



Midpeninsula Regional
Open Space District

R-24-68
Meeting 24-14
May 22, 2024

AGENDA ITEM 8

AGENDA ITEM

Award of Grazing Leases for three Conservation Grazing Units: Blue Brush Canyon (Purisima Creek Redwoods Open Space Preserve); Lone Madrone (La Honda Creek Open Space Preserve); and Big Dipper/Mindego (Skyline Ridge Open Space Preserve/Russian Ridge Open Space Preserve)

GENERAL MANAGER'S RECOMMENDATIONS

Based on the final evaluation results of a Request for Proposals Process that is consistent with the 2023 Board-adopted Agricultural Policy, adopt a Resolution authorizing the General Manager to:

1. Execute an initial five-year conservation grazing lease with Pacheco Cattle for the Blue Brush Canyon Grazing Unit in Purisima Creek Redwoods Open Space Preserve.
2. Execute an initial five-year conservation grazing lease with Willow Creek Land and Cattle, LLC., for the Lone Madrone Grazing Unit in La Honda Creek Open Space Preserve.
3. Execute an initial five-year conservation grazing lease with Baird Livestock and Land Management, LLC., for the Big Dipper/Mindego Grazing Unit in Skyline Ridge/Russian Ridge Open Space Preserve.
4. Extend each of the foregoing leases, at the General Manager's discretion, for up to two (2) additional five-year terms, for total lease terms of 15 years each, based on tenant performance.

SUMMARY

The Midpeninsula Regional Open Space District (District) released a Request for Proposals (RFP) on February 16, 2024, to solicit proposals from qualified livestock operators to graze three (3) District conservation grazing units. After completing a thorough review and evaluation of the proposals in alignment with the recent Board-adopted Agricultural Policy, and consideration of other pertinent District policies and overarching goals regarding agricultural operations, the recommendations are as follows based on final scoring results of the RFP review committee:

1. Blue Brush Canyon Grazing Unit: Pacheco Cattle
2. Lone Madrone Grazing Unit: Willow Creek Land and Cattle, LLC.
3. Big Dipper/Mindego Grazing Unit: Baird Livestock and Land Management, LLC.

The leases would each be for an initial 5-year term with a delegation of authority to the General Manager to approve up to two (2) additional 5-year extensions for each lease, based on tenant performance. The District received a protest regarding the recommended award of the Lone Madrone Grazing Unit. In accordance with the protest procedure specified in the RFP and following a careful review of the underlying facts of the RFP process, the District issued a written decision on May 16, 2024, denying the protest. The protest is discussed in more detail below.

DISCUSSION

Over the past two years the District has granted lease extensions to existing conservation grazing tenants whose grazing leases were expiring, including the leases for Blue Brush Canyon and Lone Madrone, while the District developed a new [Agriculture Policy \(Ag Policy\)](#). The purpose of these extensions was to allow for public input and Board deliberation on the Ag Policy, which has established additional policy direction specificity on the structure, length, and selection criteria for agricultural leases, including grazing leases. The Board adopted the Ag Policy on November 1, 2023 ([R-23-129](#)). Ag Policy AG-5 sets Board policy guidance on agricultural leases as follows: “*Structure agricultural leases to accomplish land management objectives and establish leases that promote conservation goals balanced with economically viable agricultural uses.*” Implementation measures under policy AG-5 provide policy guidance for the process of selecting conservation grazing tenants as described below:

- AG-5 (a): states that in the coastal protection area, after purchase of active agricultural lands, the land will be subject to continued use by the existing agricultural operator until the District sells the property or issues a RFP. All of the grazing units considered for award, except for Blue Brush Canyon, were previously leased pursuant to a RFP process. At the time of the property purchase, in June 2009, the District assumed the existing grazing lease and then in August 2012 entered into a 5-year lease with a 5-year option with Pacheco Cattle as the existing agricultural operator. This is the first time the Blue Brush Grazing Unit has been made competitively available through a RFP process.
- AG-5 (b): states that after the acquisition of a property and the development of a rangeland management plan, the District should solicit a RFP to enter into a long term lease. All three leases under consideration have Board approved rangeland management plans.
- AG-5 (c): states that the District will provide an open competitive process to compete for grazing leases after the expiration of the previous lease term. All three conservation grazing unit leases have either ended or are in their final year. This policy is why the District has issued an RFP for these three Grazing Units.
- AG-5 (d): states that leases will be structured to provide periodic options to renew or end the lease and have provisions for terminating a lease for poor performance. This is why conservation grazing leases are structured in 5-year agreements with options to extend for two additional 5-year periods.
- AG-5 (e): states that the lease term should be long enough to support the financial viability of the agricultural operation. That is why these lease terms provide for a 15-year

term if all options are exercised. This gives the rancher the time to develop and grow their operation.

- AG-5 (f): states that the District should work with local organizations to make sure lease opportunities are well publicized, including to new/early career producers and agricultural workers. The District conducted an extensive outreach process as part of the RFP, reaching out to many local organizations. Furthermore, the District translated the RFP materials into Spanish to allow for broader access to the RFP opportunity.
- AG5 (g): lists selection criteria, including local preference, DEI, tenant in good standing, and environmental sustainability in addition to the standard need for the ability to manage and operate the agricultural operation. Local preference is given to any proposer that lives or operates a business in San Mateo County. Tenant in good standing is given to a proposer who has met lease performance standards and is currently leasing the property that they are competing for.
- AG5 (h): states that tenant performance should be factored into the award of leases. This was included in two ways in the RFP: tenant performance determines whether they receive credit under tenant in good standing and their overall performance as a District tenant was evaluated under the experience and qualifications section.

In the Ag Policy, the Board reached a balance between an open competition to select the most qualified grazing tenant and favoring existing and local tenants. The RFP structure reflects that policy direction. The process is competitive given that properties are put out for an open, competitive process at the end of each lease, and at the same time local ranchers receive a competitive edge over proposals outside of San Mateo County, and existing tenants good standing receive a competitive edge for the property they are currently leasing.

Selection Process

In accordance with the Ag Policy, District staff released a Request for Proposals (RFP) on February 16, 2024, to solicit qualified livestock operators to graze three (3) conservation grazing units (see Attachment 2 – Description and Map). The General Manager recommends awarding the grazing leases to the proposals that best meet the requirements of the RFP and the District's Ag Policy.

The General Manager recommends executing a 5-year grazing lease with Pacheco Cattle on the Blue Brush Canyon grazing unit. Pacheco Cattle was the only proposal received for the Blue Brush Canyon grazing unit and they had the overall highest ranked written proposal for any of the grazing units. Pacheco Cattle has a 12-year track record of successfully managing Blue Brush Canyon under their current grazing lease.

The General Manager recommends executing a 5-year grazing lease with Willow Creek Land and Cattle, LLC., on the Lone Madrone grazing unit. Willow Creek was the highest-ranking proposal for the Lone Madrone Grazing Unit, which was the most desired grazing unit with three proposals ranking Lone Madrone as their first preference. Willow Creek's cumulative RFP score was higher than the second-ranked Markegard's even though the Markegard's received a preference for being the existing tenant in good standing. Willow Creek's proposal illustrated

unique education and experience that provides for a broad knowledge base of land management and they ranked well and consistently in the proposal, interview, and site visit.

The General Manager recommends executing a 5-year grazing lease with Baird Livestock and Land Management, LLC., for the Big Dipper/Mindego Grazing Unit. The RFP process allows the District to recommend a lower ranked proposal if the highest ranked proposer is awarded their first choice. The highest ranked proposal for Big Dipper/Mindego was Willow Creek, however, their first preference is the Lone Madrone Grazing Unit. The other two higher-ranked proposals, Pacheco Cattle and Markegards, did not submit proposals for Big Dipper/Mindego. Baird Livestock had a solid proposal and demonstrated the experience and capability to operate a grazing lease. Awarding the lease to Baird Livestock also presents an opportunity for ranch employees to get their start in operating their own cattle operation.

RFP Posting and Outreach

Staff posted the RFP on the District website and on Periscope. In addition, staff informed District grazing tenants and numerous agricultural partners, including the following:

- San Mateo Resource Conservation District (RCD)
- Natural Resources Conservation Service (NRCS)
- San Mateo County Farm Bureau
- Michael Oneil- Board Supervisor Ray Mueller's Office
- Peninsula Open Space Trust (POST)
- UC Cooperative Extension – Agriculture and Natural Resources
- Central Coast Rangeland Coalition (CCRC)
- Amah Mutsun Land Trust
- Puente de la Costa Sur (Puente)
- Center for Agroecology at UC Santa Cruz
- Kitchen Table Advisors
- Agriculture and Land-Based Association (ALBA)
- California Farm Link
- California Cattlemen's Association
- California Rangeland Conservation Coalition
- Sustainable Pescadero
- San Mateo County Agricultural Commissioner's Office
- San Mateo County Agricultural Advisory Commission
- Pescadero Municipal Advisory Commission
- San Mateo County Farm Worker Advisory Commission
- Farm Worker Affairs Commission
- Ayudando Latinos A Sonar (ALAS)
- Rancho San Benito
- Acterra

People who had previously requested notification for similar leases were also notified and ads were placed in the San Jose Mercury News and San Mateo County Times newspaper publications.

There was strong interest in the grazing units and a mandatory pre-proposal informational meeting drew 22 individuals representing ten (10) prospective operations. A Spanish translation was provided for Spanish-speaking proposers who attended. The District ultimately received five (5) proposals across the three available grazing units. Proposers were allowed to submit for multiple grazing units and were required to rank their preference.

Table 1: List of Proposers and the Grazing Units of Interest for Each.

Proposers ranked the grazing units of interest by their preference as shown below. Blank cells indicate that the proposer did not submit for that specific grazing unit.

Proposer	Lone Madrone	Blue Brush Canyon	Big Dipper/ Mindego
Baird Livestock and Land Management, LLC.			1st
Erik and Doniga Markegard	1st		
Hang'in P Cattle Company	1st		2nd
Pacheco Cattle		1st	
Willow Creek Land and Cattle, LLC.	1st		2nd

The selection process used a rigorous scoring system that assigned value to various goals and criteria outlined in the RFP, including applicants' experience, capacity, history, and knowledge, with an emphasis on natural resource management issues as well as additional goals identified in the Ag Policy, including environmental sustainability; diversity, equity, and inclusion; local preference; and tenant in good standing. The selection process was separated into two phases: (1) an evaluation of the written proposal submittals and (2) an evaluation of the proposer's grazing operations through interviews and site visits.

A five-person selection committee evaluated the proposals. The committee was comprised of three District staff and two external individuals (one from East Bay Regional Park District and one from University of California Cooperative Extension) chosen because of their expertise, experience and background in rangeland and natural resource management, public lands grazing, livestock/ranch management, and other grazing RFP processes. The selection committee scored proposals according to the criteria set forth in the RFP. All four proposers qualified for local preference and two of the proposers—the Markegards and Pacheco Cattle—qualified for tenant in good standing. Only one proposal was received for Blue Brush Canyon; this proposal was submitted by the existing District tenant, Pacheco Cattle. Given the sole proposal, the District did not conduct an interview and site visit for this grazing unit. The two highest-scoring proposals for Lone Madrone and Mindego/Big Dipper were invited to in-person interviews and site visits on ranches the proposers currently manage.

The interview/site visit evaluations included a three-person subset of the selection committee who evaluated the proposer's understanding and willingness to conduct their grazing activities in a manner that will enhance the natural resource values, promote maintenance and improvements to the property, and work with the District to achieve recreational and resource management goals. Each

interview/site visit was evaluated using criteria set forth in the RFP and scores for this phase of the evaluation were given independent of the proposal submittals. The points from each phase of the selection process were then combined to arrive at each proposer’s final numerical score and ranking.

The RFP provides that the District would make recommendations to award to the highest-ranked proposers for each grazing unit if the proposer had ranked that grazing unit as its most-preferred. The RFP also provided that:

“the District will have the sole discretion, considering the overall grazing program goals, to determine whether to award multiple Grazing Units to a single operator. Proposers are required to list the Grazing Units in order of preference. If a Proposer is the highest-ranked for its most preferred Grazing Unit, District staff will recommend awarding a lease to that Proposer for its most preferred Grazing Unit. If a Proposer is the highest-ranked for both its most preferred Grazing Unit and another Grazing Unit(s), the District may award the lease for the latter Grazing Unit to the second-ranked Proposer for that unit if the District determines that doing so will further the conservation grazing program goals and District’s Agricultural Policy” (Page 10).

The RFP also provides that the District has the right, in its sole discretion, to choose not to award a lease for any Grazing Unit.

The final scores and rankings from the selection process are shown in the following tables.

Table 2: Ranking of Proposers Based on Written Proposal Scores (Phase 1)

Proposer	Score	Rank
Pacheco Cattle	94.7	I
Willow Creek Land and Cattle, LLC.	93.6	II
Erik and Doniga Markegard	93.2	III
Baird Livestock and Land Management, LLC.	84.2	IV
Hang’in P Cattle Company	64.9	V

Table 3: Ranking of Proposers Based on Oral Interviews/Site Visits (Phase 2)

Proposer*	Score	Rank
Willow Creek Land and Cattle, LLC.	96.3	I
Baird Livestock and Land Management, LLC.	95.3	II
Erik and Doniga Markegard	94.7	III

*Only the top two proposals for each grazing unit moved forward to interviews. Only one proposal (Pacheco) was received for Blue Brush Canyon, so site visit and interview were not needed for that grazing unit.

Table 4: Cumulative Scores and Final Ranking of Proposers (Phase 1 and 2)

Proposer	Score	Rank
Willow Creek Land and Cattle, LLC.	189.9	I
Erik and Doniga Markegard	187.9	II
Baird Livestock and Land Management, LLC.	179.5	III

Pacheco Cattle

Pacheco Cattle had the highest-ranking *Written Proposal Score* and was identified as the most qualified applicant whose written proposal best met the goals described in the RFP for the Blue Brush Canyon Grazing Unit. As the only proposer for the Blue Brush Canyon Grazing Unit, it was determined that they did not need to participate in a second-round site visit or interview. Pacheco Cattle has been a tenant of the District for over twelve years and in that time has demonstrated an excellent ability to manage grazing lands in accordance with District goals and policy. They have a proven record of maintaining and developing critical grazing infrastructure, working cooperatively with District staff, and adjusting their grazing operations to align with natural resource considerations. As a multi-generational operation, they are an excellent example of the ongoing vibrancy of agriculture on the San Mateo County coast. Pacheco Cattle currently holds two other leases with the District, in addition to other private leases in San Mateo County.

Willow Creek Land and Cattle, LLC

Willow Creek Land and Cattle, LLC., (WCLC) was the top-scoring proposer overall (based on cumulative scores) for both the Lone Madrone and Big Dipper/Mindego Grazing Units. Willow Creek Land and Cattle identified the Lone Madrone Grazing Unit as its first preferred grazing unit and Big Dipper/Mindego Grazing Unit as its second-most preferred grazing unit.

Willow Creek Land and Cattle, L.L.C. is a California-based limited liability company co-owned by the sister-brother team, Elizabeth (Liz) Reikowski Duncan and Matthew Reikowski. Blake Duncan, Liz's spouse, is the third key partner in the operation. Liz and Matthew are the third generation of a cattle ranching family from Paicines. Blake grew up on a large family cattle ranch in Nevada. The purpose for creating WCLC was to develop a land stewardship company utilizing livestock and conservation grazing to steward natural lands. In addition to their rich history of growing up on ranch land, each of these individuals have unique education and experience that together provides for a broad knowledge base of land management. WCLC qualify for the local preference criteria because Liz and Blake live in San Mateo County, even though their business operations are outside the county.

Liz has worked for organizations gathering data and performing scientific testing to determine the benefits of conservation grazing on both public and private lands. She demonstrates the ability to analyze and interpret this data in a useable format for landowners. During the interview and site visit process, she shared examples of reports reflecting forage quality and quantity, soil analysis, and water supply information. Matthew has over a decade of experience as a livestock manager for ranches, leasing property from Bureau of Land Management, United States Forest Service, California State Parks, Contra Costa Water District, and East Bay Regional Park District. During his tenure he gained significant infrastructure maintenance and repair experience, including designing water systems and utilizing cross-fencing for rotational grazing control. Blake developed his hands on ranching experience and knowledge while working on privately-owned ranching lands and lands owned by the University of Nevada, Reno. Although he has excellent overall knowledge of livestock operations, he specializes in livestock acquisition and marketing for WCLC as well as the operation of heavy equipment.

WCLC has managed cattle on private land for over five (5) years and on public lands for over three (3) years. The public land they lease is located at Pinnacles National Park where they were tasked to

use their land management expertise to reduce the wild mustard population. Three years of rotational conservation grazing has successfully achieved that goal. Additionally, WCLC has knowledge of working on lands where threatened or endangered species are present. Specifically, the California Tiger Salamander is present on a property managed by WCLC. Additionally, the team completed a large water system improvement project on this property, requiring close coordination with both the Natural Resource Conservation Service and US Fish and Wildlife biologists.

Overall, WCLC exhibited a keen understanding of the goals of conservation grazing and demonstrated the ability to scientifically provide evidence of achievement. As Liz and Blake reside in San Gregorio, their proximity to the property will allow for prompt response to any emergencies or concerns that may impact operations. WCLC's financial knowledge and strength are well-represented in their financial statements, including the ability to source additional cattle and supplies required to run an effective operation. The energy, ambition, drive, and passion, for land stewardship through livestock management and the continuation of agricultural heritage exhibited by WCLC aligns with the District's mission and goals for the conservation program.

Although Willow Creek Land and Cattle, LLC., is the highest-ranking Proposer for both the Lone Madrone and Mindego/Big Dipper Grazing Units for which they proposed, because they are a relatively new operator and would be a new tenant to the District, it was determined that awarding them both grazing units was not in the best interests of the District's conservation grazing program at this time. In addition, selecting a different operator to graze Big Dipper/Mindego would allow the District to work with a broader group of local operators.

Protest

A protest was submitted by Erik Markegard on May 4, 2024 ("Protest") requesting that the District not award the Lone Madrone lease to Willow Creek Land and Cattle, LLC., and that Markegard be given another opportunity to conduct a site visit and interview and the scoring re-evaluated. The Protest contended that aspects of the RFP process regarding the location of the site visit and interview, and the manner in which the interview was conducted, resulted in an unfair evaluation of Markegard. The Protest also contended that other factors outside of the RFP evaluation criteria merited a re-evaluation of the District's scoring. In accordance with the protest procedure specified in the RFP and following a careful review of the underlying facts of the RFP process, the District issued a written decision on May 16, 2024, denying the Protest (Attachment 3). The District concluded that the Protest did not raise issues regarding the fairness of the selection process that would result in a change to the General Manager's recommendation to award the Lone Madrone grazing lease to Willow Creek Land and Cattle, LLC.

Accordingly, the General Manager recommends that the Lone Madrone Grazing Unit lease be awarded to Willow Creek Land and Cattle, LLC., and that the Big Dipper/Mindego Grazing Unit lease be awarded to the second highest ranking Proposer for that unit, Baird Livestock and Land Management, LLC.

Baird Livestock and Land Management, LLC

Baird Livestock and Land Management, LLC., (BLLM) is a family-owned operation comprised of brothers Sean and Arron and their parents David and Julie Baird. The Baird family are long-time ranching residents on the San Mateo Coast. Sean and Arron represent the sixth generation. After the

completion of college in Montana, the brothers returned home where they wanted to develop their ranching business. Their goal is to continue their family legacy of ranching and land management on the San Mateo Coast by working with landowners to apply conservation grazing techniques and responsible land stewardship to agricultural lands they manage. The formation of Baird Livestock and Land Management, LLC., is the first step in moving toward that goal.

Although the brothers are young, they are not unknown to District staff or the local ranching community. During vacations from school, they both have worked for fencing contractors used by the District when completing fencing projects on grazing properties. They have also assisted ranching tenants with gathering and branding of cattle and various grazing infrastructure projects.

Arron is currently employed by AGCO Hay (Allan Renz), a current tenant on the District-owned Driscoll Ranch. Arron's primary responsibility for AGCO is the management of the Grant Ranch located in Santa Clara County. This position has afforded Arron the opportunity to understand what is needed to make a property sustainable for livestock grazing as well as a better understanding of the importance of thoughtful applications of conservation grazing. He has honed his skills for utilizing heavy equipment as all the roads on the ranch were nearly unusable. Because the entire water system and nearly all the livestock fencing had to be replaced, Arron redesigned the infrastructure and installed more wildlife-friendly water troughs for better cattle rotation and ensured all fencing was wildlife friendly. Working on lands leased by AGCO from landowners such as the Santa Clara County Parks, Santa Clara Valley Open Space Authority, California State Parks and the District, Arron has learned a great deal about managing cattle on lands open to the public.

Sean is presently the Agriculture Operations Manager for Cal Poly's Swanton Pacific Ranch in Davenport where he manages 3,200 acres of land. The ranch is comprised of 65 acres of organic cropland, a two (2) acre organic apple orchard and 3,133 acres of rangeland and forest. The CZU fire in 2020 burned all but a small portion of the ranch. Sean was hired in 2022 to lead the rebuilding of all agriculture and natural resource infrastructure that was destroyed. As all of the cross-fencing was destroyed in the fire, Sean has developed a unique method of moving cattle across the ranch to achieve grazing goals. By applying science-driven techniques to measure and manage residual dry matter, the grasslands present on the ranch today reflect the success of his expertise. He is responsible for maintaining high quality forage to sustain a herd of 80 cow-calf pairs. Additionally, working for an educational facility has provided Sean the opportunity to understand budgeting and planning and the importance of working with agencies such as NRCS, RCD and Farm Services Agency. He has assisted with preparation of grant requests and provides data to support grant execution.

In addition to Sean and Arron, their parents David and Julie are a part of BLLM. Although Sean and Arron will be the primary contacts and are the driving forces of the company, David and Julie are very supportive and knowledgeable of all aspects of ranching.

BLLM provides the District with smart, eager, capable, young ranchers who are focused on furthering the rich agricultural heritage that they are a part of. They are passionate about the San Mateo Coast and cattle ranching and are enthusiastic about working with an organization that desires to utilize conservation grazing to improve wildlife habitat, maintain diverse ecosystems, manage natural resources, and share all of it with the public.

Lease Terms

The initial term of each lease is five years with two optional five-year extensions at the District’s sole discretion (for a total term of fifteen years). The General Manager evaluates the totality of the tenant’s grazing operation to decide whether a tenant is in good standing to consider approving an extension term. Factors used in evaluating grazing tenant performance include paying the rent on time, compliance with lease terms and the rangeland management plan, maintaining and making infrastructure improvements on schedule, adherence to stocking capacity limits, proper animal husbandry, meeting grazing residual dry matter targets (e.g., does not under or over graze pastures), and working cooperatively with District staff to meet conservation grazing goals.

FISCAL IMPACT

The District lease rate for grazing properties is calculated by multiplying the number of Animal Unit Equivalents (AUE) grazing on the property by the total number of months grazed for the season/year to obtain the total Animal Unit Months (AUM). The AUMs utilized are then multiplied by the current AUM market rate to determine the total lease fee for the year. AUM rates are adjusted annually in July to reflect trends in the cattle commodity market. The AUM rate utilized by the District as of July 1, 2023 is \$20.03 per AUM.

Accordingly, the estimated initial annual lease rate for Grazing Units are as follows:

Ranch	AUM/year	AUM Rate (July 2023)	Annual Lease Fee
Big Dipper/Mindego	619	\$ 20.03	\$ 12,398.57
Lone Madrone	888	\$ 20.03	\$ 17,786.64
Blue Brush Canyon	165	\$ 20.03	\$ 3,304.95
Total Annual Fees			\$33,490.16

The recommended action would have a positive fiscal impact of up to \$33,490 per year. However, these lease fees may not be fully realized in Fiscal Year 2024-25 (FY25). AUM rates will be re-calculated July 1, 2024 as is the District’s customary practice. Second, leases for Lone Madrone and Blue Brush Canyon will not commence until November 1, 2024, partway through FY25. Lastly, while the lease for Big Dipper/Mindego may be signed before the start of FY25, it may take some months to introduce cattle back on to the properties due to infrastructural and/or operational constraints.

PRIOR BOARD AND COMMITTEE REVIEW

Big Dipper:

- **October 24, 2007:** The Board amended the Use and Management Plan to allow for conservation grazing and adoption of the Grazing Management Plan. ([R-07-107, meeting minutes](#))
- **December 12, 2007:** The Board approved entering a lease with the prior tenant. ([R-07-135, meeting minutes](#))
- **March 28, 2018:** The Board approved entering a lease with the prior tenant. ([R-18-26, meeting minutes](#))

- **March 9, 2022:** The Board declined to enter a lease with a new conservation grazing tenant ([R-22-35](#), [meeting minutes](#))

Mindego:

- **January 22, 2014:** The Board approved the amendment to the Russian Ridge Open Space Preserve Use and Management Plan reintroducing grazing to the preserve. ([R-14-21](#), [meeting minutes](#))
- **January 22, 2020:** The Board approved an Addendum to the Grazing Management Plan as an amendment that added the south pasture as part of the conservation grazing area on the property ([R-20-10](#), [meeting minutes](#))

Lone Madrone:

- **August 22, 2012:** The Board approved a resource grazing plan for the former McDonald Ranch property (now “Lone Madrone”) as part of the La Honda Creek Open Space Preserve Master Plan ([R-12-83](#), [meeting minutes](#)).
- **November 13, 2013:** The Board approved the selection of a new conservation grazing tenant after an RFP process ([R-13-103](#), [meeting minutes](#))
- **October 23, 2019:** The Board approved entering into a new two-year lease with one-year option with the existing tenant ([R-19-137](#), [meeting minutes](#)).
- **August 10, 2022:** The Board approved entering into a new two-year lease with one-year option with existing tenant ([R-22-93](#), [meeting minutes](#))

Bluebrush Canyon:

- **August 22, 2012:** The Board approved a Rangeland Management Plan for the grazing unit and authorized the General Manager to execute a five-year lease with the then-existing tenant with an option to extend for a second five years ([R-12-80](#), [meeting minutes](#)).
- **August 10, 2022:** The Board approved entering into a new two-year lease with one-year option with existing tenant ([R-22-93](#), [meeting minutes](#))

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

Big Dipper: In October 2007, the Board adopted the Grazing Management Plan (GMP) (Report R-07-107) and determined it to be categorically exempt from CEQA under Section 15301 (involving the operation, repair, leasing, licensing, or minor alteration of existing facilities, involving negligible or no expansion of existing or former use) and under Section 15304 (involving minor alterations in the condition of land, water, or vegetation that do not affect sensitive resources. The lease, which includes implementation actions from the GMP, is therefore exempt from CEQA.

Mindego: The Mindego Use and Management Plan and associated CEQA review (Mitigated Negative Declaration), which included implementation of conservation grazing (infrastructure and operation), were approved by the Board on January 22, 2014 (R-14-21).

Lone Madrone: A resource grazing plan for Lone Madrone (previously known as McDonald Ranch) was evaluated in a Mitigated Negative Declaration, which was approved by the Board of Directors as part of the La Honda Creek Preserve Master Plan in 2012 (see R-12-83).

Blue Brush Canyon: The grazing lease at Bluebrush Ranch was determined to be categorically exempt from CEQA under Section 15301 (involving the operation, repair, leasing, licensing, or minor alteration of existing facilities, involving negligible or no expansion of existing or former use) in 2012. The proposed lease is consistent with the existing CEQA evaluation performed in 2012 (R-12-80).

NEXT STEPS

Upon Board approval the General Manager will execute a conservation grazing lease with Pacheco Cattle, Willow Creek Land and Cattle, LLC., and Baird Livestock and Land Management, LLC.

Attachments:

1. Resolution Approving the Award of a Grazing Leases for the Big Dipper/ Mindego, Lone Madrone, and Blue Brush Canyon Grazing Units
2. Map and Description of Conservation Grazing Units
3. Lone Madrone Protest Determination Letter

Responsible Department Head:

Brandon Stewart, Land & Facilities Services Manager

Prepared by / Contact person:

Matthew Shapero, Conservation Grazing Program Manager, Resource Management Specialist III

RESOLUTION 24-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AWARDING GRAZING LEASES TO BAIRD LIVESTOCK AND LAND MANAGEMENT, LLC; WILLOW CREEK LAND AND CATTLE, LLC; AND PACHECO CATTLE (BIG DIPPER/MINDEGO, LONE MADRONE AND BLUE BRUSH CANYON GRAZING UNITS)

WHEREAS, the Midpeninsula Regional Open Space District (“District”) may, under the provisions of California Public Resources Code section 5540, lease property owned by the District; and

WHEREAS, the lease of the Big Dipper/Mindego Grazing Unit in Skyline Ridge/Russian Ridge Open Space Preserve, Lone Madrone Grazing Unit in La Honda Creek Open Space Preserve and Blue Brush Canyon Grazing Unit in Purisima Creek Redwoods Open Space Preserve (collectively, “Grazing Leases”) for grazing and rangeland management purposes is compatible with park and open space purposes and in the public interest; and

WHEREAS, the District wishes to lease the Big Dipper/Mindego Grazing Unit to Baird Livestock and Land Management, LLC; the Lone Madrone Grazing Unit to Willow Creek Land and Cattle, LLC; and the Blue Brush Canyon Grazing Unit to Pacheco Cattle, all on the terms hereinafter set forth.

NOW, THEREFORE, the Board of Directors of Midpeninsula Regional Open Space District does hereby resolve as follows:

1. The General Manager is authorized to execute the Grazing Leases on behalf of the District with Baird Livestock and Land Management, LLC for the Big Dipper/Mindego Grazing Unit; Willow Creek Land and Cattle, LLC for the Lone Madrone Grazing Unit; and Pacheco Cattle for the Blue Brush Canyon Grazing Unit.
2. The General Manager, with the concurrence of the General Counsel, is authorized to approve all other documents necessary or appropriate to execute the Grazing Leases and make minor changes to the Grazing Leases that do not materially amend the terms and conditions thereof.
3. The General Manager is authorized to grant an extension of the Grazing Leases on the terms and conditions set forth in the Grazing Leases. The General Manager shall report any such extension of a Grazing Lease to the Board of Directors at the Board meeting immediately following the granting of the extension.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on May X, 2024, at a regular meeting thereof, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

ATTEST:

APPROVED:

Curt Riffle, Secretary
Board of Directors

Margaret MacNiven, President
Board of Directors

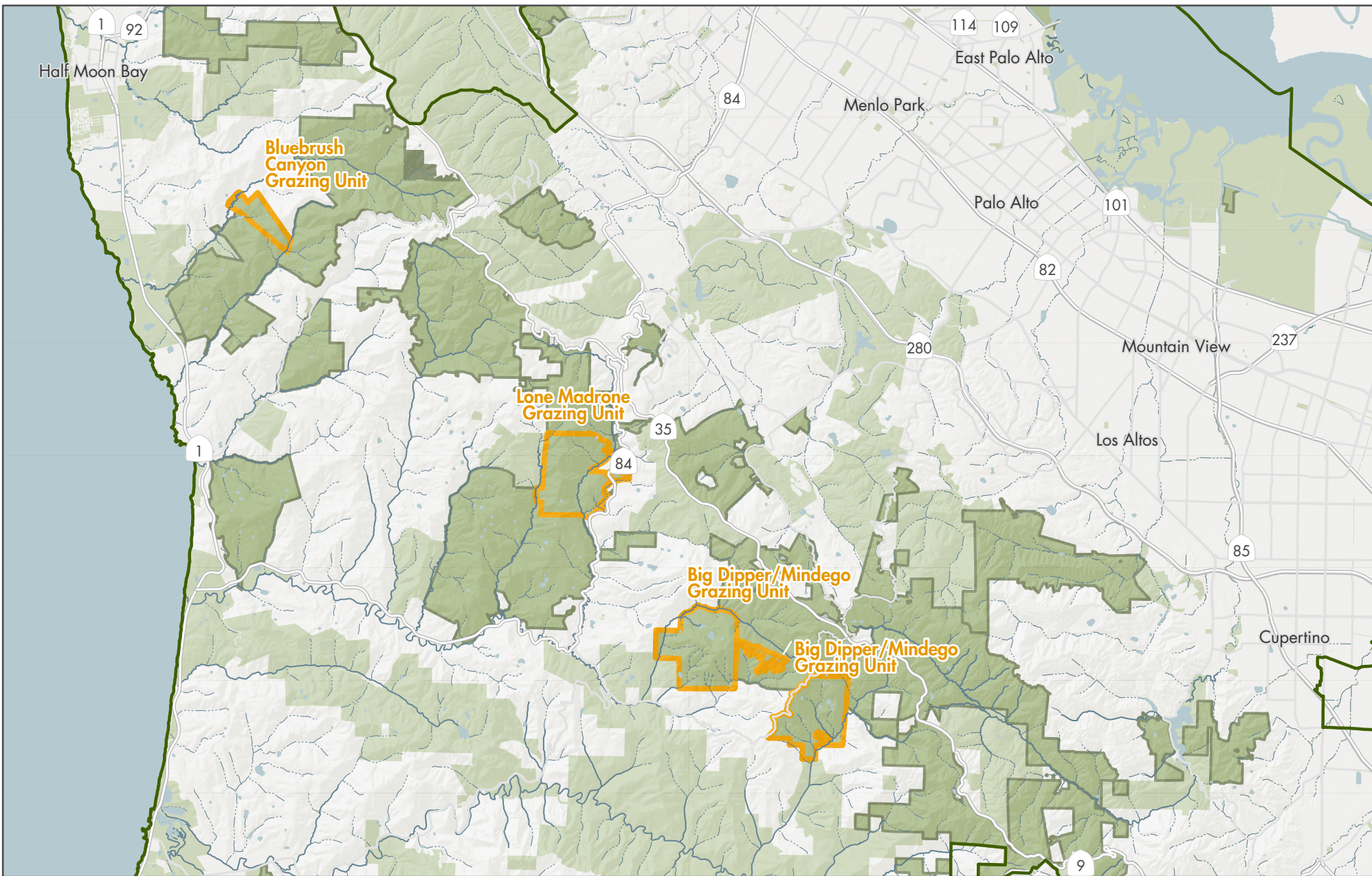
APPROVED AS TO FORM:

Hilary Stevenson, General Counsel




I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

Maria Soria, District Clerk

Path: G:\Projects\va_Districtwide\Grazing\GrazingProgram\GrazingLease_MapSeries.aprx
Created By: ngreig



Regional map of grazing unit locations

-  Grazing lease area
-  MROSD Boundary
-  Midpen preserve
-  Other protected lands

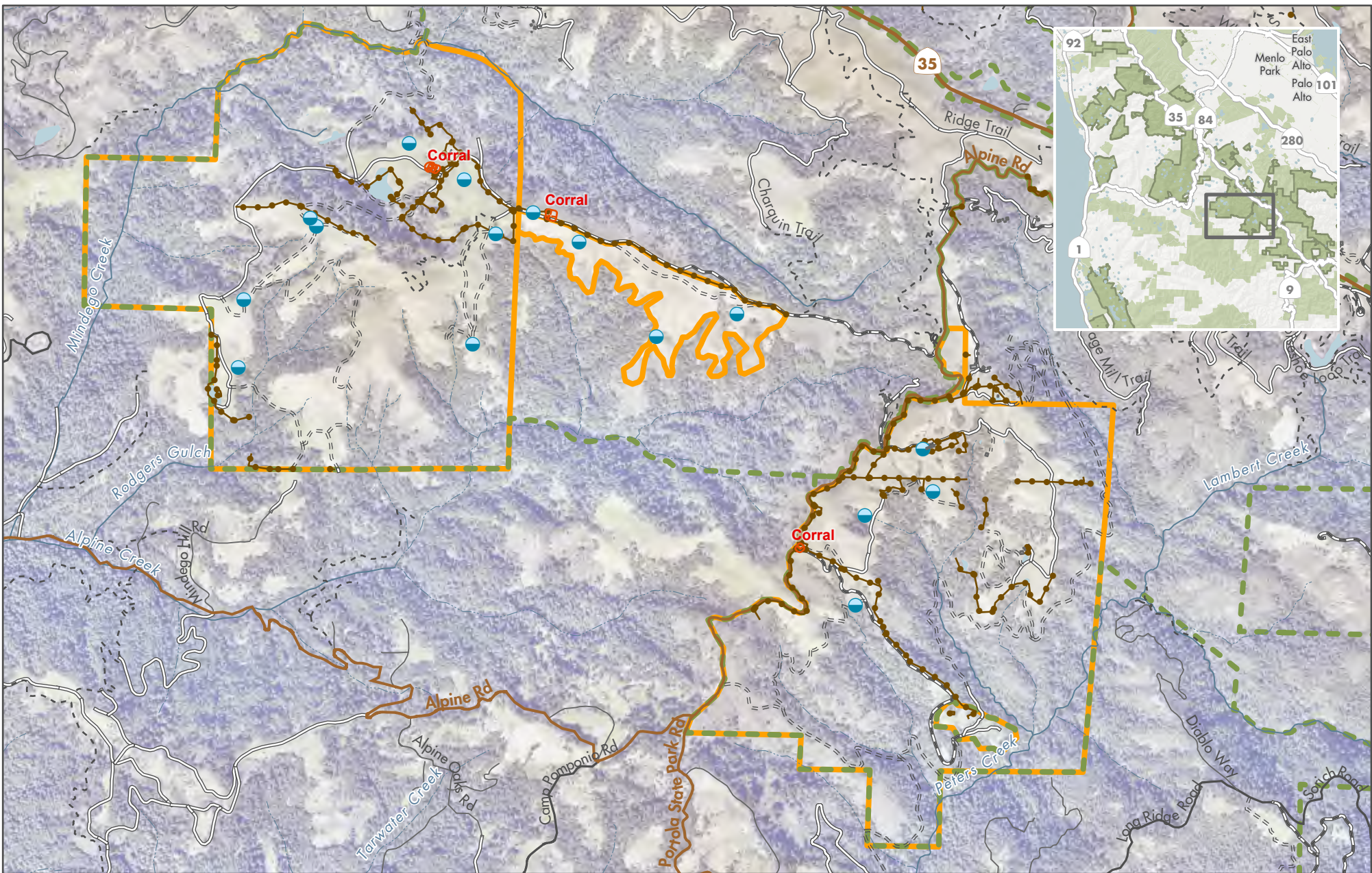
Midpeninsula Regional
Open Space District
(Midpen)
5/2/2024













While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

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Created By: lamarr



Mindego/Big Dipper Grazing Unit Map

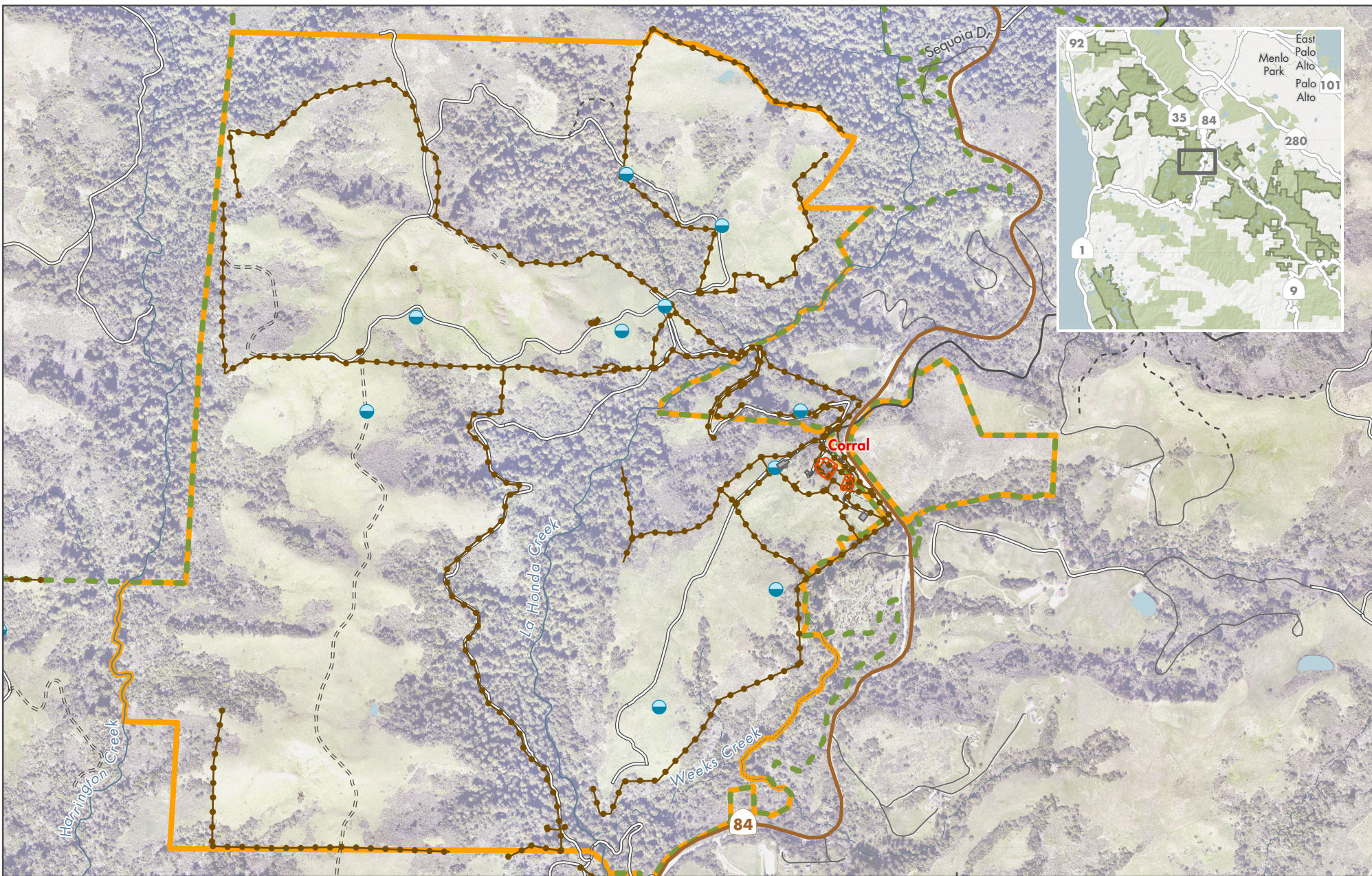
- | | | | | | |
|---|--------------------|---|--------------|---|------------------------------|
|  | Grazing lease area |  | Water trough |  | Unpaved seasonal road |
|  | Midpen preserve |  | Fence |  | Abandoned/unmaintained trail |
|  | Corral | | |  | Trail |
| | | | |  | Paved road |
| | | | |  | Unpaved all-season road |

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1/31/2024












While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

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Created By: ngreig



Lone Madrone Grazing Unit Map

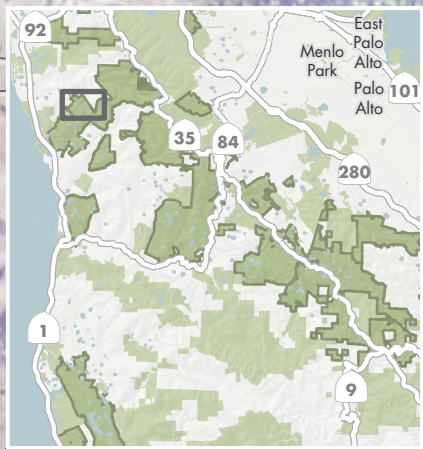
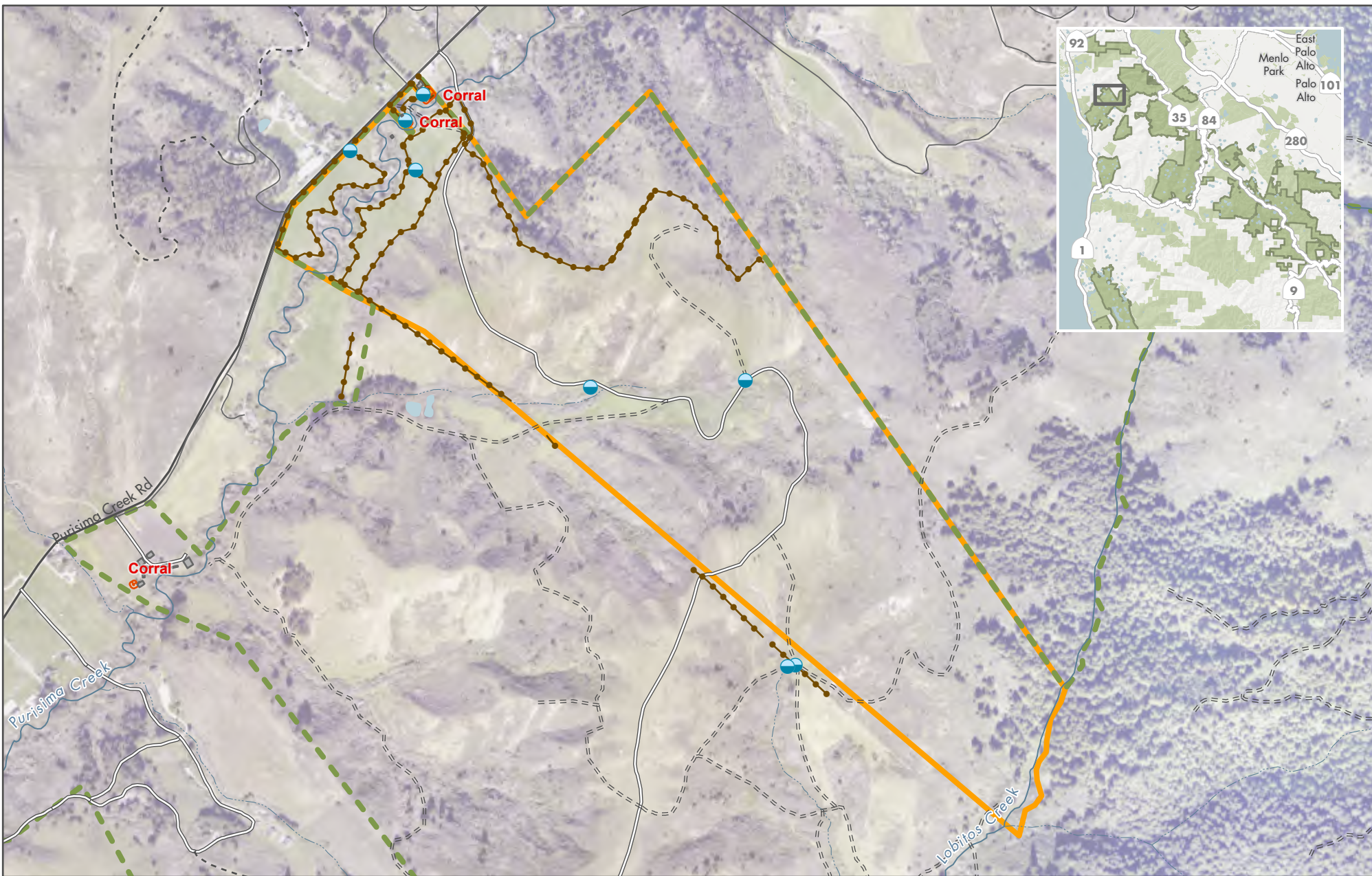
-  Grazing lease area
-  Midpen preserve
-  Corral
-  Water trough
-  Fence
-  Unpaved seasonal road
-  Abandoned/unmaintained trail
-  Trail
-  Paved road

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





While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

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Created By: lamarr



Bluebrush Canyon Grazing Unit Map

- | | | | | | |
|--|--------------------|---|--------------|---|------------------------------|
|  | Grazing lease area |  | Water trough |  | Unpaved seasonal road |
|  | Midpen preserve |  | Fence |  | Abandoned/unmaintained trail |
|  | Corral | | |  | Trail |
| | | | |  | Paved road |

Midpeninsula Regional
Open Space District
(Midpen)
1/30/2024



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GENERAL MANAGER
Ana M. Ruiz

BOARD OF DIRECTORS
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Yoriko Kishimoto
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Margaret MacNiven
Zoe Kersteen-Tucker

May 15, 2024

Markegard Family Grass Fed LLC

Attn: Erik Markegard

VIA EMAIL: [REDACTED]

RE: Protest of Recommended Award – Lone Madrone Conservation Grazing Lease

Dear Mr. Markegard,

This letter responds to the protest (“Protest”) you submitted regarding the recommended award of the Lone Madrone Conservation Grazing Lease, relative to the District’s Solicitation #2402-001 – Request for Proposals: Livestock Operator Leases on District Conservation Grazing Lands (“RFP”). The District issued the Notice of Recommended Award on May 2, 2024 (“Notice”) and your Protest was timely transmitted to District staff via email on Saturday May 4, 2024, within the protest period set forth in the RFP. A copy of the Protest is attached to this letter as Attachment 1.

The District received three proposals for the Lone Madrone Grazing Unit, with Willow Creek Land and Cattle, LLC (“Willow Creek”) as the highest-ranked, Markegard Family Grass Fed LLC (“Markegard”) as the second-highest ranked and Hang’in P Cattle Company as the third-highest ranked. The Notice stated that the General Manager recommended award of the Lone Madrone lease to Willow Creek. A copy of the score sheet showing each proposers scores from the RFP is attached to this letter as Attachment 2.

The Protest contends that the Lone Madrone grazing lease should not be awarded to Willow Creek because: 1) Markegard’s site visit score might have been different if the site visit had occurred on a different property; 2) Markegard’s interview process was not conducted in a fair manner because a panelist’s score was not considered; 3) Markegard’s interview process was not conducted in a fair manner because some of the panelists were pulled out of the interview to take phone calls; 4) the District did not consider the economic impact on Markegard of not being awarded the grazing lease; and 5) Markegard chose not to submit a proposal for any grazing unit other than Lone Madrone.

A. Standard of Review

Grounds for protesting a qualifications-based solicitation are limited. Because the District retains discretion to evaluate proposals and proposers based on the District’s application of its policies and preferences, a protest contending that the District should have exercised its discretion in a different way is not a valid ground for sustaining the protest, absent a showing that the District exercised its discretion in an arbitrary or capricious manner.

Therefore, the primary questions in resolving the Protest are:

1. Did the District fail to follow the procedures specified in the RFP for conducting the solicitation in a manner that prejudiced Markegard?
2. Did the District fail to follow the methods for evaluating and scoring the proposals specified in the RFP in a manner that prejudiced Markegard?

B. Analysis of Protest

The Protest contends that the District should not award the Lone Madrone grazing lease to the top-scoring proposer, Willow Creek, and should instead provide Markegard another opportunity to hold a second site visit and interview, based on the following reasons:

1. Holding the site visit at a different ranch could have provided a better representation of Markegard's operation.
2. Markegard's interview evaluation process was not fair because one panelist's score was not included in the final tabulation.
3. Markegard's interview was not scored fairly because two panelists took phone calls during the Markegard interview.
4. The District did not consider whether the decision to award Lone Madrone to Willow Creek would affect Markegard's ability to operate viably as a business.
5. Markegard did not submit a proposal for multiple grazing units.

As a preliminary matter, the first step in the selection process was for the selection panel to review all written proposals and assign them scores. As stated in the RFP, the District retained complete discretion in determining whether to conduct interviews and site visits to supplement the written proposals. It is important to note that the scores on written proposals alone reflect the panel's final overall selection and ranking of proposers for the Lone Madrone Grazing Unit (Willow Creek scored highest, followed by Markegard and then Hang'in P Cattle Company). Even if the District determined that the site visit and interview scores were incorrect or should be disregarded for some reason, based on written proposals alone, Willow Creek would still be the highest-scoring proposer for Lone Madrone, not Markegard. The Protest did not dispute the District's scoring of the written proposals.

Each point in the Protest is discussed in detail below, along with my determination.

1. Site visit was not located on District land; Markegard did not believe the location it selected was most favorable to the Markegard operation (Protest Item #1)

The Protest states that Markegard was asked by District staff to provide a site tour on a ranch that is not owned by the District. Although Markegard agreed to do so at the time, it now states that it would have preferred to conduct the site visit at Cloverdale (a District-owned grazing unit) to provide a better representation of a site where they have operated for a longer period of time.¹

I discussed the site visit process with the District staff person who arranged the site visit and interview process. He explained that the District had determined that visiting a District property would have potentially skewed the results, because members of the selection panel might already be familiar with a District grazing unit. He explained that when he discussed the site visit location

¹ It is worth noting that Markegard listed two additional non-District grazing sites in its proposal other than the one it selected for its interview. Markegard's proposal states that it has been operating at these two sites for 7 years and 10 years, respectively.

with Markegard, Markegard did not object to selecting a non-District site. Nor did any of the other proposers. Furthermore, the District did not dictate or limit which non-District grazing site Markegard could select, allowing Markegard to choose the non-District site that it felt best represented its non-District grazing operations.

The District has the discretion to create and administer a process that it thinks is most valuable in evaluating proposers, as long as it is fair and does not deviate from what was set out in the RFP. The RFP did not require that the District allow proposers to select the location for the site visit. The decision to hold site visits on a property not owned by the District was applied uniformly and fairly with no objections from any proposer prior to submission of proposals. Whether Markegard believes a different approach would have been better for it is irrelevant. Here, a protest contending that the District should have exercised its discretion in a different way is not a valid ground for sustaining the protest.

2. Certain evaluator scores were not included in final interview scores (Protest Item #2)

The Protest states that four interviewers from the selection committee were present at the interview; however, only three of the scores were ultimately included in the Markegard interview score.

I discussed this with District staff and learned that at the conclusion of the interview phase of the selection process, District staff decided to only include interview scores from the three interviewers who were able to attend and score all site visits. This was to ensure fairness because an individual panelist could not have given an accurate score for a proposer unless they had a basis of comparison against the other proposers. Ultimately, the interview/site visit panel was composed of the three individuals who attended all of the site visits.

The RFP did not require the District to consider the scores from all evaluators for the interviews. The RFP stated: “The District will establish an interview and site visit panel, which may include some or all of the same persons who evaluated the written proposals.” RFP, Section III.b. at p. 10. Here, the District selected a three-person subset of the five-person evaluation panel that scored the proposals. Moreover, including scores only from the three evaluators was done to ensure fairness, not detract from it, was applied uniformly to all proposers who were interviewed, and was determined prior to the District’s final tabulation of scores.

Most importantly, including scores from all attendees at the interview would not have changed the outcome of the evaluation process. In fact, although the Protest expresses concern that panelist Allison Rofe's score was not counted, if the District had included her score, it would have resulted in a lower score for Markegard, not a higher score. It would not have changed the final ranking for the Lone Madrone Grazing Unit.

3. Markegard’s interview was interrupted by phone calls (Protest Item #3)

The Protest states that two of the three interview panelists – Lewis Reed and Sheila Barry – missed portions of the Markegard interview due to receiving phone calls.

In order to evaluate the fairness of this aspect of the interview process, I discussed the interviews separately with each of the three panelists whose scores were included in the final ranking. The panelists stated that the interviews were generally two to three hours in duration with each proposer. The phone calls mentioned in the Protest occurred while the selection panel was sitting on a bench at the conclusion of the Markegard interview.

- Panelist Lewis Reed’s phone call was approximately 10 minutes in duration (this was corroborated by a District staff member who had called Lewis Reed at the end of the scheduled interview time to discuss a different District matter).
- Panelist Sheila Barry indicated that her phone call was approximately 5 minutes.
- Panelist Susan Weidemann corroborated what the other two panelists stated regarding these phone calls.

In summary, none of the panelists felt that they missed valuable information that could have changed their interview scores. In addition, the panelists met following the site interview to discuss the evaluations and provide each other an opportunity to reflect on their impressions to ensure that the panel was basing its evaluation on the same information. This meeting occurred prior to the panel’s final submission of scores.

Finally, according to all of the panelists, the Markegard interview was longer than any other interview, lasting approximately three and a half hours. This afforded ample time for the panelists to obtain all of the relevant information they needed to assign accurate scores for the interview. By contrast, Willow Creek’s interview was approximately two hours in duration.

In summary, Markegard had a significantly longer interview than the other proposers. The panelists agreed that their brief phone calls at the end of the interview time did not detract from their ability to score Markegard fairly and consistently with other proposers. Based on this information, I have determined that the interviews were conducted in a fair manner which did not give any proposer an inherent advantage over the others.

4. The District did not consider whether awarding Lone Madrone to a different operator would affect Markegard’s ability to operate as a business (Protest Item #4)

The Protest contends that the District’s decision to award Lone Madrone to a new tenant will have a negative economic impact to Markegard’s overall business enterprise, and as a result, that decision is not consistent with the District’s mission for the Coastside Protection Area.

The impact on a prospective operator of being awarded or not awarded a lease was not an evaluation criterion in the RFP. District policies address maintaining the viability of agriculture/grazing in the Coastside Protection Area generally, not with respect to ensuring the viability of any particular grazing operator’s business. While it is true that the District did not consider the economic impacts to Markegard of not being awarded the Lone Madrone lease, it also did not consider whether Willow Creek might be less financially viable if it was not awarded the Lone Madrone lease.

Consistent with District policy and the RFP, however, the District did award additional points to local proposers in San Mateo County, including Markegard. The District also awarded additional points to existing District tenants in good standing, which Willow Creek did not receive (Markegard’s score reflects these additional points). The District also structured all grazing leases as long-term leases to support financial viability of grazing operations over the long term.

Therefore, the fact that the District did not consider the viability of the Markegard grazing business in recommending award of the Lone Madrone lease is not a question to be resolved through a protest of the RFP, as it does not implicate the fairness of the solicitation process.

5. Markegard did not submit a proposal for other grazing units (Protest Item #5)

The Protest states that Markegard voluntarily chose not to submit proposals for either Mindego/Big Dipper or Blue Brush grazing units. Notwithstanding that the Protest does not state how this is relevant to the award of the Lone Madrone Grazing Unit, I examined whether the District's process unfairly limited a proposer's ability to submit a proposal for more than one grazing unit. In no way did the RFP limit operators from proposing on multiple grazing units. In fact, the RFP states: "The District invites qualified livestock operators to submit a proposal for one or more of the three listed grazing units." RFP, Section I.a. at p. 3. While the RFP required proposers to rank their grazing units in order of preference, the ability to propose on multiple grazing units was equally available to all proposers, and the scoring and selection process did not put any proposer at a disadvantage if they chose to apply for more than one grazing unit. Therefore, whether to submit a proposal for multiple grazing units was a strategic decision left solely to each proposer's discretion and is not a valid basis to protest the RFP.

C. Conclusion

The District's process for selecting a tenant for the Lone Madrone Grazing Unit followed the procedures specified in the RFP, including the methods for evaluating and scoring proposals. The selection procedure was fairly administered and did not favor or prejudice any proposer. The proposer that received the highest score by the District's evaluation committee for Lone Madrone was Willow Creek, which is who the General Manager recommends for award of the lease.

Pursuant to the procedure set forth in the RFP, I have determined that the Protest is rejected. My determination is not appealable. I recommend that the result of the District's evaluation committee, and corresponding General Manager's recommendation, be upheld. The District's General Manager will recommend awarding the Lone Madrone Conservation Grazing Lease to Willow Creek at the May 22, 2024 meeting of the Board of Directors.

Sincerely,

/s/ Stefan Jaskulak

Stefan Jaskulak, CTP, CPFO
Chief Financial Officer – Director of Administrative Services

CC: Doniga Markegard
Ana Ruiz, General Manager

Attachments: Att 1 Protest
Att 2 RFP Score Sheet

From: [Erik Markegard](#)
To: [Matthew Shapero](#)
Subject: Protest for Lone Madrone Grazing award
Date: Saturday, May 4, 2024 10:53:55 AM

EXTERNAL

To Whom it May Concern,

We are writing to protest the recommended award for The Lone Madrone Grazing Unit. The basis of this protest includes the following factual information.

1.

We were asked by district staff, when notified we were going to have an interview and site visit, to do our tour on a ranch that is not owned by Mid-Pen. We went along with the request however we feel that a different ranch would have been a better representation of who we are. We have put the majority of our grant money, personal money and energy into the lands previously owned by POST and now owned by Mid-Pen. If we were not told that by a Mid Pen staff member we would've done the interview and site visit on the Cloverdale Ranch which we have leased since 2008. Mid-Pen just took ownership of Cloverdale Ranch this past year. So in our opinion that would've been a much better example of what we can bring to the table in regards to land stewardship, our ability to work with endangered species as well as NRCS, RCD and Audubon Society. We have only leased the Pepperwood Preserve for two seasons prior to this season and do not have the history of conservation grazing and management like we have on Mid-Pen ranches or our other remote ranches that we lease.

2.) The interview process was not conducted in a fair manner in our opinion.

We were interviewed by four interviewers however we found out this morning on a phone call with Matthew and Brandon that only three of the scores are being counted from our interview. Of the three scores that were counted Susan Weideman was the only interviewer present for the entire interview and site visit. Lewis Reed and Shelia Barry missed portions of information and valuable conversations our team was having with Allison Rofe and Susan Weideman. Lewis Reed pulled away from the interview for a phone call. Sheila Barry took a phone call towards the end of the interview process and missed some very important questions and answers Allison asked pertaining to Mid-Pens Mission of Conservation Grazing.

It felt as if some of the interviewers were unfamiliar with our proposal. For example, Sheila Barry did not know the name of the ranch we were submitting a proposal for.

The fact that Lewis and Sheila missed this valuable time during our interview

could've easily effected the outcome of the final scores. Since there was only a two point difference in the ranchers that got awarded the lease we feel that this could've easily effected the outcome by more than two points. We are also concerned by the fact that Allison Rofe's score did not count, being that she was there for the entire process and asking a good portion of the questions.

We are asking you to please consider postponing awarding the Lone Madrone lease until the whole board and upper management takes the opportunity to discuss these two items and decide if this is enough information to give us the opportunity for another interview plus site visit.

3.) We feel that the process did not support the Districts Mission to encourage viable agriculture use of land resources. Losing one ranch in San Mateo County will decrease our ability to operate viably as a business.

Please consider taking a close look at the way this new process for RFP negatively impacts local ranching families and their ability to continue to operate. In order to cover the rising costs of doing business in San Mateo County including increased overhead like insurance and labor costs there needs to be a certain economy of scale for ranchers to operate. Losing The Lone Madrone Ranch represents a decrease of 25% of our annual income. Losing that ranch will be 30,000 pounds less a year of local grass fed beef distributed to families around the Bay area. Approximately 85% of those mother cows were born on The Lone Madrone Ranch and they are progeny of grass fed genetics that we have been developing for over 20 years.

In closing, Erik has fond memories of spending a lot of time on the Mindego Ranch with his father but we chose not to submit a proposal for the Mindego and Big Dipper because we knew Mid-Pen wanted to provide opportunity for young ranchers to get a start in the industry. We did not put in a proposal for Blue Brush because we have never put in a proposal on a ranch that had an existing tenant in good standing.

Erik Markegard
Markegard Family Grass-Fed LLC



ATTACHMENT 2

ATTACHMENT 3

Paper Proposals

	O. Smith	S. Weidem	L. Reed	S. Barry	A. Rofe	Average
Baird	87	81	89	84	80	84.2
Hang'in P	70	68	63.5	64	59	64.9
Markegard	93	94	98	90	91	93.2
Pacheco	95	91	98	100	89.5	94.7
Willow Creek	95	95	94	92	92	93.6

Site Visits/Interviews

	O. Smith	S. Weidem	L. Reed	S. Barry	A. Rofe	Average	Average_reduced
Baird	82	95	96	95		92	95.3
Markegard		92	98	94	85	92.25	94.7
Willow Creek	89	98	99	92		94.5	96.3

Cumulative Scores

Baird	179.5
Markegard	187.9
Willow Creek	189.9

	Lone Madrone	Big Dipper/Mindego
Baird		X
Markegard	X	
Willow	X	X