



## **REGULAR MEETING**

### **BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

**Wednesday, February 9, 2022**

*The Board of Directors conducted this meeting in accordance with California Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33. All Board members and staff participated via teleconference.*

## **DRAFT MINUTES**

### **REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

President Kersteen-Tucker called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 p.m.

#### **ROLL CALL**

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Natural Resources Manager Kirk Lenington, Management Analyst I Sophie Christel, Resource Management Specialist II Matt Sharp Chaney, Public Affairs Manager Kori Skinner, Chief Ranger Matt Anderson, Foothills Area Superintendent Brad Pennington

President Kersteen-Tucker announced this meeting is being held in accordance with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, allowing Board members to participate remotely. The District has done its best to conduct a meeting where everyone has an opportunity to listen to the meeting and to provide comment. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website. President Kersteen-Tucker described the process and protocols for the meeting.

**ORAL COMMUNICATIONS**

Craig Gleason provided comments in support of building trails to serve specific classes of users, such as hikers or cyclists.

Nancy Reyerling commented regarding a State requirement to add housing according to SB9, which has an exception for protected species habitats. Additional data is needed regarding the location of mountain lion habitats and wildlife corridors to better understand the areas to be protected. Ms. Reyerling requested the District expand its mountain lion study to include additional areas.

Alayna Van Dervort with the Big Wild non-profit organization spoke in support of further studying mountain lions along the peninsula and not just at Rancho San Antonio. Ms. Van Dervort described the work her organization does to identify, study, and track mountain lion activity.

**ADOPTION OF AGENDA**

**Motion:** Director Cyr moved, and Director Siemens seconded the motion to adopt the agenda.

**ROLL CALL VOTE: 7-0-0**

**CONSENT CALENDAR**

Public comment opened at 7:17 p.m.

Ms. Woodworth reported no comments had been submitted for the Consent Calendar.

Public comment closed at 7:17 p.m.

**Motion:** Director Siemens moved, and Director Riffle seconded the motion to approve the Consent Calendar.

**ROLL CALL VOTE: 7-0-0**

1. **Approve January 26, 2022 Minutes**
2. **Approve Claims Report**
3. **Quarter 2 Proposed Budget Amendments to the Fiscal Year ending June 30, 2022 (R-22-20)**

General Manager's Recommendation: Adopt a resolution approving the proposed Quarter 2 budget amendments for the fiscal year ending June 30, 2022.

4. **Contract with Comcast Business, Inc. for Fiber Optic Internet Services (R-22-19)**

General Manager's Recommendation: Authorize the General Manager to enter into a contract with Comcast Business Inc., for five years of high-speed fiber optic internet services at an annual

amount of \$180,000, for a total not-to-exceed amount of \$900,000, based upon a cooperative purchasing agreement through the State of California CALNET contract.

**5. Award of Contract for Botanical Services in Support of the Fire Safe San Mateo County-Highway 35 Evacuation Route Shaded Fuel Break Partnership (R-22-16)**

General Manager's Recommendation:

1. Authorize the General Manager to enter into a multi-year contract with Avila and Associates of Concord, California to provide botanical services in support of a collaborative partnership for fuel reduction work with Fire Safe San Mateo County for a base amount of \$65,950.
2. Authorize an allowance of \$3,966 for the development of mitigation measures, if deemed necessary for project implementation.
3. Authorize a 10% contingency of \$6,595 to cover unforeseen conditions and complexities, for a total contract amount not-to-exceed \$76,511.

**6. Award of Contract for Botanical Services for Multiple Projects within the Skyline Area (R-22-15)**

General Manager's Recommendation:

1. Authorize the General Manager to enter into a multi-year contract with AECOM Technical Services, Inc., of Oakland, California to provide botanical services to support multiple projects for a base amount not to exceed \$69,170.
2. Authorize an allowance of \$14,517 for the development of mitigation measures if deemed necessary for project implementation.
3. Authorize a 12% contingency of \$8,300 to cover unforeseen conditions and complexities, for a total contract amount not-to-exceed \$91,987.

**7. Teleconferenced Board Meetings Pursuant to the Brown Act and Assembly Bill 361 (R-22-21)**

General Manager's Recommendation: Adopt a resolution affirming findings on the continued need for remote teleconferenced public meetings pursuant to AB 361.

**8. Award of Contract with Vollmar Natural Land Consulting for the Preparation of Habitat Restoration Plans within the Irish Ridge Area of Purisima Creek Redwoods Open Space Preserve (R-22-17)**

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Vollmar Natural Lands Consulting to provide ecological surveys, analysis, planning, and permitting assistance for land restoration work at Purisima Creek Redwoods Open Space Preserve for a base contract amount of \$160,820.
2. Authorize a 10% contingency of \$16,082 to cover unforeseen complexities or additional biological survey needs, bringing the total contract to a not-to-exceed amount of \$176,902.

**9. Renewal of Enterprise Agreement with Microsoft Corporation (R-22-18)**

General Manager's Recommendation: Authorize the General Manager to renew a five-year Microsoft Enterprise Agreement with Microsoft Corporation via license service provider Crayon

Software Experts LLC through a cooperative purchasing agreement with the California Department of Technology for an amount not-to-exceed \$526,000.

## **BOARD BUSINESS**

### **10. Science Advisory Panel Findings on the Benefits and Impacts of Electric Bicycle Use on Open Space Trails (R-22-13)**

Management Analyst I Sophie Christel provided the staff presentation describing the role of the District's Science Advisory Panel (SAP) and the research question the SAP studied regarding the benefit and impacts of electric bicycle use on open space lands. Ms. Christel introduced the members of the SAP and the Technical Advisory Committee who also advised on the research.

Sean Baumgarten with the San Francisco Estuary Institute presented the results of the SAP's research and findings. Very few studies have been conducted for e-bike use in open space settings; however, studies have been conducted regarding traditional mountain bikes in open spaces. Mr. Baumgarten reviewed the impacts of traditional mountain bikes, including disturbance to wildlife, soil degradation, vegetation trampling, etc. Benefits of traditional mountain bikes include physical and mental health and increased support for conservation. Mr. Baumgarten highlighted the demographics of typical e-bike users and average distance traveled and ride frequency for e-bike users. Only one study is available regarding noise from e-bikes, which showed most noise produced by e-bikes is higher frequency than noise produced by traditional bikes. A study examined soil impacts from traditional mountain bikes and class 1 e-bikes and found no significant difference in the impacts.

Additional research regarding implementation and management was also completed, and management recommendations are similar to management strategies also used for traditional mountain bikes. Mr. Baumgarten reviewed e-bike policies for other open space agencies and additional considerations. If e-bikes are allowed, the SAP recommends an adaptive management strategy and efforts to reduce visitor conflicts. Strategies include education and outreach for visitors and users, sustainable trail design, various on-trail management practices, and continued monitoring and research.

Director Riffle inquired if there are continuing research questions that agencies already allowing e-bikes are still interested in learning more about.

Mia Monroe with the National Park Services and member of the Technical Advisory Committee (TAC) reported they allow all types of mountain bikes, and their annual survey looks at the rate of conflict, unexpected wildlife impacts, trail deterioration, etc. Since it is their first year, they have little information on these topics, but they will continue to study them. However, their information is not specific to e-bikes.

Director Riffle inquired regarding the potential increase in accidents related to e-bike use in open spaces.

Mary Ann Bonnell with Jefferson County Parks and member of the TAC reported they have had no accident reports directly related to e-bikes since they began allowing e-bikes in 2018.

Director Kishimoto requested additional information regarding enforcement of speed limits for e-bikes and traditional mountain bikes.

Ms. Bonnell stated Jefferson County Open Space does not have a speed limit but does have regulations regarding visitor courtesy and reported they have not had reports of speeding or visitor conflicts specifically related to e-bike use.

Ms. Monroe reported on outreach efforts to promote positive visitor experiences among various user groups.

Public comment opened at 8:12 p.m.

Mike Ferreira member of the executive committee for the Sierra Club Loma Prieta Chapter expressed concern regarding the lack of studies and recommended additional study is needed before they are allowed.

Owen Byrd spoke in support of an adaptive management approach and in support of a pilot program to allow for further study of e-bikes on open space lands.

Deborah Goldeen expressed concern regarding the information contained in the SAP report and lack of details included in the report.

Stephen Meier spoke in support of allowing e-bikes to allow more people to experience nature and also to reduce the amount of miles traveled in an automobile.

Denise B. spoke in support of protecting natural open spaces and in opposition to allowing e-bikes in District preserves due to negative impacts on preserve visitors and wildlife.

Pat Cuvillo spoke in support of people continuing to be able to visit open spaces by hiking and stated e-bikes are not required to access the open spaces.

Dave Greenfield stated he likes to hike and bike in open spaces and spoke in support of being able to continue experience nature with his family using e-bikes.

Justin Hemann supported the District opening its preserves to e-bikes, similar to other nearby park systems. Mr. Hemann summarized the benefits of e-bikes, including exercise for older individuals.

Ms. Woodworth read the public comments into the record.

John Kunz provided comments in support of allowing e-bikes in District preserves stating this will allow seniors to enjoy the trails.

Ed Noskowski stated e-bikes should be allowed on all trails that allow bikes because the impact is the same.

Mike Castro requested the Board of Directors open District preserves to e-bikes stating they should be treated the same as traditional bikes.

Robert Story provided comments in support of allowing e-bikes in District preserves where traditional bikes are allowed because the research shows the e-bikes are slower going downhill and allow older riders to continue riding.

Wynn White supports allowing e-bikes in District preserves because e-bikes allow many riders to continue to enjoy biking even as they get older.

Kristin Mercer opposed allowing bikes on trails stating they erode trail surfaces and negatively affect wildlife.

Lloyd Davies stated the purpose of the District is to enhance recreational opportunities and expand access to recreational facilities. E-bikes help promote public access and should be treated as equals to traditional bikes.

Tyson Messori provided comments in support of e-bikes stating it allows trail access for those who would physically be unable to access trails with traditional bikes. Banning e-bikes prevents a large section of the cycling community.

Jeff Vance stated e-bikes are the same as other bikes except they allow those who need physical assistance to continue to explore open spaces.

Peter Maxwell supported allowing e-bikes on District trails and stated e-bike riders tend to be less aggressive than some traditional bike riders.

Shane Bracken stated allowing e-bikes allows riders to spread out over more trail miles and improve physical and mental health of riders.

Tom Angsten commented on the many benefits e-bikes can provide to older riders, including improved mental and physical health.

Stefan Bolka supports allowing e-bikes on District trails that already allow traditional bikes and allowing e-bikes would make the trails more inclusive for older visitors.

Scott Forstall provided comments in support of allowing e-bikes on District trails stating e-bikes allow older cyclists to continue to enjoy the preserves. Mr. Forstall stated many e-bike riders are older and even more cautious than those on traditional bikes.

Molly Forstall supports allowing class 1 e-bikes on District trails stating e-bikes are quiet and are not like motorcycles, as some believe. E-bikes also have no more impact on open space than traditional bikes.

Seth Gottlieb supports allowing e-bikes in District preserves.

John Baily supports allowing e-bikes in District preserves stating they allow older riders like himself to continue to enjoy District trails, such as Alpine Road.

Mary and Bob Dodge support allowing e-bikes on District trails until evidence shows e-bikes are more harmful than traditional bikes.

Susan Martin supports allowing e-bikes in District preserves because e-bikes allow many riders to continue to enjoy biking even as they get older.

Jeff Kwan stated allowing e-bikes in District preserves will promote trail access for those who are not physically fit.

Michael Poutre supports allowing e-bikes where traditional bikes are allowed. Allowing e-bikes will increase inclusivity of trails, especially for those with physical disabilities, are older, or unable to use a traditional bike.

Heidrun Utz provided comments in support of allowing e-bikes on District preserves and stated e-bikes help older riders exercise more.

Curt Relick provided comments in support of allowing e-bikes on District preserves.

Bill Onderdonk supported allowing e-bikes on District trails.

Public comment closed at 8:48 p.m.

Members of the Board thanked staff, the SAP, and the members of the public for their interest in the topic and stated they look forward to discussing the issue further.

Mr. Malone described the information to be presented to the Planning and Natural Resources Committee regarding e-bikes, including the e-bike pilot project, noise study, intercept survey results, public feedback, etc. The Committee will review the information and can make recommendations to the Board or direct staff to complete additional work prior to the Board presentation.

No Board action required.

The Board recessed at 9:09 p.m. and reconvened at 9:15 p.m. with all directors present.

## **11. Human-Mountain Lion Interaction Study and Management Plan Annual Update (Year 1) (R-22-14)**

General Manager Ana Ruiz discussed the role of the study in understanding the factors that may contribute to potential negative interactions between mountain lions and humans and tools that may avoid these occurrences to protect the safety of people and of the local mountain lion population.

Resource Management Specialist II Matt Sharp Chaney explained the mountain lion study and its purpose, including the process for the proposed behavioral modification approach for the mountain lions. Mr. Sharp Chaney also described the District's practices to educate and outreach to visitors regarding mountain lions and how to avoid and stay safe during mountain lion encounters. Mr. Sharp Chaney highlighted partner and advocacy group outreach and support received from these organizations. Mr. Sharp Chaney reported the behavioral modification work would take place during the day and described the process for notifying the public that a preserve would be closed.

Dr. Chris Wilmers, with the Puma Project, described the study's objectives to estimate the local mountain lion population size, compare range sizes with other areas of the Santa Cruz Mountains, assess factors influencing mountain lion-human interactions, and determine the efficacy of deterrents. Dr. Wilmers provided an update on the various study objectives, including the wildlife cameras being used to support the research and measure wildlife throughout Rancho San Antonio, the impact of forested fire breaks, etc.

Director Riffle inquired how the information learned in the study would be used.

Dr. Wilmers reported the behavioral modification work would be used with lions throughout the Santa Cruz mountains to increase the sample size. If it is successful, it can be used more widely to prevent mountain lion habituation and attacks on humans.

The members of the Board asked clarifying questions and received additional information regarding mountain lion behavior, the mountain lion study, and study results to date.

Public comment opened at 10:38 p.m.

Pat CuvIELlo expressed concern regarding the harassment of the mountain lions in their own habitats and suggested additional education of the public is a better way to address the issue.

Denise B. spoke in support of the data and research gathered as part of the study but stated more vehicle strikes are occurring than reported. Denise B. expressed concern regarding future mountain lion extinction due to human activities, such as visitors to District preserves and trails.

Ms. Woodworth read the public comments into the record.

Annette Herz provided comments in support of the work to protect mountain lions, including the Highway 17 crossing.

Alex Johnson supported the mountain lion study to help keep human and mountain lion communities safe.

Public comment closed at 10:45 p.m.

Director Holman suggested limiting public access to specific areas of preserves where mountain lions frequently visit to limit mountain lion-human interactions. It would be helpful if data on potential patterns of behavior were determined.

Director Kishimoto suggested rerouting of trails at Rancho San Antonio may be a viable option to reduce interactions.

Director Riffle spoke in support of additional education of the public regarding mountain lions and in support of the science-based behavioral modification proposal.

President Kersteen-Tucker suggested removal of deer as a food source may be a helpful deterrent.



Mr. Sharp Chaney stated major habitat modifications would be necessary to remove deer from Rancho San Antonio. He stated the District works with its neighbors to remove food sources to help discourage deer in the area.

No Board action required.

### **INFORMATIONAL MEMORANDA**

- Highway 17 Wildlife and Regional Trail Crossings Project Status Update
- Suggested Topics for the February 16, 2022 Board Retreat

### **INFORMATIONAL REPORTS**

#### **A. Committee Reports**

President Kersteen-Tucker reported the Board retreat ad hoc committee met on February 4 and February 7, 2022 to discuss the topics and agenda for the February 16, 2022 Board retreat.

#### **B. Staff Reports**

Ms. Ruiz provided an update on media coverage of the District's 50th anniversary.

#### **C. Director Reports**

Directors Riffle, Siemens, Hassett, Cyr, and Kersteen-Tucker reported they attended the Mount Umunhum Radar Tour tower and thanked staff for organizing and hosting the tour.

Director Riffle reported he met with the Friends of Stevens Creek Trail and discussed proposed access to Rancho San Antonio.

Director Kishimoto reported she attended a Santa Clara County LAFCO meeting on February 2, 2022 and a BCDC meeting on February 3, 2022.

### **ADJOURNMENT**

President Kersteen-Tucker adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 11:16 p.m.

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Jennifer Woodworth, MMC  
District Clerk