

Introduced by Senator Glazer

(Principal coauthor: Assembly Member Bauer-Kahan)

(Coauthors: Senators Hill, Wieckowski, and Wiener)

(Coauthors: Assembly Members Berman, Chu, Levine, and Quirk)

February 22, 2019

An act to add Section 5090.42 to the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 767, as introduced, Glazer. Off-highway vehicular recreation: Carnegie State Vehicular Recreation Area: Alameda-Tesla Expansion Area.

The Off-Highway Motor Vehicle Recreation Act of 2003 creates the Division of Off-Highway Motor Vehicle Recreation within the Department of Parks and Recreation. The act gives the division certain duties and responsibilities, including the planning, acquisition, development, conservation, and restoration of lands in state vehicular recreation areas. Existing law creates the Off-Highway Vehicle Trust Fund to be the repository of certain moneys, including certain fees received by the department for the use of state vehicular recreation areas. Existing law requires the revenues in the fund to be available, upon appropriation, for grants and cooperative agreements, as specified, the support of the division, and the planning, acquisition, development, mitigation, construction, maintenance, administration, operation, restoration, and conservation of lands in state vehicular recreation areas and certain other areas.

This bill would authorize the department to dispose of the portion of the Carnegie State Vehicular Recreation Area known as the "Alameda-Tesla Expansion Area" to permanently preserve that land

for conservation purposes, as specified, if the department determines that disposing of the land is in the public interest. The bill would require that the land only be sold to a local agency or nonprofit organization for use as a park or other open-space purpose, as specified. The bill would require any revenue from the disposition of the land to be deposited in the Off-Highway Vehicle Trust Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5090.42 is added to the Public Resources
2 Code, to read:
3 5090.42. (a) Notwithstanding Sections 11011 and 11011.1 of
4 the Government Code, the department may dispose of the portion
5 of the Carnegie State Vehicular Recreation Area known as the
6 "Alameda-Tesla Expansion Area," which encompasses
7 approximately 3,100 acres in the County of Alameda, to
8 permanently preserve that land for conservation purposes by sale
9 of a perpetual recorded conservation easement deed restriction or
10 fee title if the department, after holding a public hearing on the
11 matter and in consultation with stakeholders, determines that
12 disposing of the land is in the public interest.
13 (b) (1) If the department determines that disposing of the land
14 is in the public interest, the Department of General Services may
15 sell the land or otherwise dispose of the land pursuant to this
16 authorization upon any terms and conditions and subject to any
17 reservations and exceptions that the Department of General
18 Services deems to be in the best interests of the state.
19 (2) The Department of General Services shall sell the land only
20 to a local agency or nonprofit organization for use as a park or
21 other open-space purpose. The land shall be sold for no less than
22 the original purchase price based on the actual parcels to be
23 included in the sale.
24 (3) For purposes of this subdivision, "park or other open-space
25 purpose" means a use of the land's natural resources that is
26 consistent with a conservation purpose, including preservation of
27 native biological diversity, wildlife habitats, and cultural resources,
28 the enjoyment of scenic beauty, and nonmotorized public
29 recreation.

- 1 (c) Any revenue from the disposition of the land shall be
2 deposited in the fund.



Livermore Area
Recreation and Park District
An independent special district

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March 14, 2019

DRAFT

The Honorable Senator Henry Stern, Chair
Senate Committee on Natural Resources and Water
State Capitol, Room 5046
Sacramento, CA 95814
Committee Fax: (916) 323-2232

The Honorable Senator Bill Dodd, Chair
Senate Committee on Governmental Organization
1020 N Street, Room 584
Sacramento, CA 95814
Senator Dodd's Office Fax (916) 651-4903

RE: SB 767 (Glazer): Alameda-Tesla Expansion Area – Support

Dear Senator Stern and Senator Dodd:

Livermore Area Recreation and Park District is writing you to state our strong support for Senate Bill 767 (Glazer) as written.

SB 767 would allow the Department of Parks and Recreation (Department) to sell the portion of the Carnegie State Vehicular Recreation Area (Carnegie SVRA) known as the "Alameda-Tesla Expansion Area" that has never been opened for public use for conservation purposes, if the Department determines that disposing of that land is in the public interest. Proceeds from any such sale would then be returned to the Off-Highway Motor Vehicle Recreation (OHMVR) Division Trust Fund.

SB 767 is an important **local district measure** affecting irreplaceable and highly sensitive natural and cultural resources located in Alameda County. Carnegie SVRA straddles San Joaquin and Alameda Counties, but the entire Alameda-Tesla Expansion Area is located in Alameda County.

The Carnegie SVRA proposal to open the Alameda-Tesla Expansion Area (known locally as "Tesla Park") to OHV recreation use has been highly controversial with strong broad-based local opposition for nearly 20 years. Scientific studies have long documented the rare ecological value of the area which contains an abundance of highly sensitive natural resources and unique biodiversity, including numerous threatened, endangered and listed species, designated critical habitats, unusual vegetation assemblages, and a critical linkage habitat corridor for the Diablo Range. The area also holds important cultural resources from the historic Tesla town site and mine complex to exceptional Native American resources. Local agencies and organizations have identified the Alameda-Tesla Expansion Area for preservation because its location at the transition of biotic zones and rare natural and cultural features are vital to SF – East Bay Area regional conservation objectives.

ITEM NO. 5.2

Board of Directors
Maryalice Faltings

David Furst

Jan Palajac

Philip Pierpont

Beth Wilson

In 2016, after two prior EIR attempts and over intense local opposition, the Off-Highway Motor Vehicle Recreation (OHMVR) Commission adopted a general plan and EIR which incorporated the Alameda-Tesla Expansion Area into Carnegie SVRA and identified it for OHV recreation use. The project is now in litigation.

Local agencies and community organizations in Alameda County and the East Bay want to work together to purchase the land from the Department for conservation purposes with sales proceeds to be returned to the OHMVR Division.

SB 767 would provide a mechanism to resolve the long-standing local controversy in a manner that is wise and fair to the public, State government and the environment.

Livermore Area Recreation and Park District strongly supports Senate Bill 767 and its intent to develop a pathway to preserve the Alameda-Tesla Expansion Area. We ask for your leadership to support and pass this measure.

Sincerely,

DRAFT

David Furst, Chair
Board of Directors

cc: Senator Steve Glazer
Assembly Member Rebecca Bauer-Kahan