



SPECIAL AND REGULAR MEETING

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

Wednesday, May 22, 2024

*The Board of Directors conducted this meeting in accordance with
California Government Code section 54953.*

DRAFT MINUTES

**SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA
REGIONAL OPEN SPACE DISTRICT**

President MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 5:00 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Shaylynn Nelson, Senior Resource Management Specialist Julie Andersen, and Senior Planner Jared Hart

President MacNiven announced the public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone.

1. Selection of a Preferred Overcrossing Alternative for the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections Project (R-24-62)

Senior Resource Management Specialist Julie Andersen and Senior Planner Jared Hart presented on the selection of a preferred overcrossing alternative for the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections project. The objectives for this project came directly from the Measure AA bond language that was approved in June 2014. Both proposed alternatives achieve the Measure AA bond objectives. Ms. Andersen provided the project history and explained the next phase is Plans, Specifications & Estimates (PS&E) which would be design

and permitting. The District currently has \$6 million in grant funds and a project delivery partner, Valley Transportation Authority (VTA), ready to move ahead to expend the grant funds and deliver the project before the funds expire. Caltrans requested the District to select a preferred project alternative. Once a preferred alternative is identified, the consultant team will be able to finish the final environmental document which will return to the Board for approval as the lead agency under CEQA and to Caltrans as the lead agency under NEPA. If at any point during design there is a fatal flaw in the chosen alternative, the District could switch to the other alternative since both alternatives have been analyzed under CEQA and NEPA. Ms. Andersen identified the eight criteria considered by the project team when looking at the two alternatives which consisted of 1) Functionality for Wildlife, 2) Functionality for Regional Trail Connections, 3) Trail Connection User Experience, 4) Constructability/Cost, 5) Property Access, 6) Stakeholder and Public Input, 7) Potential Environmental Impacts, and 8) District Resource Management Policies.

Mr. Hart continued the presentation by reviewing the remaining criteria considerations. Both overcrossing alternatives meet MAA goals of bridging Bay Area Ridge Trail and Anza National Historic Trail east-west connection across HWY 17. The southern alternative also provides north/south connection to Bear Creek Redwoods Open Space Preserve (BCR). He explained staff also researched trail user experience with the connection to El Sereno Open Space Preserve (OSP). Option A correlates to the connecting trail for the northern overcrossing. The property between HWY 17 and El Sereno OSP has been heavily graded. Option B correlates to the southern overcrossing. It would be newly constructed trail and wind up the hillside to reach El Sereno. Both options would include steep sections of trail, however, the southern overcrossing overall would have gentler grades. He then reviewed the constructability and cost, both proposals are feasible to be constructed. The preliminary total cost of the northern alternative is \$38.4M and the southern alternative is \$43M, both included the wildlife undercrossing, and both require easements for property access. Mr. Hart continued the presentation and provided the differences between both alternatives.

Director Kishimoto inquired about the ramifications if the Board waits or chooses another alternative after the final CEQA determinations have been made later this summer.

Ms. Andersen reminded the Board that there is a grant-driven deadline and revision to the documents would cause a significant delay which may jeopardize the funding for project design. The end date for grant funds for PS&E is 2026 with extensions. The District's project delivery partner, VTA, stated the schedule is tight so if the Board defers making a decision then the District will be behind schedule. She explained the CEQA comment period is closed so there will be no further comments. CDFW submitted the lengthiest comment and after discussions with staff they are comfortable with whichever alternative the Board chooses.

Mr. Hart explained that changing alternatives later would not only jeopardize grant funds but could also affect the District's budget. Once the Board selects an alternative, the consultants will begin updating the final environmental document and the engineering deliverables which would need to be redone if the alternative changes.

Director Kishimoto asked if dog presence is permitted.

Ms. Andersen stated that a decision will not be made until the comprehensive use and management plan stage.

Director Gleason expressed concern for the steepness of the northern overcrossing connecting trail and asked if staff can provide additional detail.

Mr. Hart explained that the northern overcrossing trail would reuse the existing road cuts in areas extremely steep. Both alternatives will have steep sections due to the topography, but the southern overcrossing offers more design flexibility.

Director Holman inquired what is the primary cause of the \$4.6M cost difference between the two alternatives.

Mr. Hart stated that the primary difference is the roadwork required for the southern alternative. Caltrans requires standard shoulders along HWY 17 underneath the overcrossing, increasing costs. The southern overcrossing also involves longer connecting trails and a trail bridge within the Caltrans right-of-way, as well as additional mitigation costs.

President MacNiven asked if BCR could be accessed from the northern crossing.

Ms. Andersen clarified that the northern crossing would not provide access to BCR, whereas the southern crossing would. The Measure AA bond language only tasked the District with an east-west Bay Area Ridge Trail connection.

Mr. Hart stated that both crossings connect to the Bay Area Ridge Trail and El Serreno. There are a few options once the connection is achieved from west to east which can connect to Bay Area Ridge Trail segments 6 and 5.

Director Riffle asked if there is any difference between the northern and southern overcrossing for hikers, cyclists, equestrians, and dog walkers.

Mr. Hart stated that there is no difference aside from the steepness of the trails, but making the trails at lesser grades will allow more people to enjoy the trails.

Director Cyr inquired and received information about the maintenance for both alternatives.

Public comment opened at 6:11 p.m.

Shani Kleinhaus, an advocate for the Santa Clara Valley Audubon Society, requested the Board to select the northern overcrossing. She explained that Measure AA did not prioritize wildlife connections, but the District's mission does. Avoidance is better than mitigation. She spoke about mountain lions becoming habituated to human presence is dangerous and the population has dwindled. The difference between alternatives for people is their experience. For the mountain lions, it is a life and death difference. Any time mountain lions are closer to people it risks their future. She commented that it is responsible enjoyment the District should consider.

Julianne Wong, wildlife biologist advocated for the northern overcrossing. She explained in her experience, human and wildlife contact occurs frequently. She stated wildlife survival is affected by the interactions and humans are exposed to wildlife attacks. She emphasized that adequate separation enables humans and wildlife to coexist in harmony and recommends maximum separation.

Dashiell Leeds, Conservation Coordinator for the Sierra Club Loma Prieta Chapter expressed support for option 2, the northern crossing alternative, to prioritize wildlife functionality and maximize separation of trail users from the wildlife undercrossing. He spoke that option 2 has superior functionality for wildlife, cheaper construction costs, and slightly less impacts on natural resources. He explained the existing conditions already have a lot of human presence which should not be exacerbated. Given the mountain lions' limited mobility options, providing more space for them is crucial.

Public comment closed at 6:17 p.m.

Director Riffle inquired if staff has any response to commenters.

Ms. Andersen concurred with the comments that the northern overcrossing is the best option to maximize wildlife functionality. Both alternatives meet the project objective.

Director Riffle remarked that he can see pros and cons to both options but is leaning towards the southern alternative. He noted that the southern alternative benefits wildlife while also maximizing benefits for the public, whose funds are being invested into the project. Director Holman expressed her preference for the northern alternative, emphasizing her commitment to the wildlife. She noted that all oral comments received were in favor of the northern option. She commented that while mitigation is sometimes necessary, she is concerned that in this case, the mitigations associated with the southern option might worsen the original impact. Additionally, she expressed concern that the spillway project would interrupt the use of the southern overcrossing, which is already the more expensive option. The northern option is environmentally sensitive and optimizes the wildlife undercrossing.

Director Kersteen-Tucker echoed Director Holman's comments and stated her preference for the northern crossing is to give wildlife the best chance to successfully cross HWY 17.

Director Gleason expressed preference to the southern undercrossing as it has more value in a number of ways, including the trail quality on the Bay Area Ridge Trail. He emphasized that the District is investing a significant amount of money, and the connection should be of high quality. He responded to Director Holman's comment, noting that old roads pose erosion and maintenance challenges, and it is not as simple as saying there is a cut there that can be used while new trails are designed to be sustainable that will last for years with little maintenance. He commented that the District would not have access to Measure AA funds without the public who expects access to public lands. It is intended to fund both environmental and public access aspects. He stated that the CDFW recommends the southern crossing, indicating the absence of an obvious choice even from the environmental perspective. However, he sees a clear difference between the alternatives from a public access perspective.

Director Cyr expressed that while it is a tough balance, he prefers the southern overcrossing since the northern overcrossing uses significant funds for reduced trail access.

President MacNiven commented that she initially favored the southern overcrossing due to the access to BCR, but she is now leaning towards the northern overcrossing to support the mountain lions.

Director Riffle sought clarification on whether staff recommended the southern overcrossing. Mr. Hart stated that there was no specific staff recommendation for one or the other. However, staff’s analysis suggests that the southern option is a more balanced alternative considering all factors.

Motion: Director Holman moved, and Director Kishimoto seconded the motion selecting the northern multi-use trail overcrossing alternative to advance with the wildlife undercrossing into the Caltrans Plans, Specifications & Estimates (PS&E) phase based on the Board of Director’s highest priority goals for the Highway 17 Wildlife and Regional Trail Crossings.

ROLL CALL VOTE: 4-3-0 Motion passes

AYES: Directors Kersteen-Tucker, MacNiven, Holman, and Kishimoto

NOES: Directors Gleason, Riffle, and Cyr

ADJOURNMENT

President MacNiven adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:35 p.m.

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

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

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Controller Michael Foster, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria, and Executive Assistant/Deputy District Clerk Shaylynn Nelson, Conservation Grazing Program Manager Matthew Shapero, Land & Facilities Manager Brandon Stewart

President MacNiven announced that the public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone.

ORAL COMMUNICATIONS

Public comment opened at 7:01 p.m.

Rick Lanmin advocated for rewilding efforts to mitigate wildfires. He emphasized reintroducing beavers and elk to reduce fire risks and described how they would do so. He commented on the need to improve over and under crossing on Highway 101 to facilitate elk movement and

suggested asking the California Department of Fish and Wildlife to reintroduce elk to the west side for the pacific coast. He suggests that this rewilding would enhance biodiversity, support wildlife observation, and increase carbon sequestration, making it a top priority.

Public comment closed at 7:04 p.m.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0 (Motion Passed Unanimously)

CONSENT CALENDAR

Public comment opened at 7:05 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 7:05 p.m.

Motion: Director Kersteen-Tucker moved, and Director Kishimoto seconded the motion to approve the Consent Calendar.

ROLL CALL VOTE: 7-0-0 (Motion Passed Unanimously)

1. **Approve the May 8, 2024 Board meeting minutes**
2. **Approve Claims Report**
3. **Quarter 3 Proposed Budget Amendments for the Fiscal Year ending June 30, 2024 (R-24-63)**
General Manager’s Recommendation: Adopt a resolution approving the proposed Quarter 3 budget amendments for the fiscal year ending June 30, 2024.
4. **One Year Contract Extension with Chavan & Associates for Financial Auditing Services (R-24-64)**
Controller’s Recommendation: Approve a one-year contract extension with Chavan & Associates to serve as the financial auditor for Fiscal Year 2023-24 for a not-to-exceed amount of \$30,500.
5. **Employee Wellness Benefit (R-24-65)**
General Manager’s Recommendation: Approve an employee wellness benefit of \$250 per eligible employee per year administered by Navia.
6. **California Department of Fish and Wildlife Master Agreement (R-24-66)**
General Manager’s Recommendations:
 1. Authorize the General Manager to approve a single payment of \$111,037.25 to apply for a California Department of Fish and Wildlife Master Agreement to obtain regulatory permit coverage for various land management activities, including (but not

- limited to) culvert maintenance and replacement, road and trail drainage repairs and upgrades, aquatic habitat restoration in ponds, creeks and wetlands, invasive species removal, and bridge replacements and relocations.
2. Authorize the General Manager to approve annual project fees notified under the Master Agreement for a period of up to ten years.
7. **One Year Contract Extension with Chavan & Associates for Financial Auditing Services (R-24-64)**
Controller's Recommendation: Approve a one-year contract extension with Chavan & Associates to serve as the financial auditor for Fiscal Year 2023-24 for a not-to-exceed amount of \$30,500.

BOARD BUSINESS

8. **Award of Grazing Leases for three Conservation Grazing Units: Blue Brush Canyon (Purisima Creek Redwoods Open Space Preserve); Lone Madrone (La Honda Creek Open Space Preserve); and Big Dipper/Mindego (Skyline Ridge Open Space Preserve/Russian Ridge Open Space Preserve) (R-24-68)**

General Manager Ana Ruiz provided opening remarks and thanked everyone for attending and acknowledging the high interest in today's item. The focus of the meeting is the District's Request for Proposals (RFP) process to select grazing tenants for three units with new extended leases, guided by the recently adopted Agricultural Policy (Ag Policy). The Ag Policy, which was developed with extensive public engagement over more than two years, aims to promote viable agricultural use of public lands, ensuring equitable access and supporting sustainability. The new leases offer an initial 5-year term with two 5-year extensions, aiming to encourage investment and continuity for tenants in good standing while also welcoming new and diverse operators. The RFP process balances local preference, environmental sustainability, and diversity, equity, and inclusion practices, aligning with the District's mission and conservation goals. She emphasized the importance of making public lands equitably accessible, especially in the costly real estate market, and acknowledged the high quality and diversity of proposals received. Furthermore, she noted the strong support the Markegards have received from the public, recognizing that considerations to offer the Lone Madrone lease to different operators will affect their business model. Staff is committed to working with the Markegards to identify short, medium, and long-term options that can be taken on the two other grazing leases they continue to hold with the District which are Cloverdale Ranch and Toto Ranch.

Conservation Grazing Program Manager Matthew Shapero and Land & Facilities Manager Brandon Stewart presented on the award of grazing leases for three conservation grazing units: Blue Brush Canyon, Lone Madrone, and Big Dipper/Mindego. Mr. Shapero began by reviewing the District's mission statement and provided an overview of the conservation grazing program that started in 2007. The program focuses on protecting and enhancing the biodiversity unique to grasslands, managing fuels for wildfire resilience, and supporting agriculture in the Coastal Service Area. He provided a background of the grazing program, noting that Big Dipper was the first property added to the Conservation Grazing Program, with twelve more properties added in the subsequent years. These properties have been added into the program either by reintroducing grazing onto District-owned lands or purchasing land that have already had grazing operations. As of today, the program includes seven tenants, thirteen grazing units, over 14,000 acres of

grazing across the District lands, and since the inception of the program, there have been only three other RFPs prior to this one.

Mr. Stewart continued the presentation and reviewed the outreach and engagement efforts. The Ag Policy work began in November 2019 with a partner agency workshop, and extensive community outreach and engagement commenced in March 2020. He highlighted a list of participants who contributed during the workshop and other engagement opportunities, representing diverse agricultural perspectives and interests. This engagement process reflects the District's ongoing commitment to Diversity, Equity, and Inclusion (DEI), with a concentrated effort since 2020 to integrate the spirit of DEI into the Ag Policy framework. He stated that the outcomes of the engagement process shaped and influenced the Ag Policy elements and implementation measures. Although the Ag Policy includes various goals, polices and implementation measure, he focused on three elements for the discussion: Goal AG-5: Leases, Goal AG-8: Natural Resources Protection, and Goal AG-9: Sustainable Agriculture and Climate Resiliency. Mr. Stewart elaborated on each element and shared comments received during the development of the Ag Policy for each implementation measure.

Mr. Shapero provided a comprehensive summary of each the grazing units up for lease awards and provided an outline of the RFP process. He then acknowledged the significant impact the recommendation would have on the existing tenants at Lone Madrone, Eric and Doniga Markegard, if approved. He noted that losing grazing access at Lone Madrone would require major adjustments to their operation, but the District is committed to working closely with them to mitigate these impacts. He outlined specific mitigation steps for short, medium, and long term solutions. He reiterated the District's commitment to supporting the Markegards and recognized that the success of the conservation grazing program really relies on the success and viability of the agricultural operators that the District partners with, and the Markegards' ongoing success is ultimately the District success.

Lastly, Mr. Shapero provided an overview of the three proposers who are recommended for award and provided highlights of each of their operations for Pacheco Cattle, Willow Creek Land & Livestock, LLC and Baird Livestock and Land Management.

Director Kersteen-Tucker commented that she was pleased to see the District's efforts to accommodate non-English speakers. She inquired what other additional measures the District could implement in the next round to further facilitate non-English speakers to submit proposals.

Mr. Shapero felt that the challenge in the process is that the District wanted to set out a very thorough and rigorous application process and it was an extensive document to translate into Spanish. He noted that the extensive application process itself could be intimidating for those not accustomed submitting proposals, also that he had spent considerable one-on-one time assisting the point of contact from that group, but believes that rather than being reactive, he can be more proactive in helping support those operators.

Director Kersteen-Tucker suggested that there may be an opportunity for the District to potentially offer a grant to ALAS (Ayudando Latinos A Sonar) or similar organizations to support farmworkers so non-English speakers can be more competitive and less intimidated by the grant process.

Director Kersteen-Tucker inquired when the next round of leases would take place.

Mr. Shapero stated that staff will initiate the next process in February 2025.

Director Kersteen-Tucker asked which grazing units would be next for award.

Mr. Stewart reported that once the Board approves the Rangeland Management Plan, which is currently going through CEQA, staff can move with the next execution of the leases for Cloverdale Ranch, Johnston Ranch, and Elkus/Lobitos in February 2025.

Director Gleason asked if there were quantitative adjustments in the scoring for local preference and current tenants.

Mr. Shapero responded that all five proposals received the 5 points for living or operating a business in San Mateo County. Additionally, two proposals received 5 points for being District tenants in good standing which were the Markegards at Lone Madrone and Tom Pacheco at Blue Brush Canyon.

Public comment opened at 8:21 p.m.

Dr. Alan Burr commented that in his 50 years of experience working with small farms, he has noted the trend of small family farms being displaced by large corporate farms for profit. He highlighted the Markegard family's significant contributions to the local community, such as donating to schools, participating in farmers' markets, and organizing educational farm days for children. He expressed concern that the competition might not give back to the community as the Markegards do and emphasized the importance of educating the public about environmental protection. He encouraged the board to renew the grazing lease for the Markegards and keep their operation in its current location.

Elizabeth Duncan co-owns and manages Willow Creek Land and Cattle with her husband Blake Duncan and her brother Matt Rikowsky since 2018. She commented that she is honored to be an awardee for Lone Madrone grazing unit. She stated that she and her husband live in San Mateo County and co-manage a privately owned ranch in San Gregorio and graze cattle at three others private ranches at Pinnacles National Park. She highlighted their commitment to using the best available science for grazing management and their active involvement in the conservation community. She mentioned her board position with the California Rangeland Conservation Coalition and Blake's vice presidency with the Society for Range Management's National Young Professionals Conclave. She appreciated the District's Ag Policy for preserving rural character and encouraging viable agriculture, noting the potential synergy between open space and agriculture. She acknowledged the careful RFP process, which balanced current tenants' needs with opportunities for new operators and stressed the importance of land access for young ranchers.

Larry Markegard commented that he works with his parents for the last ten years at the Lone Madrone Ranch. He shared his perspective on the District's Ag Policy, lease awards, and proposals, and spoke of the discrepancies he observed in the alignment of the Ag Policy with the recent lease awards. He also commented that the Ag Policy's background emphasized the region's agricultural heritage and the importance of supporting multi-generational farmers and ranchers. However, he felt that this priority was not reflected in the recent lease awards. He pointed out that their ranch's regenerative ranching practices had earned them certification as Audubon Bird-friendly, aligning with the Policy's objectives. He spoke about the importance of

environmental education and promoting sustainable agriculture, which he believed their ranch exemplified through their engagement with consumers and commitment to land management practices. He commented that these efforts aligned with the Ag Policy's goals but were overlooked in the lease awards.

Quill Markegard commented that she has had amazing experiences at Lone Madrone and hopes that it stays with her family. She expressed concerns about the recent lease awarding, stating that several Ag Policy goals were not adequately considered. She emphasized that their ranch, Markegard Family Grass-Fed, practices environmentally sensitive and sustainable ranching, which aligns with several Ag Policy goals. Furthermore, that their management ensures minimal negative impact and promotes biodiversity around riparian areas, and their practices promote climate resiliency and soil health. She stated that scientists have tested their soil for carbon and nitrogen, showing significant improvements due to their regenerative practices. Finally, she spoke about how their practices align with the goals of promoting sustainable agriculture and supporting research. However, she felt these contributions were not considered in the lease decision.

Quince Markegard expressed concerns about the lease awarding process, stating that several Ag Policy goals were not adequately considered. She spoke about their ranch supporting high populations of endangered species, such as the red-legged frog and the San Francisco garter snake. Furthermore, she noted that her dad and grandfather have been ranchers in California for over 60 years and their established friendships and land stewardship is what created Markegard Grass-Fed. She commented that these aspects are important to her family and community and feels that the goals were not appropriately considered in the recent lease decision.

Doniga Markegard commented on the Board report, noting that while brush clearing may increase the number of animals in the long term, it decreases them in the short term due to grass mowing and extensive encroachment. She invited the Board to visit Toto Ranch to see the lack of grass where it was brush chopped. She noted that the Markegards have been on Lone Madrone for 10 years, with 8 years of extreme drought, and questioned why they were not given a 15-year lease, as the District has established that this period makes sense for a return on investment before opening the RFP. She noted that the East Bay Regional Park District (EBRPD) does not open RFPs for existing tenants in good standing. She noted that they stock fewer animal units because they sell meat, prioritize animals' health, and are Audubon-certified. In addition, she spoke on the RFP process coinciding with their calving season, making it stressful and resource intensive. She questioned whether the District's time and resources could have been better utilized to open other District lands for production. She suggested that Mr. Shapero and Rangeland Ecologist Lewis Reed are capable of finding another ranch for Willow Creek Land and Cattle and bring a pieces of land back into production. She felt the process was not of inclusivity and abundance, but rather one of competition and scarcity. She expressed the need to work together cooperatively and without harming other operators. Lastly, she expressed support for bringing back beavers and offered to help with the effort.

Michael Williams encouraged the Board to approve the General Manager's recommendation for awarding the three grazing leases. He spoke on the District's grazing program, praising the shift to have it under one department and for a program manager to coordinate with other departments on the grazing leases. He commented that the selection process was thorough and balanced focusing on protecting the natural resource habitat and the viable operations demonstrated by the recommended leases. He spoke about the three proposed lease awards and that approving these

grazing leases would help protect natural resources and support viable agriculture on the San Mateo Coast.

BJ Burns from the Farm Bureau echoed Mrs. Markegard's suggestion that the District should consider utilizing other lands before making a decision on Lone Madrone, as it is causing hardship for the Markegards. He expressed concern about the lack of compensation options for them and criticized the grading system imposed on ranchers, finding it nerve-racking and uncomfortable, especially with three more awards upcoming. He spoke on the need for trust in the ranchers' abilities and advocated for leasing the property to them, with occasional checks by staff rather than micromanagement. He stressed the need for additional fences, water, and clearer lands due to brush encroachment on the coastside range lands. He spoke about the importance of supporting agriculture by providing more grazing land for ranchers to graze and urged the Board to help in building agriculture back up in the county.

Bob Dooley expressed concern about the displacement of the Markegards. He praised the Markegards as great neighbors who support the community and urged the Board to reconsider displacing them, noting that losing the lease would significantly impact their operation. He argued that the slight difference of two points out of 200 in the scoring system should not be a reason to displace good, reliable tenants. He agreed with Mrs. Markegard's about the importance of long-term tenancies and suggested that the District should consider clearing other lands for new operators instead of displacing the Markegards.

Don Durr praised the Markegards presence at farmers' markets, where they sell quality beef but also educate people about natural beef and get introduced to open space. He commented that the Markegards have selected cattle well-suited for the coastal range and have been practicing regenerative land management effectively, serving as a model. He spoke about the importance of the ranch days hosted by them where hundreds of families have had the opportunity to visit and learn about ranching, farming, and the significance of open spaces.

Ken Hibbits spoke about the Markegards and their commitment to local grass-fed beef production and sustainable ranching, and their reputation and contributions to global conferences, print media, and educational outreach. He urged the Board to reconsider the lease award for Lone Madrone, noting its significant impact on them and the local community's agricultural resources. He stressed the importance of preserving local grazing spaces and suggested opening additional county leases in Pescadero and San Gregorio to provide more opportunities for local operators. He questioned the decision to combine ranch parcels, advocating instead for expanding local agricultural operations to benefit more participants.

Jan Liband expressed strong opposition to approving new grazing leases or extending current ones, citing the District's charter to preserve, protect, and restore the land. As an avid hiker and biker, he argued that conservation grazing does not improve soil and watershed health, despite some carbon capture benefits. He highlighted the environmental damage caused by methane emissions from cattle and manure pollution. He commented that large grazing animals are not native to the environment and degrade biodiversity. He urged the District to adhere to its mission, suggesting that leaving the land alone would better preserve its health and biodiversity.

Public comment closed at 8:56 p.m.

Director Riffle asked staff if they would like to respond to any of the public comments.

Mr. Malone stated that a few comments alluded to corporate farms and clarified that all proposals, including Willow Creek Farms, involve family farms. He clarified some concerns from the Markegards, stating that it is true that not every goal in the Ag Policy is reflected in the RFP process. The District focus was on environmental and sustainability practices that impact the land, and to be as transparent and clear in the process as possible. He explained that the grading system is a review process that was requested by the ranchers intended to help them improve and meet conservation goals. Regarding the ranking system, he emphasized the need to balance competition with priorities like local preference and current tenant status, as reflected in the scoring system. He highlighted efforts to expand ranches, such as the recent expansion of Mindego Ranch, and the District's commitment to supporting local producers while managing grasslands sustainably. He concluded by affirming the District's reliance on the grazing study prepared by the Science Advisory Panel, demonstrating alignment with the coastal mission goals of supporting agriculture and environmental resources.

Director Holman inquired if staff would like to address the two comments on the notion of opening up more lands for grazing and a question about why the two ranches were combined.

Mr. Stewart stated he has had preliminary conversations with staff for expanding the conservation grazing program but the current focus is on establishing a firm foundation with existing leases. The aim is to maintain and improve productivity, stability, and viability before systematically advancing into new lands. While there have been preliminary discussions about expanding into new areas, substantial infrastructure investments would be needed. Therefore, the priority at the moment is to provide infrastructure investments to existing operations to enhance their viability.

Ms. Ruiz added that there have been extensive efforts made since the District expanded into the coastside area. These efforts include enhancing ranch road access, upgrading water infrastructure, installing new lines and wells, and repairing, and adding new fencing and corrals. She emphasized that much of the existing infrastructure was in such poor condition that it was nonfunctional. To revitalize the grazing units and operations on these lands, the District has undertaken numerous major capital projects. Significant investments have been made annually to restore and continue operations, but there is still considerable work ahead, with several agricultural infrastructure projects planned for the upcoming year.

Mr. Stewart responded to the combining of Mindego and Big Dipper ranches. He explained that staff took a closer look at the Big Dipper, which has not been grazed for quite some time. They explored reintroducing grazing and how to expand and improve the operation to make the grazing unit more viable and attractive. The opportunity arose when the existing tenant vacated, allowing staff to enhance the unit's viability, which led to the decision to combine the two.

Director Kishimoto inquired why the Markegards only had a 10-year lease and not the full 15-year lease.

Mr. Malone clarified that the Markegard lease was initially a 5-year and 5-year lease extension option. After the first 5 years, a 2-year short-term lease was granted due to performance issues, which were adequately addressed. Following this, another 2-year extension was added to allow time for the Ag Policy to be finalized. This approach was applied to all leases expiring during that period, resulting in a total duration of up to 10 years, including some additional flexibility.

Director Kersteen-Tucker highlighted the high quality of community input and the staff's effective management of the RFP process, which she believes yielded exciting results. She noted that the Ag Policy represents a significant shift, responding to challenges like climate change, economic pressures, water scarcity, and rising land costs. The Ag Policy balances preserving the rich agricultural history of the coast with introducing innovative, climate-smart techniques. She emphasized the opportunity these public lands provide for the District to serve as an incubator for new generations of farmers and ranchers, preserving agricultural heritage while promoting innovation. She expressed her support for the General Manager's recommendation and acknowledged the Markegards' significant contributions to regenerative agriculture in the region, noting their pioneering climate-smart and grassland-healthy methods. While the Markegards may no longer have the Lone Madrone lease, they will still manage 23% of the District's lands for grazing, in addition to their three other non-District leases. She emphasized the importance of staff working diligently with the Markegards to ensure they remain valued partners and are as whole as possible through the transition, while the District welcomes new ranching families into the District's circle.

President MacNiven concurred with Director Kersteen-Tucker and expressed gratitude to everyone for their interest and attendance. She voiced strong support for the Markegards Grass-Fed Family operation, praising its contribution to the slow food movement, locally grown healthy food, and its positive impact on the community and climate change. She acknowledged the challenges of farming, noting its financial and physical difficulties, and its dependency on the weather. She emphasized the need for encouragement and support for farmers and appreciated the District's role in providing lower-cost land while expecting proper land care in return. She commended the RFP process for its inclusivity, transparency, and efforts to involve more people and support local producers and existing tenants. She affirmed that the process was conducted openly, in a transparent manner, and was very well publicized, and that staff stayed within the RFP guidelines and handled the protest transparently. She felt reassured by the fact that the Markegards would still be grazing on District's lands and expressed her intent to vote for the General Manager's recommendations. She emphasized the importance of continued cooperative efforts between the staff and the Markegards and to work cooperatively with them.

Director Riffle expressed his gratitude to the staff for their hard work and dedication. He recalled the lengthy discussions that went into developing the Ag Policy and the RFP process, and the contributions from public, and ad hoc committee members that helped shape the policy. He acknowledged that while the RFP process might not be perfect, it was executed very well and may need some adjustments in the future. He was pleased with the quality of the candidates who applied, underscoring the importance of transparency and objectivity in decision-making as a public agency. He expressed confidence in the process developed by the staff which was approved by the Board, and yielded positive results. He voiced his support for the General Manager's recommendations and believes that there is potential for expanding grazing operations on additional acreage, expressing enthusiasm for future growth and continued efforts.

Director Holman acknowledged the difficulty of the decision and expressed appreciation for the comments made. However, she emphasized that the decision becomes challenging when it involves people's lives. She noted that the Markegards are currently at Cloverdale, which will be included in the next round of the RFP process. While she praised the Markegards for being exemplary tenants and grazers with a significant portion of the District's grazing lands, she expressed concern about their future security regarding Cloverdale. She questioned the process

and sought reassurance about the Markegards' continued involvement and stability within the District's operations, given their important role and contribution.

Mr. Shapero emphasized that the Ag Policy ensures fairness and transparency in the process and highlighted the importance of learning and adapting from each RFP round. The public also has the opportunity to review public records of past submissions, and candidates can improve their applications. He expressed optimism that future applications, including those from the Markegards, would be stronger, while acknowledging the inherent uncertainty and reiterating the commitment to fair and transparent RFP processes.

Mr. Malone stated that a key aspect of the current RFP process is the option not to award all grazing leases to the highest-rated candidate. He noted that as the District moves forward, it remains possible that the top-rated candidate, which might include the Markegards given their high rating this time, could apply for their current property or another property. He suggested that the District might consider evaluating the distribution of lands to different grazing tenants as part of the RFP process in the future.

Director Holman emphasized the importance of investing in opening up more ranch land. She expressed support for the program and grazing leases, while also acknowledging the necessity of balancing change with the need to avoid putting people out of business. She stressed the need to create more opportunities for both new and successful existing operators to continue their work.

Director Kishimoto acknowledged the Board's prior consideration of these issues during the Ag Policy review but emphasized the heightened reality of tonight's discussions, particularly regarding their impact on families and livelihoods. She concurred with concerns about climate change and the high cost of land. She emphasized the impracticality of large land purchases for economic viability, noting that leases like Lone Madrone generate modest revenue, and are mainly aimed at preserving land, combating fires, and promoting sustainable agriculture. Additionally, she suggested extending the lease terms to 30 years and be renewed every 5 years depending on how well the operator is managing the land and possibly for at least one generation. She supports the General Manager's recommendations, proposing future considerations for longer lease terms.

Director Gleason expressed his support for the General Manager's recommendations. He expressed satisfaction with the process and criteria set forth, noting that it aligns well with the Board's intentions. However, he suggested that future considerations could be explored. One recurring theme from public comments was the local food cycle, particularly regarding grass-fed versus conventional methods. He proposed evaluating whether it should be factored into scoring or considerations for future leases. Another aspect highlighted in public comments, was the community value and educational opportunities provided by ranchers. He emphasized the importance of educating the public about conservation grazing's significance and suggested that ranchers could contribute to this goal. He encouraged these points for future consideration.

Director Cyr expressed his support for the General Manager's recommendation. He acknowledged the challenge of expanding grazing lands, considering the necessary investment in infrastructure for viability. While he favored the idea of having more grasslands available, he emphasized that it requires deliberate effort and resources.

Motion: Director Kersteen-Tucker moved, and Director Riffle seconded the motion to adopt a Resolution authorizing the General Manager to:

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

ROLL CALL VOTE: 7-0-0 (Motion Passed Unanimously)

Director Holman inquired whether staff would return to the board before the next RFP process, possibly incorporating the comments heard during tonight's meeting.

Mr. Malone stated that staff can report elements that could be considered in the next RFP process.

Director Holman added that, in addition to bring forward any viable lands that might be feasible to open up in the near future.

Mr. Malone mentioned that the process of identifying and opening up viable lands might take longer due to ongoing work on infrastructure issues on current properties. However, he noted that this is a goal for the long-term growth of the program.

President MacNiven recessed the regular meeting at 9:40 p.m. and convened the regular meeting at 9:49 p.m. with all members present.

9. Adoption of Resolution of Intention to Approve an Amendment to the Contract Between the California Public Employees' Retirement System (PERS) and the Midpeninsula Regional Open Space District to provide Section 21151, Industrial Disability Retirement for Local Miscellaneous Members (R-24-69)

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided the presentation on the contract amendment between the District and PERS to provide section 21151, Industrial Disability Retirement for Local Miscellaneous Members. He provided background information and stated that the Board approved on October 2023 a Memorandum of Understanding with the Midpeninsula Ranger Peace Officers Association, which included an Industrial Disability Retirement (IDR) as an added benefit. CalPERS law requires all employees in the PERS miscellaneous member category receive this benefit. Mr. Jaskulak reviewed the two-step process per CalPERS requirements to attain the IDR, the IDR benefits, and the fiscal impact, and finally the PERS actuarial analysis summary.

Public comment opened at 9:54 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 9:54 p.m.

Motion: Director Riffle moved, and Director Cyr seconded the motion to adopt the Resolution of Intention to Amend the California Public Employees' Retirement System contract to provide Section 21151, Industrial Disability Retirement for Local Miscellaneous Members.

ROLL CALL VOTE: 7-0-0 (Motion Passed Unanimously)

10. Motion for Reconsideration of the Board of Directors' May 14, 2024 action regarding Recommendation Number 3: If horse boarding and/or public programming at the Stables site will continue, direct the General Manager to return with a revised concessionaire agreement.

General Counsel Hilary Stevenson provided guidance on the process for a motion to be reconsidered and referenced Board Policy 1.03.

Director Gleason noted a potential confusion about the motions implication that was approved. Upon reflection, he realized he did not fully understand the motion and would have opposed it strongly. He cited recent news from San Francisco, where Chaparral's license for equestrian operations was revoked. Additionally, he mentioned credible reports of accidents and safety issues at Bear Creek Stables, along with personal observations of serious animal care issues. He highlighted aspects allowed in the motion that includes amendments to the lease to modify and reduce insurance requirements, amend the lease to reduce age of camp participants, and increase the number of camp participants per day, allow leasing of individual horses, and allow a notable increase in boarding rates upwards of plus a hundred percent of boarding costs. He also believes that these changes would be done without any further board review. He expressed concern about the Board's understanding of the risks associated with the current operator, especially if insurance requirements are reduced and increase the intensity of operations. In his opinion, it does not make sense to renegotiate the contract with Chaparral in a way that could increase risk to the public, boarders, and the animals of the District.

Director Riffle commented that he understood that the motion taken by the Board was to allow four months to decide the future of the stables, and currently there are no programs due to the lack of insurance, but an interim operator is needed to take care of the boarders. He indicated that he is fine with moving forward if that was also the understanding of the General Manager.

Ms. Ruiz stated that the boarding operation needs to continue in the interim while the Board waits for additional information to decide on the future operations of the BCS. If the Board decides to remove the operator sooner, the District will need at least three months, which would be challenging given the uncertainty about the operation's long-term status. She expressed concerns about staff capacity and experience to handle the operation and anticipated difficulty attracting applicants due to the limited timeframe they will be on site.

Director Holman seconded the motion, stating her support for reconsideration. She expressed concerns about the assumption that the current concessionaire would continue without thoroughly evaluating other options.

Director Kersteen-Tucker commented that her understanding is that the Board would continue with Chaparral for at least a four-month period as the Board waits for additional information to decide on what type of operation will continue at BCS and asked for confirmation.

Ms. Ruiz confirmed that in order to continue with the operation through the current operator, a revised concessionary agreement is needed. She noted that these changes will be required whether it would be with the current operator or solicit a new one, making the modifications applicable in both cases. She also mentioned that if Chaparral stays, the changes will be effective for at least the next four months. However, the Board retains the option to terminate the agreement after this period.

Ms. Stevenson stated that the directive to the General Manager was to bring the revised concessionaire agreement back to the Board regardless of the outcome of the motion to reconsider. There will be an opportunity for the Board to deliberate on whether to approve a revised concession agreement.

Public comment opened at 10:19 p.m.

Pamela Warren spoke on the stables community support and past involvement of volunteers, and boarders supporting outreach programs. She hopes the ad hoc committee would enhance these efforts by having programs that would be more motivational, inspiring, and challenging positions that all can be satisfied. She mentioned that Chaparral removed all their horses months ago, which she believes are the same animals in the spotlight, making it a difficult situation for the boarders, who had been helping care for the animals. She spoke of the uncertainty faced by the boarders and the difficulty in finding new homes for the horses, given the limited availability of stalls in the area. She urged the Board to carefully consider the interim boarding operation and to listen to the ad hoc committee's recommendations and noted that she is a member of the ad hoc committee. She also thanked Director Gleason for his dedicated efforts in helping the BCS.

Robert Filkowski expressed his concern about the negative consequences facing BCS, describing it as a family-like community where people feel welcome. He believes in the stables' future if proper investment is made, suggesting increased advertising and the efforts of ad hoc committees to demonstrate commitment to the Board. He acknowledged the current uncertainty causing unease but despite that, he noted that people still visit and work with their horses every day. He spoke about the difficulties to find another boarding area and urged to save the BCS.

Public comment closed at 10:24 p.m.

Motion: Director Gleason moved, and Director Holman seconded the motion to reconsider the Board of Directors' May 14, 2024 action regarding recommendation number 3: If horse boarding and/or public programming at the Stables site will continue, direct the General Manager to return with a revised concessionaire agreement.

ROLL CALL VOTE: 2-5-0 Motion fails

AYES: Director Gleason, Director Holman

NOES: Directors Kersteen-Tucker, Riffle, Mac Niven, Kishimoto, and Cyr

INFORMATIONAL REPORTS

A. Committee Reports

Director Riffle reported on the May 21 meeting of the Action Plan & Budget Committee.

Director Gleason reported on the May 16 Legislative, Funding, and Public Affairs Committee meeting and the May 15, Hawthorns Historic Complex Ad Hoc Committee meeting.

B. Staff Reports

Ms. Ruiz reported that she along with staff recently conducted a site tour with POST at the Kingsgrove property to observe how they have been managing their redwood forests.

Mr. Stewart reported that the Thornewood house that has been vacant for many years will be added back into the portfolio and it will be available for a ranger residence.

Director Holman requested a tour of the Thornewood house. Ms. Soria will coordinate a tour date with the Board.

C. Director Reports

Director Gleason reported that this past weekend the District participated in a Sudden Oak Death Blitz on from May 18-20. He attended the training with his wife and collected samples from various infected trees and returned them to the office.

Director Kishimoto reported that on May 16 she attended a BCDC meeting, and on May 17 she attended the Save the Redwoods Spring Summit.

President Mac Niven reported that on May 15 she along Governmental Affairs Program Manager Josh Hugg presented to the Atherton Town Council last week.

Director Kersteen-Tucker reported that on May 13 she presented to the City of San Carlos Council.

ADJOURNMENT

President MacNiven adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 10:40 p.m.

Shaylynn Nelson, Deputy District Clerk
Maria Soria, MMC, District Clerk