



Midpeninsula Regional
Open Space District

R-20-84
Meeting 20-16
July 22, 2020

AGENDA ITEM 12

AGENDA ITEM

Consideration of a Letter of Support for a University of California Davis (UCD) proposal to Plan and Design Newt Connectivity Crossings along Alma Bridge Road in Santa Clara County

GENERAL MANAGER'S RECOMMENDATION *den*

Receive a Board Member request to consider a letter of support for grant funding for a Newt Connectivity Crossings Project led by the University of California Davis to provide a safe wildlife crossing across Alma Bridge Road for newts traveling from the Sierra Azul Open Space Preserve area to Lexington Reservoir.

SUMMARY AND DISCUSSION

On July 18, 2020, Board Director Yoriko Kishimoto received a request for a letter of support from a representative of the Audubon Society (Attachment 1) for a Proposition 68 grant to fund a University of California Davis project that will plan, design, and implement a pilot road crossing for newts on Alma Bridge Road. Letters of support are due well before August 7, when the grant application is due. For this reason, this item and a draft letter of support is being expedited to the full Board for consideration (Attachment 2). The next Board meeting is scheduled for August 12, after the grant materials are due.

District Legislative Program Consistency:

Staff has evaluated the request for consistency with the District's Legislative Program (Attachment 3). The primary focus of the Legislative Program is to support the District's mission and forward annual Board-adopted goals. The Board-adopted Legislative Program includes goals, priorities, and policy positions that support wildlife corridors as specified below:

- **Goal 1:** Promote, establish, and implement a common environmental protection vision with partners
 - **Priority #1 Wildlife Corridors:** Greater funding opportunities and permit streamlining to preserve and enhance wildlife corridors; promote wildlife permeability in the built environment.
 - **Position #3:** Enhances and funds regional collaboration and coordination of conservation efforts.
 - **Position #7:** Enhances the District's ability to create and pursue opportunities to acquire an integrated greenbelt of protected open space, trails and habitat corridors.

- **Goal 2:** Protect the positive environmental values of open space lands
 - **Position #5:** Enhances or streamlines the integration of wildlife corridors into transportation infrastructure and promotes its ongoing maintenance within District lands and adjacent entities, which may extend to statewide and international linkages.

Based on the analysis above, the Board of Directors may wish to submit letter of support focused on the policy positions adopted as part of the annual Legislative Program. Please see Attachment 2 for a copy of the proposed Letter of Support.

FISCAL IMPACT

No fiscal impact is anticipated from a decision on this item and may result in funding to improve wildlife connectivity as it affects a population of newts that depend in part on District lands to complete their life cycle.

BOARD COMMITTEE REVIEW

Due to the time-sensitive nature of the item there has been no prior Board Committee review.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If the Board approves the letter of support, staff will submit a signed letter to grant funder.

Attachments:

1. Copy of email request from the Audubon Society
2. Draft Letter of Support for Board Consideration
3. Adopted District Legislative Program

Responsible Department Head:
Ana Ruiz, General Manager

Prepared by:
Ana Ruiz, General Manager
Kirk Lenington, Natural Resources Manager

From: [Shani Kleinhaus](#)
To: [Jennifer Woodworth](#)
Cc: [Katja Irvin](#); [Merav Vonshak](#); [Anne Parsons](#); [Lennie Roberts](#); [Mike Ferrera](#)
Subject: Funds for Newts: request for support for a prop 68 grant application
Date: Saturday, July 18, 2020 12:31:40 PM
Attachments: [Request to Midpen for support for a grant proposal.pdf](#)
[Attachment to request- proposed language for a Letter of support.pdf](#)

EXTERNAL

Dear President of the Board Holman and Midpeninsula Open Space Directors,

Please find attached:

- 1) a letter from the Santa Clara Valley Audubon Society, the Sierra Club and Bioblitz.club asking for your support for a proposed grant application, organized by the Road Ecology Center of UC Davis, for prop. 68 funding for a project that would plan, design and implement a pilot road crossing project for newts on Alma Bridge Road.
- 2) Proposed language for a letter of support

The grant is due August 7, and the Road Ecology Center of UC Davis would need to receive all the materials before that date.

We hope you can add this to your agenda, and vote to submit a letter from the Midpen Board of Directors. If that is not feasible, please consider submitting individual support letter,

Thank you for your attention,
Shani

Shani Kleinhaus, Ph.D.
Environmental Advocate
Santa Clara Valley Audubon Society
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650-868-2114
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July 22, 2020

Dr. Fraser Shilling
Road Ecology Center
Dept. of Environmental Science and Policy
One Shields Avenue
Davis, CA 95616
email: fmshilling@ucdavis.edu

RE: Support for Planning and Design for Newt Connectivity Crossings, Santa Clara County

Dear Dr. Shilling,

Thank you for the opportunity to provide a letter of support for the University of California Davis (UCD) proposal for 2020 Wildlife Conservation Board Proposition 68 grant opportunities. UCD's grant proposal meets two of the benefits required under the grant solicitation: support of the State Wildlife Action Plan priority habitats and support for the protection and/or enhancement of biodiversity values.

Midpeninsula Regional Open Space District (Midpen) has been following the issue of road mortality at Alma Bridge Road since being made aware of this issue in 2017. Our staff has engaged in conversations with UCD and other organizations and agencies with the hope that we can build a collaborative approach to address the mortality of California newt (*Taricha torosa*) and rough-skinned newt (*Taricha granulosa*) along this roadway. Midpen owns and manages over 19,000 acres of open space lands surrounding Lexington Reservoir, bordering Alma Bridge Road and east of the reservoir. Midpen does not own or control Alma Bridge Road, which is managed by the Santa Clara County and owns only a small portion of lands directly adjacent to Alma Bridge Road, with most of lands along the roadway owned by Valley Water.

Midpen has been working collaboratively to address newt mortality along Alma Bridge Road and is pursuing a collaborative study with stakeholders, including the primary land holders, to further quantify impacts of roadkill to the newt population. While this study is separate from the grant proposal, the results of the study will likely support the work proposed by UC Davis and assist in gaining support from other stakeholders and the underlying Alma Bridge Road fee title and easement holders for the proposed project.

We support funding this regionally important work to conserve these newt species. The Planning and Design for Newt Connectivity Crossings, Santa Clara County Project, led by the University of California, Davis, will contribute important work to protect and preserve the newt crossing, as well as the biological diversity and genetic integrity of wildlife in Santa Clara County.

Thank you for your consideration and support,

Karen Holman
Midpen Board President

CC: Midpen Board of Directors
Ana Ruiz, Midpen General Manager
Julie Anderson, Midpen Senior Resource Management Specialist

Midpeninsula Regional Open Space District Legislative Program 2020

Adopted February 12, 2020



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Introduction

Midpeninsula Regional Open Space District's Mission:

To acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.

As part of the Coastsides Protection Area Service Plan, a Coastsides mission was adopted:

To acquire and preserve in perpetuity open space land and agricultural land of regional significance, protect and restore the natural environment, preserve rural character, encourage viable agricultural use of land resources, and provide opportunities for ecologically sensitive public enjoyment and education.

To further these missions, the Midpeninsula Regional Open Space District (District) annually reviews opportunities and challenges and establishes legislative program priorities and policy statements to guide its advocacy activities at the regional, state and federal levels.

Advocacy of the District's Interests

While this document attempts to cover a wide variety of legislative issues that may impact the District, it is not comprehensive, complete or final. Throughout the state and federal legislative sessions, the District will review and take positions on various proposed policies and state or federal budget items.

Per Section 2.0 of Board Policy 1.11, legislative advocacy is considered in the following manner:

Section 2.0: Local, State, and Federal Legislative Advocacy

- a. The Legislative, Funding, and Public Affairs Committee (LFPAC) receives periodic updates throughout the year regarding the District's legislative program. When LFPAC determines that proposed legislation may affect District business, it may direct the General Manager to prepare a recommendation for consideration by the full Board or may direct the General Manager to take action to support or oppose the legislation without full Board approval when there is not adequate time to convene the full Board. In such cases, the General Manager or designee shall report to the Board any actions taken to support or oppose legislation at or before the next Board meeting.
- b. When time is so short that neither the full Board nor LFPAC can be convened to consider positions to support or oppose local, state or federal legislation, the General Manager is authorized to take a position on behalf of the District if the legislation:
 - i. Is related to the District's mission; AND
 - ii. Would directly impact the District's business, such as project delivery, operations, finances, legal authority, or other District responsibilities; AND
 - iii. The position being taken is consistent/inconsistent with existing District policy, past action, or the District's annual [Strategic Plan Goals and Objectives](#); OR

- iv. The legislation carries other considerations that make it contrary to the District's interests.
- In such instances, the General Manager or designee shall report to the Board any actions taken to support or oppose the legislation at or before the next Board meeting.
- c. Full Board action is required regarding legislation that is not clearly within the criteria listed above under Section 2.b. or guided by direction previously given by LFPAC.

All legislation on which the District takes a position will be closely tracked by the General Manager's Office (GMO) and reported to the Board of Directors. Public Affairs staff will be responsible for reporting similar information to key departments. Contracted state advocacy teams will represent District interests based upon the policies contained in the Legislative Session Program. In addition to District position letters, Board members and District staff may be asked to testify before or meet with relevant legislators or members of the executive branch to discuss issues requiring heightened advocacy. If this is the case, District staff must first notify and/or confirm approval of the GMO to ensure that positions taken are consistent with the Board-approved Legislative Session Program.

District Legislative Priorities

The following are the legislative priorities for the Midpeninsula Regional Open Space District during the 2020 State Legislative Session. Annual priority-setting considers a combination of issues that relate directly to important District-led projects or initiatives, opportunities to support or oppose state legislative initiatives sponsored by others that affect the District's mission, and any issues that are identified by the Board as particularly significant. Funding measures are the most common of these priorities and are generally tied to the creation of new funding sources or the processes that prescribe the allocation of existing funding sources. The 2020 legislative priorities are listed and grouped below consistent with the Board's annual Strategic Plan Goals and Objectives (See Appendix A) to provide a clear connection to agency priorities:

Goal 1: Promote, establish, and implement a common environmental protection vision with partners

1. **Wildlife Corridors:** Greater funding opportunities and permit streamlining to preserve and enhance wildlife corridors; promote wildlife permeability in the built environment.
2. **Anticoagulant Rodenticides:** Eliminate the use of second-generation anticoagulant rodenticides to protect raptors, large mammals and other nontarget native wildlife.

Goal 2: Protect the positive environmental values of open space lands

1. **Responsible Wildland Fire Vegetation Management:** Effective guidelines for wildland fire fuel reduction efforts that minimize potential impacts to rare and endangered species and the risk of exacerbating the spread of invasive species.

Goal 3: Connect people to open space and a regional environmental protection vision

1. **Equitable Access:** Expanded access to and enhanced funding eligibility for new and improved greenspace opportunities for underserved communities.
2. **Trail Corridors:** Linking of preserve trails to regional trails and ultimately to the places where people live and work.

Goal 4: Strengthen organizational capacity and long-term financial sustainability to fulfill the mission

1. **Climate Change Bond:** Climate change funding that benefits a wide range of open space priorities and promotes landscape climate resilience, particularly in the Bay Area.
2. **Proposition 68 Implementation:** Efforts to ensure that parks bond funds are allocated in a timely, equitable, and responsible manner, and that the resulting grant programs support District open space and public access projects.
3. **Cap and Trade/Climate-Related Funding:** Funding that supports the climate resiliency

benefits of open space and working lands, including carbon sequestration.

4. **Green Bonds:** Efforts to allow the California Natural Resources Agency to work with the State Treasurer's Office to develop standards for green bond projects, in which California can invest.
5. **Public Safety Power Shutoffs:** State efforts to ease the burden of PG&E Public Safety Power Shutoffs on local agency operations.

District Legislative Policy Positions

The ability of the District to deliver its mission and remain a sustainable organization can be impacted by legislation proposed on the local, state or federal level. To this end, proactive, Board-approved policy positions taken by the District on a variety of relevant issue areas help to ensure consistency in advocacy. District policy positions are then grouped by strategic plan goals.

Goal 1: Promote, establish, and implement a common environmental protection vision with partners

1. Enhances the purchase or acquisition of regional and strategic open space lands and connects District lands to federal, state, county, city and other protected open space, parklands, bay lands, watershed lands, wildlife corridors and agricultural lands.
2. Protects public open space, property rights, interests and easements.
3. Enhances and funds regional collaboration and coordination of conservation efforts.
4. Promotes the use of urban infill and urban growth boundaries to avoid sprawl and prevent pressure on developing open spaces and further encroachment into the wildland-urban interface and open space buffer areas.
5. Expands and restores protected open space lands to enhance biodiversity, climate change resilience, and scenic, rural character.
6. Ensures that the zoning of permanently protected lands supports activities that further the District's mission (preservation, natural resource protection, public access and education, agriculture).
7. Enhances the District's ability to create and pursue opportunities to acquire an integrated greenbelt of protected open space, trails and habitat corridors.
8. Protects natural and working lands from future development threats.

Goal 2: Protect the positive environmental values of open space lands

1. Ensures reasonable setback requirements that allow minimum defensible space clearances to be met by private property owners to prevent catastrophic fires that damage habitats and pose a high public safety hazard.

2. Furthers implementation of Senate Bill 32 (2016), the Global Warming Solutions Act that establishes a greenhouse gas (GHG) reduction target for the state of 40 percent below 1990 levels by 2030.
3. Recognizes and incentivizes the use of natural and working lands for the purpose of carbon sequestration.
4. Supports effective and comprehensive Districtwide, regional and statewide measures that respond to sea level rise and other effects of climate change and enhance ecological and community resilience.
5. Enhances or streamlines the integration of wildlife corridors into transportation infrastructure and promotes its ongoing maintenance within District lands and adjacent entities, which may extend to statewide and international linkages.
6. Promotes advance mitigation programs to enhance wildlife corridor networks.
7. Connects habitats that support a diverse array of native plants and animals.
8. Encourages public road management agencies to control invasive plant populations and incorporate safe pedestrian and wildlife crossings across roadways and highways.
9. Eliminates the use of second-generation anticoagulant rodenticides.
10. Supports increased knowledge, management and ultimately the eradication of Sudden Oak Death disease.
11. Provides permit exemptions for natural resources protection and restoration projects from regulations aimed to protect the natural environment from typical development projects.
12. Supports maintaining state and federal lists of endangered species justified through conclusive biological evidence.
13. Helps efforts to protect, conserve, restore and enhance the natural resources of the District, its coast, and adjacent waters for environmentally sustainable and prudent use by current and future generations.
14. Enables Native American communities' involvement in cultural and land management practices to restore and protect natural resources and enhance landscape resilience.
15. Protects and restores watersheds, water quality, natural water courses, wetlands and hydrologic processes consistent with the District's Resource Management Plan.
16. Promotes expedited removal of select trees and brush by public agencies for fire protection, public safety and enhanced climate resilience, while minimizing potential impacts to rare and endangered species and the risk of exacerbating the spread of invasive species.
17. Supports wildland fire management to become a more natural component of the ecosystem and minimizes its negative effects on the community and environment.
18. Supports working farms and ranches on public open space land that further conservation and climate resilience goals.
19. Supports the creation of and repairs to farm labor housing to foster farm operation sustainability that ultimately furthers conservation and climate resilience goals.

20. Incentivizes agricultural operations to invest in energy-efficient and water-efficient irrigation technologies that reduce greenhouse gas emissions and water use.
21. Aids enforcement of marijuana laws related to the implementation of Prop 64 (2016) to protect natural lands from the destruction caused by illegal marijuana grows.
22. Protects natural lands from the destruction caused by illegal marijuana grows, prohibits marijuana grows on public lands, and restores damaged habitats.

Goal 3: Connect people to open space and a regional environmental protection vision

1. Helps expand educational opportunities for underserved and non-English speaking communities about natural resources and the benefits of open space.
2. Promotes volunteer involvement and engagement of diverse communities in ongoing conservation, restoration, enhancement and interpretation of the District's natural resources.
3. Engages children and parents in the enjoyment and appreciation of outdoor open spaces to inspire the next generation of conservation champions.
4. Funds and enables programs that hire youth to work in parks and open space and encourages them to consider careers in conservation.
5. Keeps preserves safe, clean, accessible and inviting for healthy exercise and enjoyment.
6. Promotes awareness and access to programs and activities that increase outdoor physical activity.
7. Protects and helps fund the protection and public interpretation of cultural and historic resources located on natural open space and working lands.
8. Helps fund and streamline emergency repairs to District infrastructure, including trails and public access amenities.
9. Increases public access to preserved land regionwide.
10. Helps link preserve trails to other regional trails and ultimately to the places where people live and work.
11. Improves local transportation to enable better connectivity between communities and open space preserves.
12. Limits public use of drones (unmanned aerial vehicles) consistent with Board policies to preserve the tranquility of outdoor experiences, natural activities, and minimize risk of wildfire.

Goal 4: Strengthen organizational capacity and long-term financial sustainability to fulfill the mission

1. Preserves existing tax revenues and tax authority.
2. Lowers the vote threshold for locally imposed special taxes from two-thirds to 55 percent.

3. Preserves tax-exempt status for municipal bonds on a state and federal level.
4. Expands state and federal incentives that promote the issuance of green bonds.
5. Preserves and promotes managerial discretion in effective and productive recruiting, hiring, firing and day-to-day oversight of staff at all levels.
6. Preserves and promotes open, transparent, accountable government administrative practices that promote the efficient and timely delivery of public services, facilitate public involvement, and support effective and timely decision-making.
7. Maintains prevailing wage exemptions for volunteers.
8. Enables statewide efforts to increase broadband connectivity to public agency infrastructure in remote areas.
9. Preserves and promotes cost-effective, fair, and efficient contracting practices that give taxpayers the best value for their dollar.
10. Enables streamlining of contracting and bidding processes and attracts greater contractor and vendor competition.
11. Provides funding and funding flexibility to achieve mission-related goals including, but not limited to:
 - a. District operations and infrastructure
 - b. Integrated Pest Management
 - c. Programs that hire youth to work in parks and open space and encourages them to consider careers in conservation
 - d. Partnership approaches to environmental education and public outreach efforts at local and state levels.
 - e. Implementation of improvements that meet the Americans with Disability Act (ADA) and other accessibility standards in District preserves.
 - f. The protection of prime and sustainable agricultural lands, including investments in agricultural-support infrastructure.
 - g. Funding for local partners to receive technical support for agriculture and natural resources enhancement.
12. Promotes closer collaboration and coordination between regulatory agencies to enhance permit processing efficiency and reduces overall project costs.
13. Improves and streamlines permitting, CEQA review and compliance processes for emergency repairs, routine maintenance, habitat restoration, and public access projects.
14. Provides open space districts the authority to utilize a variety of contracting methods to construct projects, including design-build methodologies.
15. Promotes implementation of and education about sustainable design and construction, including but not limited to LEED buildings, stormwater treatment and runoff reduction, local (within 150-mile radius of project) contractor/consultant hiring, construction material reuse/recycling, and use of green/energy efficient materials and equipment.

2020 Regional/Local Priorities

Though there is a growing recognition of the importance of regional planning and coordination, local land use authority dominates California planning processes in both the built and natural environments.

In 2020, the District supports:

Plan Bay Area 2050

Ratification of the final preferred scenario of the Plan Bay Area 2050 that curbs urban boundary expansion, more tightly integrates open space preservation and stewardship, and funds District priorities in adopted Priority Conservation Areas (PCA).

San Francisco Bay Restoration Authority Measure AA Implementation

Grant program guidelines for SFBRA's Measure AA funds that enable implementation of District priority projects.

Santa Clara Valley Transportation Authority Measure B Implementation

Advance mitigation allocation guidelines for VTA's recently passed Measure B funds that enable implementation of District priority projects.

San Mateo County Transit District Measure W Implementation

Allocation guidelines that enable regional bicycle/pedestrian network connectivity with District projects and regional trail plans.

Regional Collaboration

Efforts to enhance and fund regional collaboration and coordination of conservation plans.

2020 Federal Legislative Priorities

Given the outcomes of the 2016 federal elections, active advocacy at the federal level may be most effectively directed toward protecting existing environmental priorities and regulations.

In 2020, the District will focus on the following:

Land and Water Conservation Fund

Fully funding the federal Land and Water Conservation Fund.

Infrastructure Investment

Inclusion of active transportation and parks-related projects in federal funding allocations for infrastructure.

National Monument Preservation

Policies that protect and designate national monuments within our region that are important to fulfilling the District's mission.

Wildlife Corridors

Policies that enhance habitat connectivity on nonfederal lands through wildlife crossings and other habitat connectivity projects.

Appendix A:

Midpeninsula Regional Open Space Strategic Plan for FY2020-21

Online at: https://www.openspace.org/sites/default/files/StrategicPlan_2021.pdf

Goal 1 – Promote, establish, and implement a regional environmental protection vision with partners

- Objective 1 – Continue implementation of the District’s Vision Plan and communicate progress on projects through reporting results and building partner relationships
- Objective 2 – Build and strengthen diverse partnerships to implement a collaborative and science-based approach to regional environmental protection
- Objective 3 – Build and strengthen relationships with legislators to advocate environmental protection goals
- Objective 4 – Preserve open space lands of local and regional significance

Goal 2 – Protect the positive environmental values of open space lands

- Objective 1 – Take a regional leadership role in promoting the benefits of open space
- Objective 2 – Protect and restore the natural environment in a manner that expands regional resiliency and climate change adaptation to preserve healthy natural systems
- Objective 3 – Work with fire agencies and surrounding communities to strengthen the prevention of, preparation for and response to wildland fires for enhanced ecosystem resiliency and public safety
- Objective 4 – Support the viability of sustainable agriculture and character of rural communities

Goal 3 – Connect people to open space and a regional environmental protection vision

- Objective 1 – Communicate the benefits of a regional environmental protection vision
- Objective 2 – Refine and implement a comprehensive public engagement strategy, including the outreach to diverse communities and enhanced public education programs
- Objective 3 – Expand opportunities to connect people to their public open space preserves consistent with an environmental protection vision
- Objective 4 – Reflect the diverse communities we serve in the District’s, staff, volunteers, and partners

Goal 4 – Strengthen organizational capacity and long-term financial sustainability to fulfill the mission

- Objective 1 – Provide the necessary resources, tools, training, and infrastructure, including technology upgrades and capacity building

- Objective 2 – Continuously evaluate and improve processes and business model to effectively and efficiently deliver Vision Plan projects and the District’s ongoing functions
- Objective 3 - Build state of readiness for potential disruptions by completing a risk assessment and creating a business continuity plan
- Objective 4 – Continue to engage constituents for bond sales and via the work of the Bond Oversight Committee – “Promises made, promises kept.”
- Objective 5 – Remain financially sustainable by pursuing and ensuring discretionary funding opportunities and partnerships to augment operating, capital, and bond funding sources, and ensure that large capital expenses and land acquisitions, including associated public access and land management costs, are evaluated within the long-term financial model and remain financially sustainable
- Objective 6 – Continue to recruit, develop and retain talented staff to implement the District's mission and strengthen our organizational capacity