

ALTAMONT LANDFILL OPEN SPACE ADVISORY COMMITTEE
May 16, 2014
APPROVED MEETING MINUTES

- I. Call to order** – The meeting was called to order by Shawn Wilson at 12:35 p.m.
- II. Approval of Minutes October 18, 2013** – Dick Schneider moved to approve the minutes as submitted. Jerry Pentin, City of Pleasanton, seconded the motion. David Tam asked that item number 9, second paragraph, be changed to read “...letter from David Tam, representing Sustainability, Park, Recycling, Wildlife Legal Defense Fund (SPRAWLDEF)...”. Dick Schneider moved to approve the minutes with the changes as submitted by David Tam. Jerry Pentin seconded the motion with changes. Motion passed.
- III. Public Comment** – Werner Schlapfer commented on the Castleridge property recently acquired by East Bay Regional Park District (EBRPD) and access to this beautiful area. He said it is urgent that access be provided. Jerry Pentin said the City of Pleasanton is working with EBRPD on an easement to provide access to the property.
- IV. Discussion of proposed amendments to the Altamont Landfill Settlement Agreement on Guidelines and Procedures for the Altamont Open Space Committee** – Liz McElligott spoke on the proposed changes to the settlement agreement regarding the procedures for this committee. County Counsel William Fleishhacker said the committee has reviewed all of the changes. Parties to the settlement agreement have been notified. Waste Management had not commented on the changes. Staff contacted Ken Lewis from WM and he indicated that WM is not interested in considering the proposed amendments in isolation. They would like to have a meeting with all parties to the settlement agreement to discuss potential amendments they would like to propose in conjunction with the procedural changes.

County Counsel said the committee needs to make a decision to either leave it the way it is, push the amendments thru or sit down with WM and discuss their proposed amendments.

Dick Schneider said the committee should drop the issue. He stated that the Sierra Club is in favor of the technical changes but not interested in opening up the agreement. David Tam said the Northern California Recycling Association at first were very apprehensive about opening up the agreement and have it become a Pandora box, but now there is some sense to consider additional amendments. Waste Management concern has to do with the competition with other landfills. David Tam concurs with Dick Schneider’s idea of dropping the issue all together.

Joan Sepalla said there is no harm in continuing the discussion. Waste Management agenda is that they want to restructure the fees. It could be beneficial to have all parties to the settlement agreement involved in this discussion. Shawn Wilson asked how this meeting could be structured. Discussion ensued on Waste Management’s goals and the consensus was that it could be self serving but it could also result in additional income. Waste Management is also competing with other landfills. David Tam said he is willing to take this issue to the next NCRA meeting in June and come back with an update at the next Open Space meeting.

Jerry Pentin, City of Pleasanton, asked if the City gave any input on the changes. County Counsel said the committee made suggestions and the original discussion was just on procedural changes. The concept of substantive changes has not been discussed. Dick Schneider volunteered to attend a Recycling Association meeting with David Tam.

- V. Consideration of concept of using Altamont Open Space funds for a water pipeline to serve residents of Doolan Canyon in exchange for permanent conservation easements on their properties** – Dick Schneider said this item is being brought to the committee to see if there is any interest in this proposal and also guidance from the committee. He said the proposal is to bring a pipeline to bring water to the residents. The City of Livermore has water tanks not too far from this location. The proposal is to use Open Space funds for conservation easements and in turn the money can be used to pay for the pipeline. He shared the

map of the area showing the location of the residences that will benefit from the pipeline. There are approximately 10 to 11 residences. If they subdivide the parcels, it could possibly increase to 24 residences.

Steve Stewart, City of Livermore, said part of the conditions of approval for Vasco Road Landfill was to fund the waterline to 10 properties on Vasco Road. It took various service agreements to allow service and also to lock in use of properties and prohibit subdivisions. The cost came to less than \$900,000. The model is in place, the question is if the committee feels this proposal meets the intent of the settlement agreement. County Counsel said that the committee has to make the findings specified in the settlement agreement. Are these parcels worth saving? The settlement agreement does specify that the funds may be used to purchase easements. If the committee buys the easements, the property owner may use the funds to pay for the waterline or whatever they want. The committee does not need to be involved in the waterline process. The other consideration is that the easements need to be the same value as the cost of the pipeline. Also there needs to be another entity to hold the easements.

Laura Mercier, Tri-Valley Conservancy, stated that there are certain requirements and maintenance costs for holding easements. These are going to be small pieces of properties. The smaller the easements the more time consuming and challenging. The easements have to be calculated in perpetuity. Joan Sepalla stated that saving Doolan Canyon is immense. Laura Mercier said whomever holds the easements has to be responsible for it and have enough funds for legal defense if necessary. Not a light task, due diligence has to take place and conservation would be difficult. County Counsel said the committee has to come up with findings. Steve Stewart said it could meet the criteria, but need to look at cost. Endowments can be very costly.

County Counsel said the research has to be done just like any other easement. Each owner needs to be contacted separately and the purchase price needs to be agreed upon. Shawn Wilson said regardless of what happens with the City of Dublin's ballot, there needs to be an effort to get water to these residents. Maybe Zone 7 could be involved.

David Tam stated that he has not heard of what the price is per acre. Laura Mercer, Tri-Valley Conservancy, said they just looked at a 20 acre property which would cost approximately \$20,000. This is only to preserve ag only, if purchase involves development rights it could cost up to \$25,000. The challenge with small parcels is that it has no value, it is the highest and best use for current zoning. County Counsel said in theory the committee could overpay and it will take away money from valuable land. First thing is due diligence and looking at value of easements. Once that is done, then the committee can have an idea if it is worth it. Maybe there are other sources that can be explored. The cost to the committee will be the easement and endowment.

Joan Sepalla said there is a potential of development and moving fast would be good. Shawn Wilson suggested to wait until after the election. He said in Sunol the price depends on if the land is developable. Discussion ensued on contacting owners separately, and finding out if most of them are in agreement with easements. Steve Stewart said he has met with some of the owners and the reaction was mixed. Some were interested in getting water, and some were not. Shawn Wilson said he will be talking to property owners. Dick Schneider volunteered to compose a letter that Shawn could hand to property owners when visiting the sites.

- VI. Consideration of conservation easement for Sweet property in the Altamont** – Darrel Sweet said in 1997 the California Cattlemen's Association decided to form a long range trust and has approximately 280,000 acres of private rangelands. The trust currently has 120 applications on hold. This is the largest land trust holder in California. The trust partners with different agencies, land trusts throughout California to conserve ranchlands. There are few family ranches left in California and these ranches should be kept under private ownership with the help of easements, otherwise they will not last long. He asked if the committee has any interest in having a program to conserve ranches.

Darrel Sweet said due to lack of funding the trust has not done more easements. The ranches should be kept for future generations but it is a challenge without a conservation easement. Land values keep changing and the federal inheritance taxes makes it hard for future generations to keep ranches in the family.

Discussion ensued on using open space funds for the purpose of purchasing easements for private ranchlands. Shawn Wilson said that the trust could come to the committee with a few proposals and they will have to be evaluated before approval of funds.

Karen Sweet said most of the ranchers already have identified the biological values that would qualify under the settlement agreement. David Tam asked if Resource Conservation District would be participating in the oversight or guidance. Laura Mercier, Tri-Valley Conservancy, said the hardest part is the monitoring of rangelands. Holding the conservation easements is easy, but the monitoring is the hardest part and requirements are stringent, has to meet all legal obligations when managing the endowments. Laura said if the Tri-Valley Conservancy was to hold the easements, they would hire RCD to monitor.

- VII. Update on the Carnegie SVRA General Plan revision and DEIR** – Liz gave an update. Dick Schneider asked about County's involvement in this project. Liz explained that staff will review the project's DEIR. Shawn Wilson said Supervisor Haggerty is involved and his office is monitoring the project.

David Tam, speaking on behalf of SPRAWLDEF, has asked the County to undertake a proactive role over the summer. Have the Planning Department as the lead department to review the project. Shawn Wilson said Supervisor Haggerty would like to push legislation to stop this project. One legislator shares our concerns and Supervisor Haggerty is lobbying Sacramento.

Celeste Garamendi, Friends of Tesla Park, said one thing she has learned in reading the documents available on this project is the impact on Tesla Park. The state purchased this property, but they need to attain an Environmental Impact Report approval before proceeding. They are in their third EIR process for approval and are proceeding with full force. 4000 acres are located in Alameda County and they plan to add an entrance in Livermore which will be used on a daily basis. There are traffic impacts to be considered and one of the most concerning factors is that they are trying to approach this area as an open resource management area. There will be tremendous impact to the County and the habitat. The County needs to comment on the EIR.

Dick Schneider said he is not sure that there will be a legislation introduced regarding this project. The State's process is very contrary to all policies that many other agencies follow. The County general plan identifies this as an area to be preserved.

- VIII. Update on available funding** – Maria Palmeri reported on funding. She stated that there was an error on the spreadsheet which deducted the Castleridge grant fund of \$1,000,000 as \$800,000 being taken out of the East side (80%). She has asked the finance department to correct the error which has left the West side funds in the red by approximately \$100,000. These funds will be replenished with the next quarter's income by the end of July, 2014. The East side, 80% balance is currently \$9,370,000.
- IX. Future Agenda Items/Speakers** – David Tam asked that Tesla Park be on the next agenda. Shawn Wilson said it would be more appropriate to have the item discussed before the Board of Supervisors Transportation and Planning meeting.
- X. Next meeting** - July 25, 2014. Liz distributed the new pamphlet for the Open Space Committee.
- XI. Questions/Comments**

The meeting was adjourned at 2:35 p.m.