b) possible effects of back scatter lighting on local wildlife and the lack of an analysis; and c) results of the program use survey showing an expected decline in program use at the Hayward Shoreline Interpretive Center. As of September 22, 2011 there were no responses from the CEC or FAA. Calpine is expected to meet with HARD before the September 26, 2011 Board of Directors meeting.
- Mark Taylor clarified that the \$10 million to the City of Hayward and the land exchange to EBRPD would not go into effect until the Russell City Energy Center was operational; not at the start of construction.
- Ernest Pacheco reported that PG&E was currently working on a reconductoring project to increase the levels of power able to be transmitted through the Eden Landing substation to the San Mateo and Dumbarton bridge power lines. Ernest Pacheco suggested that a request be made to the CPUC requesting a stay on the project pending the decision of the Ninth Circuit Federal Court. Mark Taylor reported that the work on the reconductoring project was being done after the nesting period has happened and the work is being done by helicopters so that there is little or no impact on the wildlife. The proposed motion, which passed, stated *"Whereas, the approved biological opinions for the reconductoring project by PG&E will have a negative impact and "take" on two endangered species: The salt marsh harvest mouse and the California clapper rail; and Whereas, the Russell City Energy Center project is on hold pending the opinion of the Ninth Circuit Federal Court; Thereby, HASCAC requests that HASPA requests the California Public Utilities Commission (CPUC) to instruct PG&E to halt the reconductoring project until a decision is made."*

Jennifer Koney indicated that she will report on Adapting to Rising Tides later in the meeting as well. There was also a report on the URS mitigation project from Karl Zabel which will be reported under the HASPA agenda item.

Betty Moose announced that Phil Gordon will be recognized for his volunteer efforts at the Annual Hayward Volunteer Recognition and Awards Dinner to be held on October 4, 2011 at the St. Rose Hospital great white tent. Additionally, Evelyn Cormier will be receiving an Outstanding Lifetime Award and recognition at that event. Those interested in tickets (\$40) should contact Audrey.

Betty Moose presented Audrey LePell with a Certificate of Appreciation from HASCAC in recognition of her hard work, dedication, and continued support as Chairperson of HASCAC from 2007-2011 and currently as Vice-Chairperson of HASCAC.

Betty Moose reported updates on the Bay Trail. The next meeting is October 11, 2011. She provided copies of the motion passed by the Bay Trail Board of Directors supporting the name "San Francisco Bay Trail" and a Bay Trail map and an article from the Examiner from June 12, 2011.

6. **URS Corporation Mitigation Project**

Karl Zabel reported that URS Corporation has approached HARD with a possible mitigation project regarding two Port of Oakland/Oakland Airport safety enhancement projects: 1) runway safety area and 2) perimeter dike project. Approximately 18.5 acres of non-tidal wetlands will be currently impacted by the project. The total area of the project is 22 acres. The mitigation ratio has not yet been determined. Approximately 22 acres are being sought to be restored to tidal or seasonal wetlands. The Port of Oakland is currently looking for possible sites to restore wetland habitat for the California clapper rail. Every agency and private land owner around the Bay has received notice about this project. Three agencies that own property on the Hayward Shoreline have expressed interest: EBRPD, HARD, and the City of Hayward. A determination is expected in November.

7. **Weber Property Development**

Erik Pearson indicated that there is not much to report as there has been no activity on this project. The applicant is still waiting to hear back from U.S Army Corps of Engineers in terms of the wetland determination and whether or not the wetland can be developed and mitigated. The City is also waiting to hear back from the California Department of Fish and Game. The City knows that HASPA wants to review the project before it goes to the Planning Commission.

Ernie Pacheco inquired if the City of Hayward gave Weber the questionnaire that was proposed from the last meeting and Erik replied that he gave the questionnaire to Tim Koonze of the planning department again this week.

8. **BCDC's Proposed Bay Plan Amendments**

Erik Pearson reported that at the last June meeting, a draft letter was presented for HASPA to send to BCDC to comment on the proposed amendments related to climate change. A few members met in July to make a few changes to the letter. The letter was changed to emphasize that local agencies like HASPA intend to take a leadership role and we expect to work closely with them on developing the adaptation strategy that is called for in the plan. On July 29, 2011, BCDC released their latest staff recommendation and latest language on the policies.

The Hayward City Council adopted a resolution on August 2, 2011 that has similar language to the HASPA letter, which was sent to BCDC on August 3, 2011.

BCDC had a hearing on September 1, 2011. David Risk, Development Services Director from the City of Hayward, attended the hearing and most people that spoke at the meeting were in favor of the proposed amendments. However, there were some environmental organizations that feel that the amendments got modified to far in favor of the economic interests. The

Nature Conservatory was one of those organizations that can no longer support the proposal. The City of Hayward was approached by Bay Cities Coalition which asked the City of Hayward to sign a letter to ask for a couple of policies to be removed and the City declined to sign that letter.

The final BCDC staff recommendation will come out on September 23, 2011 and the final hearing is on October 6, 2011.

Barbara Halliday inquired about Bay Cities Coalition intentions to have some policies removed from the proposed amendments. Erik Pearson replied that Suisun City, which is part of the Bay Cities Coalition, has a major part of the redevelopment area on the Bay and they are afraid that these new policies would prevent them from developing what they want. They want two policies to be removed. They still want the strategy to be prepared but they don't want the recommendation in the plan itself.

11. **Sea Level Rise Study and Adapting to Rising Tides (ART) Project Update**

Jennifer Koney reported that the Adapting to Rising Tides Communications Subcommittee met on September 15, 2011 and the following five direct climate impacts were reviewed: 1) More frequent flooding; 2) Longer floods; 3) Frequent or permanent inundation in new areas; 4) Overtopping of shoreline protection by waves and erosion and 5) Elevated groundwater and salinity intrusion. See animated descriptions of these impacts at: <http://risingtides.csc.noaa.gov/climateimpacts.html>.

The inundation maps being used for the existing conditions and stressors report project have been revised and they are currently developing the communications strategy around that.

Jennifer Koney reported the timeline for the Adapting to Rising Tides Project. Currently they are finishing the Existing Conditions and Stressors" report. In January, they will draft the Vulnerability Assessment, and, in March, they will start the "Adaptation Strategies", which is expected to be completed in November 2012. The next sub regional work group meeting will be held on October 27, 2011 from 1-4 pm with the location to be determined.

There are updated sea level rise maps that may be made public early next year. One of the reasons that BCDC has brought these maps to the committee is that they want people to understand the maps. They are a total of six maps that show possible inundation so they want to present them in a way to make the public understand them.

As part of the 25th Anniversary of the Shoreline Interpretive Center, a panel discussion on sea level rise will be held on October 15, 2011 from 2-4pm about the findings of the current status of the Adapting to Rising Tides project to educate the public so they have an increased awareness about shoreline. This panel discussion is being partnered with BCDC, NOAA and the ART project.

Jennifer Koney also reported that it is National Estuary Day on September 24, 2011.

12. **PG&E Gas Line Update**

Mail: C/O Hayward Area Recreation and Park District Attention: Karl Zabel
1099 E Street, Hayward, CA 94541 510-881-6714 zabk@haywardrec.org

Erik Pearson reported that PG&E started testing gas lines in Hayward on June 6, 2011. PG&E has completed the hydrostatic testing to check for leaks on a portion of Winton Avenue, a portion of Depot Road and a portion of Clawiter Road. A 16" line will supply Russell City Energy Center which connects near Depot Road and the railroad crossing. The 16" line is still being designed by PG&E and will be constructed later this Fall. Mark Taylor further said that the area that was repaired was above ground across Bockman/Channel Roads and was the line near San Lorenzo Park.

12. CAC/TAC/Board Comments

Audrey LePell mentioned that there was an article in Daily Review dated June 5, 2011 named "About Pleasures of Shoreline".

Audrey LePell asked that HASPA please take seriously the issue regarding the motion that they passed at the CAC meeting regarding the draft letter to PG&E. After a long discussion, the Trustees requested that the CAC (Ernest Pacheco) draft a letter stating such for review by each HASPA agency and their legal counsel. If the respective legal counsel of East Bay Regional Park District and City of Hayward approve the proceeding, there will be a special meeting held on Monday, October 17, 2011 at 4:00 p.m. at the Hayward Area Recreation and Park District Office to review and discuss the letter to California Public Utilities Commission (CPUC).

Barbara Halliday said that she appreciates the hard work from HASCAC. However, she made the point that the City of Hayward never made the decision to have the power plant on the Shoreline. That decision was made by the California Public Utilities Commission (CPUC). It is unfortunate that Hayward was chosen for the power plant.

Mark Taylor reported that the Coastal Clean Up on September 17, 2011 was successful. 113 people showed up at West Winton Avenue and 39 people at Interpretive Center. 13 cubic yards of trash and 13 yards of green waste was picked up. The Hayward Shoreline Bay Trail was closed for 8 days at the end of August and first part of September for repairs to the culverts and it is now operational.

Betty Moose wanted to express her thanks to Jennifer Koney for taking the CAC minutes. She also thanked Karl Zabel for providing the certificate for Audrey. She inquired about a new member from Mark Taylor. Mark Taylor indicated he talked Jeff Huston who is on the EBRPD Park Advisory Committee about the HASCAC membership. He invited Jeff to the meeting who was unable to attend.

Carol Severin thanked HARD for dedication of new West Terrace Area at Meek Estate Park which is extremely beautiful.

Carol Severin distributed new EBRPD trail line maps including the shoreline and some of HARD's facilities. Some easy loop trails have been designed for walkers.

Carol Severin also reported that EBRPD received a settlement from the Cosco-Busan oil spill. Part of that settlement will go to Hayward as well.

Ron Barklow reported that the Alameda County Breeding Bird Atlas will be out by December 1, 2011.

13. **Agenda Building**

Betty Moose inquired about the **2012** December meeting date. It was confirmed that the meeting will be held on December 13, 2012. The **2011** December meeting will be December 15, 2011.

Betty Moose requested that Dave Lewis, from Save the Bay, be invited to the March 2012 meeting to give a general report.

The following unfinished business items will be added to the December agenda: Weber Property Development, BCDC's Bay Plan Amendments, Sea Level Rise and ART Project Update and the URS Corporation Mitigation Project.

14. **Public Comments**

None

15. **Adjournment**

The meeting was adjourned by Minane Jameson at 7:01p.m.

Minutes taken by Julie Williams, Hayward Area Recreation and Park District



HAYWARD AREA SHORELINE PLANNING AGENCY

Hayward Area Recreation and Park District
East Bay Regional Park District
City of Hayward

DATE: November 21, 2011

TO: HASPA Board of Trustees

FROM: Michael Anderson, East Bay Regional Park District
Erik Pearson, City of Hayward
Karl Zabel, Hayward Area Park & Recreation District

SUBJECT: Russell City Energy Center and the Citizens Advisory Committee (CAC)

Given the recent issues associated with Calpine's Russell City Energy Center (RCEC) related to actions by the Citizens Advisory Committee (CAC), and given the legally binding restrictions of two of the three member agencies that comprise HASPA related to opposing the RCEC, HASPA staff has prepared this memorandum for the HASPA Board of Trustees related to the staff recommendation below.

On October 17, 2011 the CAC held a special meeting to consider the PG&E reconductoring project that is underway to prepare transmission lines for the RCEC. The CAC By-Laws (attached) clearly state that the CAC is to "...undertake studies, make recommendations and advise on subjects *as requested by the Board of Trustees.*"

Board members Quirk and Severin, representing the City of Hayward and the East Bay Regional Park District, are prohibited from taking any position against Calpine and the Russell City Energy Center project, due to binding agreements the City and EBRPD have with Calpine. The Board has previously indicated it does not wish to have items related to RCEC on HASPA agendas. The PG&E reconductoring project is directly related to Calpine and the Russell City Energy Center and legal counsel for both the City of Hayward and EBRPD have indicated the reconductoring project, as well as any component associated with the RCEC project, is covered by the binding agreements.

Staff Recommendation –

HASPA staff recommends that the Board reaffirm that components of the Calpine RCEC project are not to be placed on future HASPA or CAC agendas. Furthermore, staff recommends that HASPA hold a work session in early 2012 to further discuss the role of the CAC and to set priorities for both HASPA and the CAC.

**HAYWARD AREA SHORELINE
CITIZENS ADVISORY COMMITTEE**

Adopted by HASPA Trustees December 11, 2008

BY-LAWS

1. Purpose of the Citizens Advisory Committee

The Citizens Advisory Committee shall advise the Hayward Area Shoreline Planning Agency (HASPA) concerning the public's interest in the Hayward Shoreline, shall aid in fostering a positive image of the Shoreline and shall help educate the public about park/shoreline problems and activities. It shall undertake studies, make recommendations and advise on subjects as requested by the Board of Trustees.

HASPA was established to prepare plans in an area bounded on the north by the City of San Leandro, on the east by the Southern Pacific Railroad tracks and the City of Union City, on the south by the City of Fremont and on the west by the City of Hayward's most westerly limits.

2. Appointments to the Citizen Advisory Committee

The Citizens Advisory Committee shall be made up of no less than 10, nor more than 15 members. Applicants for committee membership must complete an application form provided by the Trustee prior to appointment. Each member shall be appointed by a majority vote of the HASPA Trustees and they must be a resident of Alameda County. The HASPA Trustees shall try to balance membership to ensure that those most affected by actions within HASPA's jurisdiction are adequately represented. At least a majority of CAC members shall reside within the jurisdiction of a member agency of HASPA.

3. Term

Membership on the Citizens Advisory Committee is considered to be indefinite reflecting the need for long-term continuity of member's interests and perspectives of HASPA issues.

4. Termination of Membership

Members are continuing members until he/she resigns or is terminated.

Anticipated absences from regular meetings should be communicated to the Chair of HASCAC prior to those meetings and be considered an acceptable absence. Unexcused absences from three (3) consecutive meetings may lead to termination of membership by the Trustees. Notice to that effect will be sent by the staff liaison.

5. Meetings

The Committee shall meet on a quarterly basis and may have special meetings as called by the Chair or Vice-Chair. Written notice shall be provided 7 days prior to a meeting, whenever feasible.

6. Chair and Vice-Chair

The Committee shall elect a Chairperson and a Vice-Chairperson or a Chairperson and Co-Chairperson, from among its members. Such appointments will be confirmed on an annual basis by the membership of the CAC and communicated to the Trustees.

7. Committees

The Committee may form sub-committees as it deems necessary to carry out its assigned responsibilities.