



**NAPA COUNTY REGIONAL PARK &
OPEN SPACE DISTRICT**

Karen Bower Turjanis
Director, Ward One

Tony Norris
Director, Ward Two

Brent Randol
Director, Ward Three

Nancy Lewis-Heliotas
Director, Ward Four

Barry Christian
Director, Ward Five

AGENDA

BOARD OF DIRECTORS REGULAR MEETING

Monday, March 8, 2021 at 2:00 P.M.
Via Zoom Conference Call

Instructions for Joining Zoom Meeting

Internet Access

Join Zoom Meeting

<https://zoom.us/j/95361105889?pwd=QWdSc1h6Q29DNUpPT1RFTXUyYTNodz09>

Meeting ID: **953 6110 5889**

Passcode: **924226**

One tap mobile

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+1 301 715 8592 US (Washington DC)

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Meeting ID: 953 6110 5889

Passcode: 924226

General Information

Agenda items will generally be considered in the order indicated below, except for Set Matters, which will be considered at the time indicated. Agenda items may from time to time be taken out of order at the discretion of the President.

Requests for disability related modifications or accommodations, aids, or services may be made to the Secretary's office no less than 48 hours prior to the meeting date by contacting 707.299.1377.

Prior to action on any item, the Board President will ask for comments from any member of the audience. After receiving recognition from the President, give your name, address, and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the President.

State law requires agency officers (Directors and Officers) to disclose, and then be disqualified from participation in, any proceeding involving a license, permit, or other entitlement for use, if the officer has received from any participant in the proceeding an amount exceeding \$250 within the prior 12 month period. State law also requires any participant in a proceeding to disclose on the record any such contributions to an agency officer.

All materials relating to an agenda item for an open session of a regular meeting of the Board of Directors which are provided to a majority or all of the members of the Board by Board members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, on and after at the time of such distribution, in the NCRPOSD Office at 1195 Third Street, Suite 210, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code §§6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

1. Call to Order and Roll Call

2. Public Comment

In this time period, anyone may address the Board of Directors regarding any subject over which the Board has jurisdiction but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the President. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

3. Set Matters

None

4. Administrative Items

- a. Consideration and potential approval of minutes for Board of Directors meeting of February 8, 2021.
- b. Consideration and potential adoption of position on State legislation.
 - i. SB 332 (Dodd) liability standard for prescribed burn
 - ii. AB 959 Nuisance Abatement (Kevin Mullin)
 - iii. AB 361 (Rivas) remote public meetings

- c. Consideration of request from East Bay Regional Park District for amicus support for litigation related to tree removals.
- d. Consideration and potential adoption of Special Event Permit process and fees.
- e. Receipt of report on expenditures, encumbrances, donations, and grants approved by District staff for January 2021.
- f. Review of the District Projects Status Report.
- g. Receipt of monthly report for Bothe-Napa Valley State Park and the Bale Grist Mill State Historic Park.

5. Announcements by Board and Staff

In this time period, members of the Board of Directors and staff will announce meetings, events, and other matters of interest. No action will be taken by the Board on any announcements.

6. Agenda Planning

In this time period, members of the Board of Directors and staff will discuss matters for possible consideration at future meetings. Other than to determine whether and when such matters should be agendaized, no action will be taken by the Board on these items unless specifically noted otherwise.

7. Closed Session

Public Employee Appointment (§ 54957): General Manager

8. Adjournment



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Karen Bower Turjanis
Director, Ward One

Tony Norris
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Director, Ward Three

Nancy Helioles
Director, Ward Four

Barry Christian
Director, Ward Five

MINUTES

BOARD OF DIRECTORS REGULAR MEETING

Monday, February 8, 2021 at 2:00 P.M.
Via Zoom Conference Call

1. Call to Order and Roll Call

Directors Present: Karen Bower-Turjanis, Tony Norris, Brent Randol, Nancy Helioles (late), Barry Christian

Staff Present: John Woodbury, Chris Cahill, Kyra Purvis, Ryan Ayers

2. Public Comment

None.

3. Set Matters

None.

4. Administrative Items

- a. Consideration and potential approval of minutes for Board of Directors meeting of January 11, 2021.

Minutes for the January 11, 2021 meeting were approved without changes.

BR - TN - BC - KBT - NH

A Ab

- b. Informational report on behested payments.

Information only; No action taken.

- c. Receipt of report on expenditures, encumbrances, donations, and grants approved by District staff for January 2021.

Report received; No action taken.

- d. Review of the District Projects Status Report.

Report received; No action taken.

- e. Receipt of monthly report for Bothe-Napa Valley State Park and the Bale Grist Mill State Historic Park.

Report received; No action taken.

5. Announcements by Board and Staff

Director Christian announced that the annual Earth Day event will likely not be hosted as a virtual event as it was in 2020. Discussion of the District participating with several volunteer events during the Earth Day celebration period.

6. Agenda Planning

Director Norris suggested continuing conversations about fundraising and funding options for the District in future meetings.

7. Closed Session

Annual Public Employee Performance Evaluation (Government Code Section 54957)

TITLE: General Manager

After the closed session it was announced the Board had reluctantly accepted the General Manager’s retirement effective May 29, 2021, and would meet in March to consider appointment of a new General Manager.

8. Adjournment

SIGNED: _____
Barry Christian, Board President

ATTEST: _____
Ryan Ayers, District Secretary

KEY

Vote: TN = Tony Norris; KBT = Karen Bower-Turjanis; NH = Nancy Heliotas; BC = Barry Christian; BR = Brent Randol
The maker of the motion and second are reflected respectively in the order of the recorded vote.

Notations under vote: N = No; A = Abstain; X = Excused; Ab=Absent

5 messages

Cahill, Christopher <Chris.Cahill@countyofnapa.org>

Mon, Feb 8, 2021 at 9:38 AM

To: "Barry Christian (barryislearning@comcast.net)" <barryislearning@comcast.net>, "Tony Norris (autochthon51@comcast.net)" <autochthon51@comcast.net>, Karen Turjanis <kturjanis@me.com>, Brent Randol <brandol@napaoutdoors.org>, "ladyliotes@gmail.com" <ladyliotes@gmail.com>

Cc: "Woodbury, John" <John.Woodbury@countyofnapa.org>, "Ryan Ayers (rayers.ncrposd@gmail.com)" <rayers.ncrposd@gmail.com>, "Purvis, Kyra" <Kyra.Purvis@countyofnapa.org>, "Apallas, Chris" <CHRIS.APALLAS@countyofnapa.org>

Boardmembers,

Jeff Brax, who is Napa County Counsel, put together the attached memo with guidance and some FAQs on the new Brown Act rules for social media that we recently talked about. Please take a look at it when you get a chance and feel free to reach out to me, Chris Apallas, or even Mr. Brax if you have any questions.

Ryan- since this is Brown Act communication to the whole Board will you please append a copy (of this email and the Brax memo) to this month's board minutes when you do the final; signed record copy on them?

Cheers, and thanks,

Chris

CHRIS CAHILL

NAPA OPEN SPACE DISTRICT

email ccahill@ncrposd.org

phone 707.253.4847



A Tradition of Stewardship
A Commitment to Service

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NAPA COUNTY COUNSEL

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Jeffrey M. Brax
County Counsel

MEMORANDUM

To: Members of the Napa County Board of Supervisors
Members of Napa County boards, commissions, agencies, and other Brown Act bodies

From: County Counsel

Date: February 5, 2021

Re: Legal Update regarding Assembly Bill 992 — the Brown Act and Social Media

EXECUTIVE SUMMARY

Effective January 1, 2021, Assembly Bill 992 (AB 992) limits the use of social media platforms by members of boards, commissions, and other legislative bodies. Under AB 992, you may use certain social media platforms to answer questions, provide information to the public, and solicit information from the public, but you may not use social media platforms for even two members to discuss any business of a specific nature that is within the subject matter jurisdiction of your legislative body. In addition, you may not respond to a communication on social media that is made, posted, or shared by another member regarding a matter that is within your subject matter jurisdiction — including by commenting, replying, sharing, or using like buttons, emojis, or other “digital icons.”

BACKGROUND

The Brown Act was adopted in 1953 to “aid in the conduct of the people’s business” by requiring that legislative bodies’ “actions be taken openly and that their deliberations be conducted openly.” (Gov. Code, § 54950.) Section 54952.2(b)(1) already provides that “A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”

AB 992 added a new subsection (b)(3). It provides that members of a legislative body may use certain Internet-based social media platforms to “answer questions, provide information to the public, or to solicit information from the public,” so long as the platform is open to the public, free of charge, and does not require prior approval by the platform or others. (Gov. Code, § 54952.2, subs. (b)(3)(A) and (b)(3)(B)(iii).) This may limit the use of Nextdoor, because that platform requires members of the public to be approved after verifying their address.

New subsection (b)(3) then states that members may not use social media platforms “to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body.” (*Id.*) Moreover, a member “shall not respond directly to any communication on an

Members of the Board of Supervisors
Members of Napa County boards, commissions, agencies, and other Brown Act bodies
February 5, 2021

internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.” (*Id.*) AB 992 broadly defines “discuss” to include commenting, replying, sharing, or using like buttons, emojis, or other “digital icons.” (*Id.*, subd. (b)(3)(B)(i).)

The legislative history of AB 992 explains that social media platforms have made government more open, transparent and accessible than ever before, but also make it possible for an online discussion of the public’s business to happen through the mere click of a button. The intent of the bill is to make sure those discussions happen in open session, while clarifying that local officials may continue to use social media to provide answers and information, and solicit feedback from constituents. The law shall remain in effect until 2026.

DISCUSSION

Practically speaking, AB 992 creates a potential Brown Act violation if you respond to any communication by another member of the legislative body on Facebook, Instagram, Twitter, or any other Internet-based social media platform that is open and accessible to the public, on a matter within the body’s jurisdiction.

If one of your colleagues comments on social media regarding a matter that is within the jurisdiction of your legislative body, please avoid commenting, retweeting, liking, disliking, responding with positive or negative emojis, and/or screenshotting and reposting.

In addition, if you intend to use social media to answer questions, provide information, or solicit information from the public, please confirm that the specific platform is open to the public, free of charge, and does not require prior approval by the platform or others.

CONCLUSION

Like any new law that seeks to regulate the use of social media, AB 992 contains ambiguous language and will require interpretation by the courts. To avoid potential Brown Act exposure, please reach out to your assigned attorney with any questions or concerns about AB 992 and the use of social media.

Enclosed please find a document with frequently asked questions about AB 992, to assist you in using social media.

**California Assembly Bill 992
Frequently Asked Questions**

Q: Can I reply to a constituent question with a public post on Facebook?

A: Yes, as long as the response is not posted on another member's Facebook page and no other members respond to the post, "like" or dislike it, or share it.

Q: Can I reply to another member's public post on Twitter?

A: No. AB 992 specifically prohibits responding directly to another member on an Internet-based social media platform.

Q: Can I "like" another member's public post on Facebook?

A: No. AB 992 specifies that "likes" or other reaction icons are prohibited forms of "discussion" the members of the body.

Q: I am a member of a Facebook group whose members can join only after they are approved by the moderators. Can I reply to a constituent question posted on this group's Facebook page?

A: Likely no. Forums or groups on otherwise open social media sites where membership is approved by another person do not appear to meet the AB 992's definition of "open and accessible." Replying to a constituent concern in a private group could be considered a Brown Act violation, even if no other councilmember replies or likes the response.

Q: Can I answer a constituent question on a public post on Nextdoor?

A: Likely no. Nextdoor requires members to verify their address to be approved for the platform, which likely does not meet AB 992's definition of "open and accessible." It may be better for staff to communicate the business of the legislative body on Nextdoor.

Q: I am an avid cyclist. I am a member of a group on Reddit that requires moderators to approve new members. Can I post my pictures of bicycle trails on the group's page?

A: Yes. A personal post in a private group does not violate the Brown Act if it does not concern the legislative body's business.



STAFF REPORT

By: John Woodbury
Date: March 8, 2021
Item: **4.b**
Subject: Consideration and potential adoption of position on State legislation

RECOMMENDATION

Adopt position of support for SB 332 (Dodd), AB 959 (Mullin) and AB 361 (Rivas)

ENVIRONMENTAL DETERMINATION

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND

Three bills have been introduced in the State Legislature for this year's legislative session that would make District operations more efficient and effective.

i. SB 332 (Dodd) Liability Standard for Prescribed Burn

Prescribed burning is increasingly being considered to be an essential part of efforts to reduce the risk of catastrophic wildfire. One of the major impediments to prescribed burning is concerns about liability. SB 332 would establish a "gross negligence" liability standard for individuals who are trained and certified as a qualified burn boss when conducting prescribed burn operations for vegetation management and wildfire prevention purposes. The bill would also apply the same standard of negligence for property owners who contract with trained and certified burn bosses to conduct prescribed burns on their property. See the attached Fact Sheet for a more detailed discussion.

ii. AB 959 Nuisance Abatement (Kevin Mullin)

Cities and counties have the authority to address public nuisances by civil action for injunction or damages, criminal actions for restraining order and restitution, and administrative abatement. However, Public Resources Code Section 5500 *et seq*, which authorizes and governs many park and open space districts including the Napa County Regional Park and Open Space District, does not provide the authority for them to administratively abate and recover costs when protecting their lands and natural resources from encroachments and other public nuisances. AB 959 would authorize Section 5500 special districts to abate nuisances in the same manner that cities and counties are able to do. This bill is sponsored by the East Bay Regional Park District. See the attached Fact Sheet for a more detailed discussion.

iii. AB 361 (Rivas) Remote Public Meetings

Local agencies are subject to the Brown Act, which is designed to ensure transparency in public decision-making and the ability of the public to have input into that decision-making. Since March of 2020 public agencies have been authorized to meet remotely pursuant to an Executive Order issued by the Governor, in response to the public health emergency caused by COVID-19.

AB 361 would codify the process for meeting remotely where an emergency makes it unsafe or impossible to meet in person. If approved, in a future emergency, local agencies would not have to wait for an Executive Order before being able to meet. The legislation is sponsored by the California Special Districts Association. More detail is provided in the attached Fact Sheet.



SB 332 – DODD PRESCRIBED BURNING - LIABILITY

Summary

SB 332 would establish a “gross negligence” liability standard for individuals who are trained and certified as a qualified burn boss when conducting prescribed burn operations for vegetation management and wildfire prevention purposes. The bill would also apply the same standard of negligence for property owners who contract with trained and certified burn bosses to conduct prescribed burns on their property.

Background

Prescribed burning is the controlled application of fire to the land to reduce wildfire hazards, clear downed trees, control plant diseases, improve rangeland and wildlife habitats, and restore natural ecosystems. Sometimes called a controlled burn or prescribed fire, prescribed burning is one of the most important and cost-effective tools used to manage fire today. As catastrophic wildfires continue to be a growing concern in California, the use of prescribed burning to reduce hazardous fuels is projected to increase. Daily burn decisions are issued based on the forecast of fire risk, air quality and meteorological conditions that can affect smoke dispersion. People who conduct prescribed burn operations are known as “burn bosses.”

Resistance to the use of prescribed fire is strong among many private land managers despite the advantages it offers for maintaining fire-prone ecosystems. Often, managers who are aware of the benefits of using prescribed

fire as a management tool avoid using it because of fear of liability for damages that may result from an escaped fire or smoke even though prescribed burns rarely escape their containment and almost never cause losses. In the United States, state open burning statutes define the standard of care owed to the public by burn bosses. In a lawsuit, a burn boss will be found liable for damages resulting from their fire or smoke if they have not met the standard of care prescribed by their state statute. If a state has not developed a statute specifically related to open burning or prescribed burning, judges will apply the standard of care established by previous prescribed burning cases in their state. Three different standards of care have emerged for prescribed fire practitioners: strict liability, simple negligence, and gross negligence.

Liability insurance has become one of the major barriers to prescribed fire. If private companies, contractors, land trusts, and non-profits cannot obtain sufficient insurance, they are unable to implement prescribed burning. Land managers who are aware of the benefits of using prescribed fire as a management tool avoid using it, citing potential liability and lack of available insurance as a major reason for their aversion. Recognizing the importance of prescribed fire for wildfire risk reduction, ecosystem management and the constraints current statutory schemes impose on its use, several states in the United States have undertaken prescribed burn statutory reform.



Five states have adopted gross negligence standards, in whole or in part: Florida, Georgia, Michigan, Nevada, and South Carolina. Perhaps unsurprisingly, states with gross negligence standards see significantly more private burning. Research shows that prescribed fire is applied more often and to more land in states with gross negligence standards than in neighboring states with simple negligence standards. There is also evidence that limiting burn boss liability via gross negligence standards can increase private landowner participation in the use of prescribed fire even when the regulations for attaining this limited liability are more onerous.

Existing Law

Under current California law burn bosses are subject to a “simple negligence” standard of liability. This liability standard means that any person “who personally or through another, willfully, negligently, or in violation of law” sets fire or allows an escaped fire to damage another’s property is liable for that damage. Likewise, property owners can be liable for third-party damage caused by fire escaping from their property, even if they do not set the fire, if they are found to have failed to exercise “due diligence” to control the fire. While these statutes refer explicitly to *property* damages, courts have held that burn bosses and property owners can also be liable under these statutes for other harms, such as bodily injury, death, or smoke-related harms.

State law also holds burn bosses responsible for fire suppression costs. Specifically, anyone who “negligently, or in violation of the law” allows a fire to escape is liable for the costs of fire suppression, rescue and medical services, and related investigations.

If a burn boss obtains a burn permit from CAL FIRE, then state law provides that “compliance with the permit issued [] constitute[s] prima facie evidence of due diligence.” In other words, if the burn boss obtains a CAL FIRE permit, and can demonstrate compliance with every term, then the burn boss may prove—in the first instance—that their actions were not negligent and they should not be liable. However, a harmed party can still rebut that showing, either by proving that the burn boss did not comply with the terms of the permit, that the permit terms were not reasonable, or perhaps that the permit was obtained with false or misleading information. In addition, CalFire burn permits are not required for all types of prescribed burns and at all times of year.

Under existing law the State Fire Marshall has developed a curriculum for the training and certification of burn bosses who manage prescribed burns. The curriculum provides for the initial training and certification, as well as continuing education of burn bosses such that each trained and certified burn boss is deemed qualified to engage in prescribed burning operations. Burn bosses are highly experienced fire practitioners – typically with more than a decade of experience in wildland fire.

This Bill

SB 332 simply says that individuals who have been trained and met the certification standards established by the State Fire Marshall pursuant to state law, and who possess authority to engage in prescribed burn operations, shall not be liable for any damage or injury to property or persons that is caused by an authorized prescribed burn unless the prescribed burn was conducted in a grossly negligent manner. The bill would also apply this



standard to property owners who contract with a trained and certified burn boss who supervises or oversees a prescribed burn on their property.

Support

None on File

Opposition

None on File

Contact

Les Spahnn: Leslie.Spahnn@sen.ca.gov



AB 959 (Mullin) - Nuisance Abatement Legislation for Public Resources Code Section 5500 Park and Open Space Districts

Background/Context

A regional park district, regional park and open-space district, or a regional open-space district (“Park District”) is a special district created by state statute. A key element of any Park District’s mission is stewardship of natural resources and is a factor in every aspect of a Park District’s actions including, but not limited to, land acquisition, management and preservation of natural and cultural resources. This mission has become increasingly critical given the need to address climate change.

Although state law provides a Park District with broad powers related to the creation, operation, and maintenance of a system of parks and open spaces, a Park District’s ability to use traditional public agency legal tools to prevent unauthorized uses of its lands is limited. This is because a Park District may exercise only those powers specifically granted to it by state law. Specifically, the Park District’s statutory authority is derived from sections 5500 through 5595 of the Public Resources Code (“Principal Act”). By contrast, cities and counties have broad police powers. They may pursue civil, criminal, or administrative remedies or a combination thereof, and have the ability to adopt ordinances that declare what constitutes a public nuisance, establish procedures for abating such a nuisance, and allow for recovery of costs and attorneys’ fees incurred in any action, administrative proceeding, or special proceeding to abate that nuisance.

Existing Authority is Insufficient

Three remedies are available to cities and counties to address violations of law and public nuisances. These remedies are cumulative, and a city or county can choose among them based on the particular violation and objective: 1) Civil action for injunction or damages; 2) Criminal proceeding for restraining order and restitution; and 3) Administrative abatement. Administrative abatement has proven to be a favored method of addressing public nuisances due to the fact that it provides all parties with due process but does not require a costly and time-consuming court-based proceeding. As summarized below, civil and criminal actions have proven to be insufficient for Park Districts to timely address nuisance conditions in a financially sustainable manner.

The Principal Act does not empower a Park District to abate and recover costs when protecting parkland from encroachments and other public nuisances. The absence of this statutory authority significantly limits a Park District’s ability to effectively protect the parklands that state law charged Park Districts with operating and maintaining. Protecting Park District land requires significant time and resources. Given its large amount of parkland over vast territory and abundance of neighboring private properties abutting parkland, encroachments onto Park District property are a constant problem. Often, neighboring property owners take advantage of the limited enforcement tools available to a Park District and are slow to respond or unresponsive to a Park District’s request to address illegal encroachments. Because Park Districts do not possess the same enforcement tools as a city or county, and because cities, and counties, and District Attorneys are focused on addressing issues within their urban service areas rather than on Park District lands, traditional public agency mechanisms such as public nuisance or trespass actions are essentially unavailable to Park Districts to address public nuisances.



Currently, a Park District may adopt rules that apply to its property and establish fines for violations of those rules. Section 5558 of the Principal Act (Pub. Resources Code, § 5558) gives a Park District the ability “to adopt all ordinances, rules, and regulations necessary for the administration, government, protection, and use of the property, improvements, and facilities belonging to the district or under its control.” Government Code Section 53069.4 enables a Park District to make any violation of any ordinance subject to an administrative fine or penalty. (Gov. Code § 53069.4, subd. (a)(1).) However, the mere ability to issue administrative fines, without the explicit authority to abate violations and recover associated costs of abatement leaves a Park District with limited capability to administratively address illegal encroachments. Additionally, although Code of Civil Procedure Section 731 would arguably give a Park District the ability to pursue a private nuisance action in civil court, there is still no administrative option to efficiently address encroachments into Park District property which constitute a public nuisance. Furthermore, utilizing a Park District’s existing criminal enforcement authority is an inefficient use of limited public safety and court resources and does not provide the preferred remedy for most Park District encroachments.

Legislative Solution

[AB959 \(Mullin\): Park districts: regulations: nuisances: abatement](#), is a legislative fix would be to give Park Districts public nuisance abatement power within the Principal Act, similar to a city’s or county’s abilities. The proposed legislation (see Exhibit A) would give a Park District the following powers: 1) the ability to declare by ordinance what constitutes a public nuisance; 2) explicit authority to abate those public nuisances by either administrative and/or civil actions; and 3) recover its costs incurred abating those public nuisances, including attorneys’ fees. Having the full set of options to address illegal encroachments that cities and counties have, in particular the ability to administratively abate and recover costs, would give Park Districts the necessary tools to efficiently protect the parks and open spaces that they are responsible for operating and maintaining, without initiating a costly and lengthy civil or criminal action in the courts.

FAQs

Why is this legislation needed now?

It is important for Park District staff to be able to efficiently and effectively address illegal encroachments on Park District property. Without the full set of tools at the Park District’s disposal, there are instances where public lands are not getting the protection they need. Examples of nuisances on Park District lands include illegal water diversion, extension of yards into park habitat, illegal dumping and grading, unauthorized landscaping, and illegal streambed alteration, all of which may impact sensitive habitat, wildfire protection zones, and other park specific uses. Park Districts need to be able to address illegal encroachments in the same comprehensive way that cities, counties, and certain other special districts can. Given that Park Districts are best suited to address land stewardship and management issues on its own lands, providing Park Districts with the appropriate nuisance abatement tools would be the most efficient and effective allocation of public resources.

Do other similar entities have these tools?



Some do. In addition to cities and counties possessing these tools, a number of special districts have the ability to administratively abate nuisances, relative to their statutory purposes. Some districts, like cities and counties, are charged with administering sections of state codes including the Fire Code and the Health and Safety Code, which also specify certain violations that constitute a public nuisance. For example:

- **Fire protection districts** have the ability to “abate hazardous weeds and rubbish.” (Cal. Health and Safety Code § 13879.)
- **Community services districts** have the ability to abate public nuisances (as determined by the legislative board). (Cal. Gov. Code § 61069.)
- **Department of Water Resources** has the ability to abate encroachments and recover costs, including attorneys’ fees. (Cal. Wat. Code § 12899.5.) “If the department removes any encroachment upon the failure of the owner to comply with the notice pursuant to this section, the department may recover the expense of the removal, costs and expenses of suit, including attorneys fees, and, in addition, the sum of one thousand dollars (\$1,000) for each day the encroachment remains after the expiration of the applicable response period described in subdivision (c) or (d).”
- **Public Utility districts** have the ability to enforce the its ordinances by petitioning “the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate.” (Cal. Pub Util. Code § 16472.5)

What examples do you have of current issues that will be solved with this legislation?

This proposed legislation would help Park Districts be able to more effectively accomplish its mission of providing recreational opportunities for its residents while also protecting critical natural resources. Park Districts have thousands of neighbors that have the potential to create current and future detrimental impacts through illegal encroachments onto Park District property. Some specific examples of these issues include the following:

1. Business owner on neighboring private property trespassed onto Park District lands, broke open a Park District gate, illegally graded an access road, and built numerous water lines to supply the business with water during a drought. Instead of seeking civil/injunctive remedy, the agency referred the case to the District Attorney who prosecuted the case in about 11 months. The Park District was awarded restitution of \$10,000 for natural resource restoration costs, but no compensation for costs to the agency for staff and attorney time estimated at over \$15,000.
2. Occupants of neighboring private property trespassed onto Park District lands, poured concrete into creek bed to create catch basin, and installed water lines diverting water to an illegal dwelling on neighboring private property. The incident occurred in 2015 and took 2 years to work up the case with the District Attorney, culminating in a 2017 plea deal. The Park District was awarded \$3,000 in restitution (related to removing the diversion and restoring the creek). The Park District likely spent over 100 hours of staff time working up the case and supporting the District Attorney, but was not compensated for costs to the agency estimated to exceed \$10,000.

Additional examples of current issues that could be addressed with this legislation include, illegal dumping and grading, unauthorized landscaping, and illegal streambed alteration.



How does this legislation impact local jurisdictions? Does it infringe on land use authority of Cities/Counties?

No, it does not infringe on land use authority of Cities/Counties. The Park District's authority does not cover land use powers or building safety, two traditional domains of local jurisdictions. The legislation would give Park Districts the ability to better protect the parklands that they were charged with operating and managing.

How will property owners Due Process rights be protected?

Existing laws in place regarding due process and property rights will still be in effect. Any action that a Park District wishes to undertake will still be in compliance with existing laws regarding due process.

Which entities would benefit?

This statewide bill applies only to four independent special districts listed below. Dependent districts enabled under Public Resources Code Section 5500 may already utilize county powers of nuisance abatement.

1. Midpeninsula Regional Open Space District
2. East Bay Regional Park District
3. Monterey Peninsula Regional Park District
4. Napa County Regional Park and Open Space District

Questions?

Doug Houston, Houston Magnani and Associates, doug@houstonmagnani.com

Russ Noack, Public Policy Advocates, russ@ppallc.com



Exhibit A –AB 959 (Mullin): Park districts: regulations: nuisances: abatement.

Bill Link: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB959

SECTION 1.

Section 5558.5 is added to the Public Resources Code, to read:

5558.5.

(a) (1) The board of directors may adopt regulations relating to nuisances and may establish a procedure for the abatement of the nuisance, including, but not limited to, administrative abatement.

(2) Section 5560 does not apply to the regulations adopted pursuant to this section.

(b) A district may initiate a civil action to abate a nuisance in the name of the district, and by the judgment in that action, the nuisance may be enjoined or abated as well as damages recovered, as provided in this section.

(c) The board of directors may, by regulation, provide for the recovery of costs incurred by the district in abating a nuisance, including any related administrative costs. The regulation adopted pursuant to this section may provide for the recovery of attorney's fees in any action, administrative proceeding, or special proceeding to abate a nuisance. If the ordinance provides for the recovery of attorney's fees, it shall provide for recovery of attorney's fees by the prevailing party.



AB 361 – Brown Act: Remote Meetings During Emergencies

SUMMARY

As amended, Assembly Bill 361 will provide additional flexibility for local city councils, boards, commissions, and other agencies to meet remotely via video and teleconference during a local emergency that makes meeting in person unsafe, while still maintaining high levels of public access and transparency. This legislation will not allow local agencies to meet remotely during emergencies that would not prevent the local agency board from meeting in person, nor will this legislation create any new authorization for a local agency to declare a local emergency.

BACKGROUND

In 1953, the Ralph M. Brown Act, known simply as the “Brown Act” ever since, guaranteed the public’s right to attend and participate in meetings of local legislative bodies. To meet this objective, the Brown Act drew up requirements regarding public notices of meetings, the posting of agendas, and physical access to those meetings.

In 1988, AB 3191 (Frazee) updated the Brown Act by authorizing local legislative bodies to use video teleconferencing in connection with any meeting or proceeding authorized by law, for the benefit of the public. However, AB 3191 also required that the public had to have physical access to each remote meeting location. Subsequently, in 1998, SB 138 (Kopp) expanded the allowable uses of teleconferencing even further.

When the COVID-19 pandemic started, local agency boards struggled to conduct their meetings in compliance with the Brown Act’s public accessibility requirements while still abiding by stay-at-home orders. As a result, Governor Newsom signed Orders [N-25-20](#), [N-29-20](#), and [N-35-20](#) to grant local agencies the flexibility to meet remotely during the COVID-19 pandemic.

PROBLEM

The Governor’s executive orders allowed public agencies to meet remotely and did not require physical public access to those meeting locations. Unfortunately, those Executive Orders only apply to the current health pandemic and do not contemplate future health, fire, flood, or other unforeseen emergencies.

SOLUTION

AB 361 will provide additional flexibility for local agencies looking to meet remotely in order to continue providing the public with essential services during a proclaimed state of emergency or local emergency. In doing so, local agency boards will not have to rely on an Executive Order from the Governor.

While maintaining high standards of public transparency and access, AB 361 will allow public agencies to meet remotely to continue providing services to the public without jeopardizing the safety of the public, local agency personnel, or board members. Local agencies will accommodate both internet video conferencing platforms and phone lines to ensure that the public can access these meetings with or without an internet connection. This means that if a specified state or local emergency is declared, a local city council would be allowed to meet via a videoconferencing platform and/or phone. The public would be able to participate through such online and telephonic platforms, too.

Most importantly, if a meeting could still be held in-person without endangering local agency board members or personnel, then the local agency will not be entitled to meet remotely.

Local agencies looking to meet remotely pursuant to these provisions will have to do so in accordance with a locally declared emergency or an emergency declared by the Governor of California. A local emergency could include a toxic leak or wildfire evacuation that inhibits the local body from meeting in person. Together, these important provisions will provide local agencies with the flexibility necessary to meet remotely while preserving public access during a specified emergency.

SUPPORT

- California Special Districts Association (Sponsor)
- Rural County Representatives of California
- California Association of Joint Powers Authorities
- Association of California Healthcare Districts

FOR MORE INFORMATION

Julio Mendez Vargas, *Associate Consultant*
Email: Julio.MendezVargas@asm.ca.gov
Phone: (760) 848-8224



STAFF REPORT

By: John Woodbury
Date: March 8, 2021
Item: **4.c**
Subject: Consideration of request from East Bay Regional Park District for amicus support for litigation related to tree removals.

RECOMMENDATION

Authorize District to provide amicus support for East Bay Regional Park District litigation related to its authority to cut trees within its jurisdiction

ENVIRONMENTAL DETERMINATION

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND

The East Bay Regional Park District is in litigation regarding whether park and open space districts formed under Public Resources code section 5500 have exclusive authority over resources, such as trees, within their jurisdiction.

EBRPD is in litigation challenging a memorandum of agreement it reached with PG&E to remove trees along trails within EBRPD property for safety reasons relating to PG&E's underground gas lines. Some of the trees are within the City of Lafayette. The petitioners (neighbors) sued claiming, among other things, that EBRPD needed to get a permit from the City to remove the trees. EBRPD demurred, and the trial court agreed with its argument that EBRPD's enabling legislation, Public Resources Code section 5500, gave EBRPD exclusive authority regarding management of its park resources except in the limited circumstances set out in the statute.

EBRPD is now on appeal, and is coordinating an amicus brief that would be joined by other park and open space districts.

This issue is important to our District. Addressing hazard trees is a significant issue for the safe use of our parks and trails. It is important that we be able to address hazards as expeditiously as possible.



**NAPA COUNTY REGIONAL PARK &
OPEN SPACE DISTRICT**

STAFF REPORT

By: Kyra Purvis
Date: March 8, 2021
Item: **4.d**
Subject: Consideration and Potential Adoption of Special Event Permit Process and Fees

RECOMMENDATION

Adopt the proposed special event permit processes and fee schedule.

ENVIRONMENTAL DETERMINATION

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND

The District periodically receives requests for special events on its properties, such as organized races or filming. Currently, there is not any process in place or any associated fees. In order to streamline and standardize our responses to such requests, Staff has developed a process, fee schedule, and application form (see attachments). These are based on what is already in place for Bothe State Park and Bale Grist Mill.

The fees will go toward staff time to review and process the application and coordinate with event organizers, costs associated with wear and tear to properties and facilities, and park acquisition and development cost recovery. As noted in the attached document, additional fees may be assessed if the event requires additional staffing, maintenance, or other costs.

Event organizers will be asked to submit the application, a map of area(s) of the park where the event will take place, and the application fee. A \$200 non-refundable deposit will be required upon issuance of the permit. Thirty days prior to the event, they must submit remaining fees and proof of insurance, if applicable. These processes and fees are designed to make it easier for both the public and District staff to plan, organize, and carry out special events.

Proposed Fee Schedule

Site Use Fees are fees for use of the site only and are charged on a daily basis. After review of the event application, additional staffing, maintenance, set up, etc., may result in additional administrative fees. Staff will review the completed application and inform you of estimated additional fees. The following are examples of potential site use fees:

- \$350 (up to 30 people) 2 hours max
- \$500 (up to 50 people) 2 hours max
- \$1,000 (50-75 people) 2-4 hours max
- \$1,500 (100+ people) 2-4 hours max
- \$2,500 (50 to 75 people) 4-8 hours max
- \$3,500 (75 to 120 people) 4-8 hours max

Napa County Regional Park and Open Space District Special Event Permits

2021

Special Events occurring on Napa County Regional Park and Open Space District properties require a Special Event Permit. A Special Event is defined as any non-NCRPOSD sponsored event that meets one or more of the following criteria:

- 1) Events with a participation fee;
- 2) Events that are of a non-outdoor recreational nature;
- 3) Outdoor recreational activities of 30 or more people;
- 4) On-going classes or programs;
- 5) Events that request partial or exclusive use of an area of the park;
- 6) Events of a commercial nature;
- 7) Events that request amplified sound; or
- 8) Events requiring stages, tents, barricades, fences or other items.

If you are unsure if your event requires a permit, please [contact us](#).

Any event held on NCRPOSD property cannot compromise the park or its grounds, harm the environment, deter public access where otherwise allowed, or significantly prevent park visitors from enjoying the park and facilities during normal operating hours as determined at the sole discretion of the District General Manager or his/her designee. Additionally, any Special Event must be consistent with any Napa County and/or Grantor restrictions to which the property in question is subject. Your cooperation and understanding of the rules and regulations of the park and the restrictions that we list are for protection of the park, the safety of the public, and your event guests.

NCRPOSD has the right to deny a request if the event is inconsistent with this document, inconsistent with other NCRPOSD policies and/or regulations, inconsistent with the preservation and natural resource protection missions of the District, or due to lack of staffing to accommodate the event.

Timeline

You may submit your Special Event Permit application up to one year and no later than 60 days prior to the event. We encourage you to begin the process early, and [contact us](#) prior to completing an application to discuss availability of the park and whether your event would be allowed.

After we receive your completed application package and application fee, we will contact you with any questions or clarifications, and to discuss any additional needs such as a parking or traffic control plan, medical aid, or portable toilets. A \$200 non-refundable deposit to hold the date for your event is due upon issuance of the Special Event Permit. Remaining fees are due 30

days prior the event (see site use fees below). You must cancel 72 hours in advance of the event to receive a refund, less the \$200 deposit.

Site Use Fees

Site Use Fees are fees for use of the site only and are charged on a daily basis. After review of the event application, additional staffing, maintenance, set up, etc., may result in additional administrative fees. Staff will review the completed application and inform you of estimated additional fees. The following are examples of potential site use fees:

\$350 (up to 30 people) 2 hours max
\$500 (up to 50 people) 2 hours max
\$1,000 (50-75 people) 2-4 hours max
\$1,500 (100+ people) 2-4 hours max
\$2,500 (50 to 75 people) 4-8 hours max
\$3,500 (75 to 120 people) 4-8 hours max

Insurance and Liability

You may be required to furnish, at your own expense, proof of insurance coverage for liability, bodily injuries, and property damage in an amount not less than one million dollars (\$1,000,000), naming Napa County Regional Park and Open Space District as additional insured by separate endorsement. Should this be required, an Insurance Certificate and a separate endorsement page must be provided 30 days prior to the event.

How to Apply

Submit a complete Special Event Permit application package, which includes the following:

1. Completed application form
2. Detailed description or map of area(s) of the park where you would propose that the event take place
3. \$50 application fee (check made payable to Napa County Regional Park and Open Space District)



SPECIAL EVENT PERMIT APPLICATION

Applicant Name: _____ Date: _____

Organization: _____ Non Profit #: _____

Contact Name: _____ Cell Phone #: _____

Email: _____ Address: _____

Event Name: _____

Event Type: Race ___ Film ___ Wedding ___ Other (specify) _____

Number of Attendees: _____ Volunteers/staff: _____

Requesting area or Trail Closure: Yes ___ No ___ if yes, specify requested closure _____

Event Time and Date: From _____ To _____

Set-up to begin: Time _____ Take-down to end: Time _____

Catering/food vendor: Yes ___ No ___ Alcohol Served: Yes ___ No ___ Music (non - amplified): Yes ___ No ___

Event Description: _____

Fee and Deposits: A \$50 application fee must be provided with application. A \$200 Non-Refundable deposit fee to hold your event date is required. Date is not guaranteed until the deposit is received. The contract will be sent out after the event deposit is received and potential site visit has been conducted.

The balance of the event fee is due 30 days before the event date and is refundable up to 3 days before the event date.

Special Requests/Notes: _____

Applicant Signature: _____ Date: _____



NAPA COUNTY REGIONAL PARK &
OPEN SPACE DISTRICT

STAFF REPORT

Date: March 8, 2021
Item: **4.e**
Subject: Receipt of report on expenditures, encumbrances, donations, and grants approved by District staff.

RECOMMENDATION

Receive the report.

BACKGROUND

Section III.A.(7) of the District By-laws authorizes the General Manager to bind the district for supplies, materials, labor, and other valuable consideration, in accordance with board policy and the adopted District budget, up to \$25,000, provided that all such expenditures are subsequently reported to the Board of Directors. Section III.A.(8) of the By-laws authorizes the General Manager to apply for grants and receive donations, subject to reporting such actions to the Board of Directors.

Attached is a report showing all District expenditures for February 2021.

In addition to these expenditures, the General Manager has authorized the following contracts using his signature authority:

Agreement 21-03	MOU with Bay Area Ridge Trail accepting a bequest of \$17,000
Agreement 21-04	Steve Triolo Electric not to exceed \$10,619.14
Agreement 21-05	Carneros Fire Equipment Co not to exceed \$2,000 per year

PARKS & OPEN SPACE DISTRICT -FEBRUARY 2021 EXPENSE REPORT

Gen Admin Dept - 85000-00

Date	Journal Line Description	Name	Monetary Amount
02/22/2021	HR Support FY 20-21	Napa County HR Dept.	\$ 30.66

Moore Creek Dept - 85010-00

Date	Journal Line Description	Name	Monetary Amount
02/10/2021	2/1-5/21 Mileage	CAHILL,CHRISTOPHER MICHAEL	\$ 36.40
02/17/2021	Feb 2021 Invoice	HERITAGE SYSTEMS, INC.	\$ 128.33
02/18/2021	Trufuel Mixed Fuel, Stihl Bar	CENTRAL VALLEY BUILDERS	\$ 48.84

Camp Berryessa Dept - 85010-03

Date	Journal Line Description	Name	Monetary Amount
02/18/2021	Water Sampling	CALTEST ANALYTICAL LABORATORY	\$ 50.00
02/18/2021	Water Sampling	CALTEST ANALYTICAL LABORATORY	\$ 50.00
02/18/2021	Pumped Srpctic Tank	NAPA SEPTIC TANK SERVICE	\$ 635.00

NRER Dept - 85010-05

Date	Journal Line Description	Name	Monetary Amount
02/17/2021	Jan 2021 Invoice	NAPA VALLEY SUPPORT SERVICES	\$ 500.00

State Park - 85010-08

Date	Journal Line Description	Name	Monetary Amount
02/05/2021	Architectural Bothe Roof, Plan	VALLEY ARCHITECTS INC	\$ 2,950.00
02/05/2021	Phone Line 12/28/20-1/27/21	AT&T	\$ 22.47
02/05/2021	PG&E 12/14/20-01/12/21	PACIFIC GAS & ELECTRIC CO	\$ 889.71
02/05/2021	PG&E 12/15/20-01/13/21	PACIFIC GAS & ELECTRIC CO	\$ 676.00
02/05/2021	PG&E 12/15/20-1/13/21	PACIFIC GAS & ELECTRIC CO	\$ 111.61
02/17/2021	Jan 2021 Invoice	AMERICAN SANITATION INC.	\$ 950.00
02/18/2021	Alarm 2/01/21-05/01/21	BAY ALARM COMPANY	\$ 219.94
02/18/2021	Rack Cards, Sponser Cards	THE COPY CORNER	\$ 111.43
02/18/2021	Thermometer Digit	SILVERADO ACE HARDWARE	\$ 14.00
02/18/2021	Hand Sanitizer	SILVERADO ACE HARDWARE	\$ 30.16
02/18/2021	Phenol Indicator, Thermometer	USA BLUEBOOK	\$ 292.52
02/26/2021	1/22-2/3/21Hazard Tree Removal	PACIFIC TREE CARE	\$ 16,650.00

Amy's Grove 85010-10

Date	Journal Line Description	Name	Monetary Amount
02/01/2021	Jan 2021 Invoice	JOHNNY ON THE SPOT	\$ 160.08

Other Projects 85010-90

Date	Journal Line Description	Name	Monetary Amount
02/18/2021	Gorilla Glue, Tape	CENTRAL VALLEY BUILDERS	\$ 35.12



Projects Status Report

March 8, 2021

Amy's Grove

Planning and permits for public use of Amy's Grove.

The archaeological survey has been completed and did not find evidence of Native American activity. The botanical survey has been completed and submitted for review. Much of Amy's Grove burned in the October 2017 fires, but the damage appears to be limited. In Sept 2018 the Board approved placing a restrictive covenant over a portion of Amy's Grove, accepting the donation of an adjacent 7 acres of land, approving an option to acquire 164 acres north of Amy's Grove, and applying for a grant to help fund the purchase. Grant awards are expected to be announced in mid-2019. A legal description of the conservation area covering the meadow at Amy's Grove has been completed. PG&E is marking trees for transmission line clearance trimming in the right of way adjacent to our property. We have attempted to limit the scope of that work, but ultimately we have little say in the process. In late July 2019 we learned that we did not receive the Habitat Conservation Fund grant we had applied for to assist with the purchase of the 164 acres to the north. The purchase has been completed using District reserve funds. State Parks in June 2020 released the announcement of the per capita grant funds, which the District will use to reimburse about half the cost of the 164 acre purchase. An application for \$400,000 from the Prop 68 per capita grant program has been submitted, the grant agreement has been signed by the District, and a \$400,000 check from the State finally arrived in mid February. Staff submitted a proposal in partnership with Enchanted Hills Camp to share an AmeriCorps team next January through March, which was approved on December 8th. The team arrived in mid-January, and as of late February they had pivoted off of the Cove and onto cleaning up the Kateley donation portion of Amy's Grove.

Bay/River Trail - American Canyon to Napa

An 8+ mile recreational trail. Phase 2-B--Pond 10 to Soscol Ferry Road.

The design for the public crossing of the SMART tracks has been completed, and SMART, NRCA and the PUC have verbally agreed to allow the railroad crossing. A biological survey for the Fagan Marsh area has been completed; based on the results, CDFW has indicated they do not want the trail alignment to follow the levee on the north side of Fagan Marsh; District staff is reviewing the feasibility of an alternative alignment. At the request of the City of American Canyon, in August 2017 City and District

staff met to discuss strategies for completing the trail. The Board President and General Manager met with CADFW staff on June 12, 2018 to discuss CDFW concerns. Senator Dodd organized a meeting in October with the City of American Canyon, County of Napa and the District in an attempt to move the project forward, and another meeting with District staff and CADFW staff on November 28, 2018. Staff has been working with BCDC to determine whether CDFW plans to impose user fees for people walking on the trail along the edge of the wetlands would be allowed under DFW's permit from BCDC. Director Christian has been volunteering considerable time to remove weeds blocking the trail both north and south of Green Island Road. Staff has also been working with the Bay Trail Project and Director Christian to ensure the draft Countywide Bicycle Master Plan includes the trail connection from Green Island Road to Suscol Ferry Road. CDFW in April approved policy changes for the Napa-Sonoma marshes, including use of bicycles on designated trails. The District and the City of American Canyon have been developing new and improved signage for the Wetlands Edge trailhead. The commemorative plaque for former Director Myrna Abramowicz was vandalized in June or July of 2020; Director Christian has taken the lead in getting a replacement plaque and the finished product is now installed and turned out excellent.

Berryessa Vista

Planning, stewardship and expansion of this 304 acre wilderness park.

Volunteers working with the District have completed detailed GIS mapping showing all existing roads, creek crossings, vista points and potential campsites. The District sent a letter to all property owners in that area introducing the District, explaining the deed restriction prohibiting off road vehicles, and asking for their cooperation. Since then there has been less observed damage, although the problem is not resolved. Staff was planning on installing a gate to restrict OHV access, but this has proven infeasible. In 2014 the Land Trust acquired an 80 acre inholding between District and BLM land, based on a District Board action in November 2014 agreeing to acquire the property from the Land Trust at a later date when funding is available. District and Land Trust staff in April 2016 placed a camera on the property in an attempt to identify the off-road vehicle and motorcycle users who have been causing some damage to the property. Staff has been monitoring the cameras since spring 2016 and has noted a small decrease in illegal off road vehicle use; staff will continue to monitor the cameras. Staff is working on plans to create a formal boat-in backcountry camp at Berryessa Vista accessed from the BOR Capell Cove boat launch. Staff has been reviewing PG&E plans to grade and widen an access road to their high power lines that cross the property, to ensure the work does not cause future erosion nor increase vehicular trespass. The Bureau of Reclamation has completed environmental review and authorized the District to improve the trail leading from water's edge up into the District property and install directional signage. We had tremendous success at the volunteer trail building event in early February, building +/- 900 feet of new trail. Berryessa Vista burned in the August 2020 fires; once the ashes settle staff will need to assess damage and come up with a repair and restoration plan.

The Cove at Mt. Veeder

Reconstruction of campground and trails.

The Cove was severely burned in the October 2017 fires; since then staff has been working on cleanup. Most of the trees in The Cove are dead or will be soon and will need to be removed before the camp can be reopened. Staff hiked most of the property in early January and confirmed that fire damage is severe and extensive. In early February the County Wildlife Commission toured the Cove to inspect fire impacts

and discuss ways in which they might direct funding to fire recovery efforts County-wide. Staff worked with a forester to develop a plan for salvage logging to (a) remove hazardous dead trees in the campground area and (b) repair/improve the access road into the site. The Napa Girl Scout troops have already undertaken a number of projects to help restore the Cove, including new signage and rehabbing the campfire circle. Installation can, however, only happen once salvage logging is complete. Doug McConnell (NBC's Open Road) segment on The Cove (and Suscol Headwaters), comparing the effects of the fires in each location and lessons learned, was aired on Sunday June 24, 2018. Salvage logging commenced in late May, 2018 and was completed during the week of July 23rd followed by the logger completing his clean-up and erosion control operations. Road rebuilding is complete. Heavy rains in early 2019 (more than 5 inches in one day) happily did not wreak too much havoc at the Camp or on the new driveway. A State Employment Development Department funded crew of 4 (using fire emergency job training funds) started work on April 2, 2019; they will be available through the end of the calendar year; so far they have completed chipping of much of the remaining woody debris, and are well along with cutting larger logs into rounds for eventual splitting for firewood. In July 2019 we worked with our salvage logging contractor on improvements to the gravel driveway to make it more useable to visitors in 2WD vehicles. We met with a local engineer on site on Sep 5th to begin designing facilities for a rebuilt camp. Our EDD crew has been doing preliminary work clearing debris out of future camp site areas. We removed a very large standing dead oak tree adjacent to the parking area in mid-November for safety reasons. The EDD work crew wrapped up their season at the end of December. Staff hiked the property extensively in February, trying among other things to relocate the old trails, but most have been destroyed by the 2017 fires and resulting erosion. We have been talking with the Mt Veeder Fire Safe Council who secured a grant to fund fuel reduction work along the Mayacamas ridge on and near the Cove; they plan to begin work in mid-June, accessing the area from Cavedale Road on the Sonoma County side and will clear downed and standing-dead trees along our ridgetop fire road. We continue to work on locating improvements (camp sites, water spigots, etc) for the rebuilt camp and have been working through some potentially more cost effective fixes to the gravel road, which is a struggle for some cars to climb when it's dry and dusty. Staff together with Enchanted Hills Camp has submitted an application for a 13 week AmeriCorps crew this winter to work on The Cove, Amy's Grove and Enchanted Hills Camp. District staff inspected ridgetop fire clearing completed by the Mount Veeder Fire Safe Council in late September and were quite happy with the work that was done. We have paused work on developing a new potable water system and septic system on the site while we reconsider our priorities in light of District finances, and the timeframe in which we think regular ongoing (as opposed to occasional special event-style) public camping will actually be desirable on the property once again. The AmeriCorps crew has now been at work for a couple of weeks, working trail alignments, clearing debris, and beginning to open up zones that would allow girl scouts and others to group camp at the site once COVID restrictions allow. We have constructed just under a half mile of new trail running up the ridge and towards Mount Veeder from the Cove bowl; it is much more gradual than the old trails (the old trail was 25-30%, new trail is about 9%).

EcoCamp Berryessa

Redevelopment and operation of former Boy Scout Camp with a 64 bed group/environmental education camp with 8 tent cabins, 2 covered group activity centers, a canoe/kayak dock, a central amphitheater and campfire ring, and a shower and composting toilet restroom facility.

A grant for \$50,000 to help with construction was provided by the Mead Foundation, together with a \$1.7 million grant from the State Coastal Conservancy. Construction of Phase I, which includes beds for up to 64 campers was completed in June 2016. Tuleyome. The BOR, and Forest Trails Alliance have completed the adjacent North End Trail, running from +/- Camp Berryessa to the north end of the Lake, approximately 7 miles each way. In early October, 2017 Caltrans delivered (at no cost to the District) the disassembled and individually numbered pieces of a former Monticello Road stone arch bridge to EcoCamp Berryessa; some have been placed around the property to restrict vehicle access and add character. Issues with the composting toilets and water systems (the result of poor design and power failures) appear to have all been resolved. We completed a fresh fee survey in early 2019, the results of which we are now analyzing to see if our rental rates need to be updated, we will be bringing those to the Board. We are looking into solar battery backups to provide more reliable power as rural blackouts on windy days have become the new normal. Some of the septic system valving and wires was damaged by denning rodents; they have been repaired, and the valve boxes have been hardened to make it more difficult for our furry friends to get into them in the future. The hard water at the camp is causing backflow prevention devices to leak, and repairing them continues to be a challenge. The EcoCamp has been closed to the public since mid-March 2020 due to the pandemic. We have been taking the opportunity of this downtime to get on top of spring mowing and other projects and Sarah Clark has been inspecting the property at least once a week. Staff has completed a survey of rates and policies for other group camps in the region, and will be developing a proposal for expanding camp use to include a broader range of group and family campers, for when the camp is not needed by the non-profit and youth organizations which are the primary target audience for the camp. Camp Berryessa suffered some damage in the August 2020 fires; the camp itself mostly escaped damage, but the power line to the camp was destroyed as was our camp host's mobile home and belongings. We have begun the cleanup process, including a hazardous materials clearance to be completed by the County and will be moving in the direction of permitting debris and ash removal. Power has now been restored and the water system seems to be working. We have had the water tested for VOCs (which can be created when plastic pipes melt) and the tests came back negative. The septic system was inspected in late November and some minor damage which was discovered is slated to be repaired before the new year. We have filed for a Right of Entry with the County of Napa, which should mean fire debris are removed as a part of the County/FEMA fire cleanup operation. There is no scheduled date for that cleanup as of the time of this writing. While the camp is closed due to COVID, we have on three occasions allowed USGS researchers doing post-fire investigations to use the site while working in eastern Napa County. We have begun exploring the possibility of doing family camping at the camp while it remains closed for larger group events.

Moore Creek Park Development

Improvements and operations at our 1,500 acre regional park in the Lake Hennessey watershed. Includes the Moore Creek unit on land owned by the District and the Lake Hennessey Unit on land owned by the City of Napa.

In November, 2009 the Napa City Council directed city staff to work with the District to finalize an agreement for the proposed Hennessey trails. The District approved a Mitigated Negative Declaration on February 14, 2011. A final lease agreement and operations plan was approved by the District Board in August 2012, and by the City Council in September 2012. The park opened on June 30, 2013. Many miles of trails have been constructed, fencing installed, emergency communications capacity set up, repairs

made to the two houses on the property, and invasive French broom removal has been ongoing. Work was completed on the Conn Creek connector trail between the Moore Creek and Lake Hennessey units in June 2013. Lake Hennessey North Shore Trails formally opened with a ribbon cutting in October 2014. The Sam the Eagle Trail was completed in April 2015. District staff and volunteers installed the Harold Kelly bench in early June 2015 and constructed a short ADA-compliant access trail to it that July. The County Wildlife Conservation Commission awarded the District a +/- \$2,000 grant to fund installation of an interpretive birding trail developed in partnership with Napa Solano Audubon along the north shore of the lake, signage was installed in May 2015. The eastern boundary survey and fencing project was completed June 2014. The property owner to the east of Moore Creek filed suit in June 2017 claiming the District owed additional money for the boundary survey and fence separating his property from ours. After several interim victories, the judge in early April 2018 issued the final ruling in support of the District's position. Staff hosted trail scouting and trail building volunteer events focused on the Madrone Trail in late May and early June, 2018. The Gate House was re-roofed in November 2018 using the Moore Creek maintenance/repair reserve fund. Staff coordinated a meeting with CalFire and a neighbor to determine what level of tree trimming is needed on the neighbor's property next to the ranch house to comply with Firewise regulations and the trimming work is now underway. Napa Marble and Granite installed (well, carved) new trail signage for the Shoreline and Sam the Eagle trails in early September 2017. Old Man's Beard Trail was completed in February 2018. The Whiskey Ridge and Conn Peak Trails (along with the Conn Peak Spur), nearly three miles of new singletrack all-in, was completed in 2019. As of early January 2021 work on Catacoula is almost complete and, thanks to some well timed precipitation, it's looking and riding great. The Conservation Corps North Bay (CCNB) is scheduled to be back on site in April to work on the last finishing touches. To help ensure public safety in light of the Covid-19 pandemic, staff and volunteers monitored both entrances to Moore Creek Park for most Fridays and weekends in March through July. By late July this extra monitoring was stopped because park usage while still very high had returned to more manageable levels. Staff is working with the County of Napa and the City of Napa to make improvements to the end of Conn Valley Road to be able to better accommodate demand going forward, though planned work has been postponed indefinitely while everyone works on recovering from the LNU and Glass Fires of August and September of 2020. The two tenants at Moore Creek Park had to evacuate for about two weeks as a result of the August 2020 fires, but were able to return just before Labor Day. They then had to evacuate again on September 28 due to the Glass Fire. Despite a number of additional autumn red flag days and closures, and a rare December red flag event, Moore Creek Park is unburned and in good shape. Visitation number have remained very heavy, right through the early winter, with the parking lot full all day most weekends. Our grant with the CCNB is projected to have three weeks of funding left at the completion of Catacoula, so we are working with them to pivot to working the Madrone Trail closer to completion with District oversight of the fieldwork provided by Ryan and/or Kyra. We are launching a survey of park users aimed at gauging public sentiment about e-bikes, powered skateboards, and other battery-powered devices that are starting to show up on our trails in greater numbers. We hope to have results to report out to the Board over the next few months.

Napa River Ecological Reserve

Manage public access and improve habitat for this State-owned property

The District has been maintaining the parking lot and front meadow since 2008, after assuming a responsibility that had previously been handled by the County. Staff recently discovered that the

agreement between the District and the California Department of Fish and Wildlife, authorizing this partnership, expired at the end of 2017. Staff has approached CDFW about renewing the agreement, and is still waiting for a decision from CDFW. In a telling sign of what can happen in unmanaged public open spaces, someone attempted to fell a young oak tree with a shotgun and perhaps a dozen rifled slugs in late December 2021. We have retained a number of casings as evidence.

Oat Hill Mine Trail

Various improvements to the historic Oat Hill Mine Road.

The District is continuing to work with Tuleyome on a project to clean up the Twin Peaks and Corona Mines, in the hopes this may enable the District to safely open the northern Oat Hill Mine Trail for public use. Staff and volunteers in February 2013 did a comprehensive evaluation of erosion issues on the trail, and experts from the RCD joined staff for another evaluation in early April. The Bay Area Ridge Trail did some cleanup and minor improvements in late October 2013 to the staging area, and the lower 4 miles of the OHMT was dedicated as part of the Ridge Trail on November 10, 2013. The 40 acre Randy Lee Johnson property donation was completed in December 2014. Volunteers made drainage improvements on the trail in late January 2015 and work parties to install drain dips to control erosion were held in January and April of 2016. A PG&E contractor attempted to drive an ATV up the OHMT in early June, and ended up going into a gully; they promptly removed the vehicle and repaired the trail damage. The first 1.3 miles of the trail was bulldozed as a result of CalFire efforts to suppress the October 2017 wildfires. CalFire had agreed to come back to do more remediation, but subsequent fires in Southern California diverted their staff to help fight those fires. District staff and volunteers in February 2018 replaced the gate at the Calistoga trailhead that had been damaged by CalFire's firefighting efforts. Staff has been tracking and participating in the City of Calistoga's trail and parkway redesign project at the Vine / Silverado/ OHM Trail intersection. The lower 1/4 mile of the trail was repaired in early January 2019 by staff and volunteers, with an improved inboard drain, culvert and waterbars, to correct problems created by CalFire's 2017 bulldozing. Deer season trail closure signs were put up in early August. Staff investigated reports of an illegal campsite near the Oat Hill Mine Trail and is investigating reports that people in 4WD vehicles have been clearing vegetation and other obstructions along the trail between Calistoga and the Palisades Trail. The campsite was determined to be located on adjacent private property (the owners have been contacted) and the 4WD enthusiasts own property further up the trail so have the right to drive on the trail. As with Moore Creek Park, the trail has been closed repeatedly in October and November due to hazardous fire weather. Recent PG&E line-clearing work along the lower portion of the trail damaged it in several places and we are working with PG&E to motivate them to fix it themselves, if that doesn't happen it is likely to become a District volunteer project later this winter. Visitation at OHMT has been very high since mid-March. We staffed the trailhead on weekends in late March and early April, but have determined that the dispersed nature of the parking in Calistoga means that it handles the higher level of traffic well and we have since reduced monitoring to occasional check-ins. A large tree fell, blocking the trailhead, but it was bucked the next day by Rob Grassi and Tyler Beach and Rick was able to complete the clearing a few days later. We had reports of an unpermitted running event on the morning of July 4th and have reached out to the organizer to ensure similar events don't happen in the future without advance approval. We are also following up on reports of unauthorized work to make the trail driveable by 4-wheel drive vehicles. In July 2020 the General Manager sent a letter to the property owner whose family members are believed to be doing the work, saying work needed to stop until they had obtained County permission to work in the road Right of Way. The

property owner responded just before the August 2020 fires broke out; the issue will need to be pursued further once things settle down. The trail burned, at least in part, during September's Glass Fire and it looks to have sustained significantly more damage from firefighting operations this time. Rick Fessenden has been doing a lot of work to inspect the trail and clear debris and hazard trees. The Trail is once again fully open to the public through to Holm's Place.

Putah Creek Properties

Acquire 480 acres next to Berryessa Estates from BLM at no fee through their Recreation and Public Purpose Act procedure. Manage Spanish Valley, Crystal Flats and Stone Corral (2,500 acres) open space preserves.

The District in 2009 applied to BLM for a no-fee transfer of this property to the District for the no-fee transfer of this property; while this transfer has received conceptual approval by BLM staff, the formal approval has been delayed because of property title issues between BLM and BOR. The District has completed the donation to the District of a small, 0.2 acre property that provides critical access to the northeast corner of the property. In 2015 Reclamation said they have done their work to clear up the title issue and it is now up to BLM to finish the transfer. BLM thought they would complete their work by the end of 2015, but this did not happen, and a new date for completion has not been set. BLM's timeline has been extended because BLM has determined that not only these but other federal lands in the same general area also need to have their revocation process completed, and they wish to resolve all at the same time. At a meeting on April 14, 2016, the new Superintendent for the Ukiah District of BLM committed to completing the transfer. Because of staffing changes at BLM, as of June 2019 no progress had been made. Per CalFire, the planned prescribed burn for Spanish Valley has been cancelled due to deteriorating weather conditions; we'll try again in 2020. We continue to refine a draft conservation easement for Spanish Valley with the Land Trust, and are close to finalizing the document for Board review. Interpretive staff held a well-attended public hike at Spanish Valley in early November focusing on native plants and the areas interesting geology. Our friends at the Land Trust continue to work with CalFire on coordinating a 2020 prescribed burn at Spanish Valley. Whether or not the burn will actually occur depends on weather, the nature of the fire season, and the ongoing impacts of Covid-19. Unfortunately, limited CalFire resources and bad luck with weather have forced the prescribed burn to be delayed another year. The Lake Berryessa Estates Property Owners Association in June 2020 retained an attorney to help them develop an agreement between the District and the Association authorizing the Association to manage and enforce regulations for use of the campground and boat launch areas of Crystal Flats and Stone Corral. All of the Putah Creek properties burned in the August 2020 fires. Other than burned vegetation, the only damage the District appears to have suffered was to the water tank that was on the hill above the metal barn located on the property, as well as a bulldozing of a fire line across Crystal Flats. The current President for the Association reached out to District staff just before the LNU fire, indicating a willingness to restart discussions about an agreement between the two. Those discussions will hopefully start now that it and the Glass Fire appear to be history.

Skyline Park

Permanent protection of Skyline Park and support for Skyline operations.

Three past legislative efforts to authorize sale to the County failed due to unrelated disagreements between the state legislature and administration. Separately, the County in September 2009 approved a

new park overlay zone and an updated Master Plan for Skyline Park. A fourth legislative effort by Assembly member Evans in 2010, sponsored by Napa County and supported by the District, was approved by the legislature and signed by the Governor. The County and State General Services were unable to agree on the fair market value of the property, negotiations stalled, and the legislative authorization expired. In October 2015, the State applied to the county to rezone Skyline Park by removing the Skyline Wilderness Park Combining District overlay, which would make it easier for the State to sell for development and at a higher price. However, the State never completed the application. Legislation introduced by Senator Wolk in January 2016 to authorize us to purchase the property stalled when the State announced it was opposed to any sale of Skyline Park to the District until completion of a state planning process for future health and welfare services; that planning process has apparently not progressed. SB 20 by Senator Dodd was approved in 2019, which again authorizes the State to sell Skyline Park to the District and/or county for the sole purpose of it continuing to be a public park. In January 2019 the District sponsored the filming of a short feature for Doug McConnell's Open Road TV series to help build support for the purchase of Skyline. The District obtained a TBID grant of \$20,000 to assist Skyline Park upgrade their web site including an on-line reservation system, improve their park map and brochure, and install an automatic pay machine on the River to Ridge Trail; the work was completed in the fall of 2019. The Governor in late 2019 issued an Executive Order directing the State use surplus State Lands to develop affordable housing, and included 20 acres of Skyline Park as surplus land that could be used for this purpose. Staff has been working with bicycle advocates and Skyline Park Citizens Association to plan and develop a bicycle skills course on a 1/4 acre portion of Skyline Park. The State has completed their review of the latest draft of the agreement authorizing the bicycle skills course, and the draft is now under review by County Counsel. District staff began meeting with the State of California (Departments of General Services and State Hospitals) in July 2020 to discuss the purchase of Skyline Park pursuant to SB 20, but in October DGS informed the District they were too busy to work on this until early 2021. Skyline Park staff in the fall of 2020 completed the repair and hardening of a stretch to the Skyline Trail above Lake Marie so that it can be used year-round. This trail is currently the only way to access Suscol Headwaters Park. The reconstructed trail is now largely done and it is a truly impressive piece of work.

Smittle Creek

Planning and permits to open this 411 acre holding for public use.

The District completed purchase of this property in December 2015. The next step is to conduct resource surveys, complete CEQA, and obtain permits. A botanist was retained in early 2016 to do a reconnaissance level survey of plant resources as the first step in planning for the property; his report was received in January 2017; the report describes the property as one of the best locations in the County for native grasses. US Geological Survey has requested permission to place a seismic monitoring station on the property; staff has worked with them to identify an appropriate location. In July 2016 the placement request was submitted to the Wildlife Conservation Board (WCB) for concurrence, which as the provider of the grant to acquire the property has the right to review such changes. WCB approved the request in August. An access agreement with USGS is before the District Board for approval at the September 2016 meeting. A group of 20+ people from Tuleyome were given a hiking tour of the property in December 2016, as a way to build interest in the property and build a pool of volunteers to help with restoration and improvement of the property. On March 4 2017, Tuleyome volunteers brushed the Iron Mountain trail (in the Cedar Roughts Wilderness, but accessed via Smittle Creek.) The

State Fish and Wildlife Game Warden for this area has been most helpful in patrolling the property looking for illegal poaching. A well-attended volunteer cleanup project was held on October 28th, more than filling a 30 yard dumpster with debris. In late May, field staff met with the US Geological Service to assist with the placement of a remote seismographic station on the property. Our volunteer caretaker for this property has made repairs to the dirt roads and the perimeter fencing. Staff in January 2020 flagged a route for the proposed new trail access into the property from Reclamation's Smittle Creek Day Use Area parking lot, and a botanist has been retained to conduct a floristic survey this winter and spring. Kyra Purvis is working on the CEQA analysis and on putting together a use permit application to the County of Napa to open Smittle Creek to the public. Kyra also continues to work with Reclamation on an agreement to authorize the public to use their Smittle Creek Day Use Area parking lot to access our property. All of Smittle Creek burned in the August 2020 fires. The entry gate and fence the District shares with Reclamation was burned; a temporary fix has been made, but further work will be needed. Staff has had initial discussion with County Public Works about including access improvements at Smittle in a larger grant application aimed at funding work on Knoxville-Berryessa Road. It would apparently make the County's road grant application more attractive to funders and would of course mean new District money for opening the park (if the grants come through). We have also begun CEQA work in earnest in hopes of bringing a use permit application to the County this summer or fall.

State Parks

Operate Bothe-Napa Valley State Park, Bale Grist Mill State Historic Park, and RLS State Park.

The District, with assistance from the Napa Valley State Parks Association, took over management of the parks on April 1, 2012. Since then the District has obtained permits and done improvements to the pool, installed 7 yurts, instituted recycling in the campground and day use areas, pumped all septic system tanks annually, repaired the historic Wright House for use as a rental property, restored 5 cabins, constructed a new shower/toilet facility, and made a large dent in the backlog of deferred maintenance. District efforts to pass legislation allowing the sale of grain for human consumption from the Bale Mill were unsuccessful. In 2014 the District started the process of extending the District's 5 year Operating Agreement and including RLS in the agreement, that new 20 year agreement was signed in April 2020. The District repaired the Silverado House at RLS, which a District employee now rents and maintains. The District is working with the Vine Trail on the proposed alignment of the Vine Trail through Bothe. As noted elsewhere, visitation at Robert Louis Stevenson State Park has been very high in the wake of the Covid-19 pandemic. Between March and June of 2020 staff and volunteers monitored the parking lot off Highway 29 during peak times to assist the influx of new users. The majority of Bothe State Park burned in September's Glass Fire, though none of the buildings were damaged. More detail on current activities are contained in a separate Parks Report for Bothe, Bale and RLS.

Suscol Headwaters Preserve

Improvements to Suscol Headwaters Preserve and opening the property as a public park.

The purchase of the Preserve was completed in November, 2017. The one remaining improvement to satisfy funding requirements is the construction of a California red legged frog (CRLF) breeding pond and various habitat improvements focused on, but not exclusively in, the pond area. A reserve fund has been set aside to do the work, but the actual work has been delayed while design and construction details are worked out. In late June 2019 we met on site with Caltrans and USFWS biologists and geologists to

refine preliminary pond plans; that process has not yet been completed. Most of the property burned in the October 2017 firestorm; some trees were killed, and a perimeter grazing fence was destroyed, but otherwise damage was not catastrophic. We have installed No Trespassing signs adjacent to ranch roads descending off of Suscol Knob to further limit access to the lower portions of the preserve, where property lines are not necessarily well marked or fenced. The District hired local trail builder Kevin Smallman to help with trail corridor planning and spent May 10 and 11 of 2019 hiking and flagging the property. A Use Permit for Suscol Headwaters Park was approved by the County Planning Commission in February 2020 and is now officially open to the public via Skyline Park. In July of 2015 the board of the Napa Sanitation District approved an easement option agreement which would allow us to construct a trail and trailhead parking lot on the eastern and southern edges of their Kelly Road treated water spray field property. However, that alignment is not ideal, so alternate access routes and staging areas have been pursued. Negotiations with the City of American Canyon and an adjacent property owner regarding the potential to relocate the access easement to our property from Highway 12 did not work out because of a change of mind by the property owner. Kyra has obtained conceptual agreement from another property owner on revising the access easement through their property to facilitate construction of a staging area on North Kelly Road rather than along Kirkland Ranch Road, and has drafted a grant deed that will accomplish this. The Napa Sanitation District Manager has indicated support for the location and design for such a staging area off North Kelly Road and a trail leading to the park following the western and northern edge of their treated water spray field. District staff has prepared and submitted to Napa San draft easement language for their review and approval. Chris met with REMBA's Executive Director on the property in early July 2020 to discuss funding opportunities and partnerships that may allow some new singletrack trails to be constructed at Suscol Headwaters. Rick and Ryan in spring 2020 installed signage in hopes of dissuading the public from riding off trail, especially in the area of the knob at the very top of the park, because of the erosion that it causes. Our partners at REMBA have been on-site, beginning to tight flag some of the trail alignments in hope of beginning construction this winter/spring. REMBA has also been fundraising to support their work, as the District unfortunately has no funds available for trail building at Suscol at this time.

Vine Trail

A Class I bicycle/pedestrian path extending from Calistoga to the Vallejo Ferry Terminal sponsored by the Vine Trail Coalition, of which the District is a participating member.

The District has an MOU with the Vine Trail Coalition to provide assistance as requested by the Coalition in receiving funds, preparing plans and environmental documents, and constructing and operating the trail. The District, the Bay Area Ridge Trail, the San Francisco Bay Trail and the Vine Trail Coalition prepared a joint Case Statement for the combined trail network for fundraising purposes. The District in 2010 submitted appropriations requests to Senator Feinstein and Congressman Thompson on behalf of the Vine Trail Coalition. The District in April 2013 approved and sent a letter of support for the City of Calistoga's request for a grant from the Coastal Conservancy to plan the trail through Calistoga. The Board President in early June 2014 sent a letter of support for a Vine Trail federal "Tiger" grant to help construct the section of trail between Yountville and Napa. The District continues to coordinate with the Vine Trail on plans to route the Vine Trail through Bothe-Napa Valley State Park. A joint Vine Trail/Ridge Trail dedication event was held at Bothe in 2014. In March 2015 the Vine Trail initiated discussions with district staff about the possibility of the District providing maintenance for the entire Vine Trail, but in the end the cities and the county decided that each entity will maintain the section within their

jurisdiction, rather than paying into a common fund for common maintenance. District staff joined with Vine Trail and State Parks staff in October 2016 to discuss the Vine Trail route through Bothe-Napa Valley State Park; the solution that State Parks is willing to accept will add an estimated \$600,000 to the cost of the Vine Trail. On behalf of the District, the GM in January 2017 wrote a letter of support for their application for funding from NVT. Caltrans is proposing to replace the aging bridge over Mill Creek; since the construction as proposed could have significant adverse effects for both the Vine Trail and the Bale Mill, District and Vine Trail staff meet with Caltrans and NVT to discuss ways to mitigate the impacts. In Sept 2018 the Vine Trail Coalition requested the District accept an easement to facilitate the trail connection between Kennedy Park and Napa Pipe. Staff met with the Vine Trail and Syar in March 2019 to work out details related to the easement. A revised version of the easement, and an associated agreement allocating responsibilities is still being negotiated. At the request of the Vine Trail Coalition, staff is exploring with the County whether to take on the eventual maintenance of the section between Calistoga and St. Helena, with the costs to be paid 50/50 by the County and the Coalition. A similar agreement between the County, the City of Napa and the Vine Trail was approved by the County Board of Supervisors in January 2021.

Completed Projects

Amy's Grove

Donation of 50 acres along Dry Creek and Wing Creek, donation of 9 acres immediately to the north, and purchase of 164 acres to the north of that.

The donation of approximately 50 acres of open space from the Chamberlain family to the District closed in December 2015. An additional 9 acres was donated to the District by the Kateley family in 2019. The District also completed the purchase of another 164 acres from the Chamberlain family in 2019.

Bay Area Ridge Trail Realignment

In December of 2012 the Bay Area Ridge Trail Council approved the proposed realignment of the Ridge Trail through Napa County as requested by the District.

Bay Area Ridge Trail Napa-Solano Ridge Trail Loop

The Bay Area Ridge Trail Council obtained a donated easement from the Tuteur family and constructed a section of Bay Area Ridge Trail adjacent to Skyline Park. In March 2018 the Ridge Trail Council transferred the easement to the District, and with the support of the Tuteur family revised the easement to facilitate an extension of the trail south onto the District's Suscol Headwaters Preserve.

Bay/River Trail - American Canyon to Napa Phase I

Phase One - Eucalyptus Drive to Green Island Road.

Constructed approximately 5 miles of Class I bicycle and pedestrian path in the vicinity of American Canyon along the Napa River was completed in April 2012, in partnership with the City of American Canyon, Department of Fish and Game and Napa Vallejo Waste Management Authority. A formal opening ceremony was held June 2, 2012.

Phase Two - Pond 10.

DFW surfaced the existing levee with gravel and opened the gate to the public in spring 2015.

Phase Three - Soscol Ferry Road to Napa Pipe

Completed construction in spring of 2015 of 0.7 miles between Soscol Ferry Road and the Napa Pipe property in the Napa Valley Corporate Park.

Berryessa Peak Trail

Obtain right of way and construct trail to provide public access to extensive federal lands on Blue Ridge and to Berryessa Peak.

Obtained donated trail easement from the Ahmann family to close gaps between existing public lands on Blue Ridge. A Negative Declaration and Use Permit hearing was approved December 16, 2009 by the County Planning Commission. An Operations and Management Plan was approved by the property owner and the District. BLM's biologist inspected the alignment on September 17, 2011. The trail was constructed over the course of two years using volunteer crews, and continues to be maintained by volunteers (mostly provided by Tuleyome and Yolo Hiker)

Berryessa Vista Acquisition

Purchase of 224 acres from the Land Trust of Napa County for use as a public park completed in early 2008 using State Prop 12 funds.

Cedar Roughs/Smittle Creek

Purchase of 443 acres of land that will provide public access to Cedar Roughs from the Smittle Creek Day Use Area closed in December 2015.

Connolly Ranch

Construction of patio, restrooms and cooking facilities completed in 2008 using State Prop 12 funds.

The Cove at Mt Veeder

The acquisition of 164 acres from the Girl Scouts was completed in December 2017.

Historic ROW Analysis

Staff has completed a comprehensive review of historic rights-of-way, and is now focusing attention on those that have greatest potential.

Linda Falls Conservation Easement

Conservation easement accepted in spring 2008 from Land Trust of Napa County to provide additional protection for this 39 acre property, which is owned by the land trust. The easement was revised and expanded in 2016 to cover the entire Linda Falls property owned by the Land Trust. This is a continuation of a long-term project for the district and land trust to hold easements over each other's properties to protect against unforeseen circumstances that could threaten the conservation values of the properties.

Master Plan Development and Updates

The Master Plan for 2008-2013 was approved in January 2009. It was updated in 2011 and again in 2019.

Moore Creek Open Space Park

Acquisition of 673 acres in the Moore Creek Watershed completed in December 2008. The City of Napa subsequently approved an agreement with the District to incorporate approximately 900 acres of City of Napa Lake Hennessey watershed lands into Moore Creek Park.

Napa River Ecological Reserve Improvements & Restoration

Parking area paved, and rock barrier installed to control vehicular access in 2007. Trash enclosure constructed and entry signs restored by volunteers in 2008. Deteriorated kiosk and interpretive panels removed in 2008. The District in July 2008 assumed the County's role in managing the preserve under the joint management agreement with DFG. A new maintenance contract with the non-profit organization Options 3 was started in January 2009. A multi-year project resulted in the removal of the bulk of the invasive teasel that had taken over the 5 acre meadow at the entrance to the Reserve, and the construction of a short native plant interpretive trail. In doing this work, several thousand students received a day of environmental education about native and invasive plants and riparian ecology.

Napa River Flood Control Easement

Conservation easement accepted by District in 2007 to facilitate Flood District project and grant funding.

Newell Preserve Improvements

As part of the arrangement with the land trust on the District's purchase of Berryessa Vista, the land trust was willing to use some of the proceeds from the transaction to fund a well pump and distribution system at the Preserve, which is owned by the City of American Canyon. However, the first well drilled by the City of American Canyon came up dry. The City has dropped plans for digging any more test wells.

Oat Hill Mine Trail

The Oat Hill Mine Trail was formally opened in May Of 2008, after a major volunteer work party doing signage installation, brush removal and erosion control. The District in 2008 applied to BLM for a non-fee transfer to the District of a 40 acre parcel at Maple Springs on the Oat Hill Mine Trail; BLM in April 2016 indicated they did not want to transfer this parcel, so the District's application has been dropped.

River to Ridge Trail

Lot line adjustment to legalize River to Ridge Trail as constructed (it had encroached on private property in two locations). Animal silhouettes along the entryway fence illustrating the types of birds and mammals that can be found in the area were installed by an Eagle Scout candidate in 2008. A new information kiosk was installed at the entrance in December 2008 as part of a Boy Scout project. In 2011 volunteers made some drainage improvements.

Skyline Park Road and Trail Improvements

Erosion control work on Lake Marie Road, and paving of campground loop road, completed in 2007 using State Prop 12 funds. The District and the Skyline Park Citizens Association have continued to cooperate on various trail maintenance projects.

Skyline Park Concessionaire Agreement Renewal

District staff negotiated renewal of concessionaire agreement on behalf of the County in 2010, 2015 and 2020. The renewal involved changes to the fee schedule and amendments to and approval of sub agreements with three non-profit partner organizations.

Skyline Park Facility Improvements

The proposals for a second greenhouse (from CNPS) and a covered equestrian arena (from Skyline Riders) were approved by the Department of General Services and by the County Board of Supervisors. The sponsors of these projects however ended up not pursuing either project.

Suscol Headwaters Preserve Acquisition

Acquisition of 709 acres of the former Kirkland Ranch in two phases was completed in November 2017.

Trinchero/Putah Creek Open Space Acquisition

The donation by the Trinchero family of 2,500 acres of open space (Spanish Valley, Crystal Flats and Stone Corral) was completed on December 29, 2010. A related granting of an access easement to the Lake Berryessa Resort Improvement District was completed in mid-January 2011.

Wild Lake Ranch

The District participated in the development of a strategic plan for the property, together with other public lands in the area, that was led by the Land Trust of Napa County. The land trust has decided, at least for the near term, to manage the Wildlake-Duff property itself.

Deferred/Cancelled Projects

Milliken Reservoir Trails and Picnic Area Feasibility Study

The feasibility study to *construct approximately 3 miles of Bay Area Ridge Trail plus additional feeder and loop trails, along with a staging and picnic area* within the City of Napa's Milliken Watershed was completed and accepted by the Board of Directors in 2009. The Napa City Council in November, 2009 approved city staff recommendation to hold off on considering the Milliken Reservoir trails project until the Lake Hennessey Unit of Moore Creek Park is completed.

Montesol West

The District had the opportunity to purchase 1,254 acres west of Highway 29 adjacent to Robert Louis Stevenson State Park. The area's conservation values were protected through an easement negotiated by the Trust for Public Land and now held by the Land Trust of Napa County. Purchase of fee title would permit the area to be used for public recreation. The District prepared and obtained a Habitat

Conservation Program grant that, together with a Moore Foundation grant obtained by the Trust for Public Land, would fully fund the purchase. Public outreach to Middletown area residents in 2017 were positively received. Unfortunately, the option expired at the end of February without TPL exercising it, because we were unable to provide the type of liability insurance the seller wanted to protect his interest in carbon credits that they had sold to the State over timber located on the property.

Rector Ridge/Stags Leap Ridge Trail

Construction of staging area and 6+ miles of Ridge Trail climbing east from Silverado Trail near Rector Creek.

CEQA on this project was completed several years ago, the project concept was approved by the District Board, and was positively viewed by the Veterans Home administration. However, subsequent changes and controversies within the Department of Veterans Affairs undid the progress we had made. The area in question also involves the Department of Fish and Wildlife, since they have an easement to allow hunters to use the area; the Department was initially supportive of the District pursuing a formal trail through the property, but personnel changes within their Department means their review also needs to be restarted. Finally, with the approval of the Go North alignment of the Bay Area Ridge Trail, this segment of trail is no longer part of the officially proposed alignment for the Ridge Trail. For all these reasons, this project is deferred until other District priorities are under control.

Vallejo Lakes

Possible purchase of 1100 acres of surplus Vallejo Water District lands, of which 200 acres are located in Napa County, and Lake Curry which is entirely in Napa County.

Discussions between the District, the Land Trust of Napa County, the County of Solano and the Solano Land Trust indicate a common desire to work together to purchase this property adjacent to Skyline Park. The City Council of the City of Vallejo officially authorized staff to pursue surplussing of the property, and hired an appraiser to prepare an estimate of the property's fair market value, but this was never released. The District GM, together with the County of Solano EO, in February 2012 each sent letters to the City of Vallejo formally expressing interest in the property and requesting notification per state law of any planned surplussing of the property. Sale of the property by the City has been delayed because of complications related to questions about how best to supply water to residents in Green Valley. Staff from the District and its partners met with the Vallejo City Manager in April 2014; the surplussing process has become more complicated and the City does not anticipate any action in the near future. Staff had a very interesting meeting with City of Vallejo water division staff and a tour of Lake Curry in late May. The Lake Curry property can only be described as a jewel, and the City of Vallejo would clearly like to divest it, but doesn't know how to do this. Solano County in 2015 investigated the feasibility of acquiring the lakes and managing their water supplies; as part of this investigation they expressed interest in partnering with the District to manage public recreational access, but no decisions were made. Further progress on this project depends on the City of Vallejo and Solano County; the District cannot do more until they decide what direction to head.



By: Jason Jordan
Date: March 8, 2021
Item: 4.g
Subject: February 2021 State Park Report for Bothe- Napa Valley SP, Robert Louis Stevenson SP and Bale Grist Mill SHP

- Park Status
 - **Bothe Napa Valley SP**- The campground reopened on February 12th and has been near full on weekends and above average occupancy on weekdays for this time of year.
 - **Bale Mill SHP**- Remains closed under the purple tier.
 - **Robert Louis Stevens SP**- The table rock side of park awaits State Park approval to reopen to hiking. RLS continued to see high use on weekends and clear days.
- The 3rd Saturday Hike Series continues to be virtual and was posted on February 20th. The theme was “Fire Ecology” and was filmed at Bothe Napa Valley SP in cooperation with California State Parks. The discussion focused on effects of the Glass Fire to the resource, benefits of fire and resource objectives after a fire from State Park’s perspective.
- The remaining hazard trees at Bothe and Bale were removed. Staff chipped all material, removed trees and cleaned up campground and day use area to ready for campground reopening.
- Final campground maintenance and cleanup was done for reopening.
- Approval was received from the State Fire Marshal’s office for Silverado Roof replacement project. Work will be scheduled once predictable weather window and staffing allows.
- Staff participated in the public meeting to review draft guidelines and application, and provide comments for the Proposition 68 Grant available for park partners. Projects are being identified and scopes of work being developed for grant application once it is open for applications.
- An article on the Bale Mill Waterwheel Restoration was produced for Old Mill News publication, NOSD website and State Parks newsletter. Several local papers picked up and ran the article from the website.
- A contract was prepared for needed electrical repairs for the Wright House residence.
- An agreement was made with a local land owner for access to the Palisades trail for post fire and long term maintenance access.
- Staff has begun mapping and removal if Scotch Broom at Moore Creek Park.
- Met with State Parks to discuss refund payment for Pandemic and Wildfire cancellations and revenue accounting process change.
- Cabin promotion developed for Presidents Day Weekend. Working with Chamber for offering for Calistoga Wellness week in March.