TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: COMMUNITY SERVICES

DATE: APRIL 14, 2008 CMR:183:08

SUBJECT: APPROVAL OF AN ACCESS AGREEMENT WITH ACTERRA TO PERMIT THE USE OF REAL PROPERTY IN ORDER TO IMPLEMENT A HABITAT RESTORATION PROJECT AT THE PEARSON ARASTRADERO PRESERVE

RECOMMENDATION
Staff recommends that Council authorize the City Manager or his designee to enter into an access agreement with Acterra to permit the use of real property within the Enid W. Pearson Arastradero Preserve in order to implement a habitat restoration project with specified grant funding provided by the California Coastal Conservancy to Acterra.

BACKGROUND
On April 28, 1997, Council approved a five-year contract with Bay Area Action to act as the steward of the Arastradero Preserve and to implement action steps of the Council-approved Arastradero Management Plan (CMR:199:97). The contract with Bay Area Action, now named Acterra, was renewed for additional five-year contracts on July 22, 2002, (CMR:339:02) and on October 1, 2007 (CMR:374.07). In conformance with its contract, Acterra is responsible for developing an annual work plan that details the work tasks that are to be performed and accomplished by Acterra staff and volunteers for the restoration of habitat within the Preserve.

On September 12, 2005, Council approved the purchase of 13-acres of land within the Pearson Arastradero Preserve that was formerly owned by the Bressler family, and later by the Peninsula Open Space Trust (CMR 368:05). In the process of acquiring the property, Council approved a resolution to accept a $1,000,000 grant from the California Coastal Conservancy for the purchase, and agreed to provide the Coastal Conservancy an Irrevocable Offer to Dedicate Fee Title for a conservation easement on the property. This conservation easement provided assurance to the Coastal Conservancy and other funding agencies that the land would be held by the City in perpetuity as public open space land for conservation and recreation purposes.

Since the land was acquired in 2005, staff and Acterra have worked together to prepare a plan to restore the property to riparian habitat and to re-connect two segments of Arastradero Creek (Attachment B – Site Plan). When the property was formerly owned by the Bressler family and
operated as a horse stable, an 1,100-foot section of a tributary to Arastradero Creek was channeled through an underground concrete culvert. In 2006, City staff was successful in obtaining a Riparian & Riverine Habitat grant from the State of California to remove sections of the concrete culvert, re-contour the meandering path of the historic stream, and remove excess piles of dirt that had been placed on the property over many years.

Working with detailed habitat restoration plans designed by H. T. Harvey and Associates, staff and volunteers have begun a ten-year process to re-create a stream corridor supporting willows and other native riparian plants in order to provide viable habitat for California Red-legged Frogs, California Tiger Salamanders and other wildlife.

**DISCUSSION**

In order for the City to be successful in re-establishing a riparian corridor through the length of the 13-acre property, staff has worked with Acterra to create a ten-year implementation plan. The plan calls for planting 5,000 native plants, controlling weeds along the corridor and monitoring the successful vegetation of the restored area.

Acterra has applied for, and has been approved for a four-year, $72,000 grant from the California Coastal Conservancy to provide resources for the coordination of volunteers, control of invasive weeds, monitoring of the restoration project site, and for the dissemination of information about the restoration project. While the “completion date” of the project stipulated in the grant agreement is December 31, 2011, which is within the term of the current five-year agreement between the City and Acterra for stewardship services, the contractual “termination date” of the grant agreement is December 31, 2031. The inclusion of a twenty-year maintenance period is intended to provide the Coastal Conservancy assurance that the funded project is adequately sustained by the grantee beyond just the implementation period.

The attached agreement (Attachment A) assures Acterra access to the project site by the City of Palo Alto beyond the period of the current stewardship agreement for monitoring of the restoration site. This land owner agreement will satisfy the Coastal Conservancy’s requirement that the project site will be adequately sustained through 2031.

The Acterra Board of Directors has approved a resolution (Attachment C) pledging its commitment to maintain, monitor and support the project site until the termination date of the grant agreement in 2031.

**RESOURCE IMPACT**

Work covered by the grant application to restore City-owned park land is currently a contractual responsibility for Acterra under the terms of the Stewardship Agreement. The City of Palo Alto works closely and cooperatively with Acterra to manage the natural resources of the Pearson Arastradero Preserve. Since the plantings in the restoration site are native plants, once established, these stock will need minimal care or watering to be self-sustaining. Since the City already has an obligation under the terms of the conservation easements (agreed to during the purchase of the property) to maintain and preserve the project site, the City is not increasing its responsibilities or expenses by entering into this access and use agreement with Acterra.
The long-term success of viable riparian habitat will ultimately benefit native wildlife, and will reduce City labor and maintenance costs in controlling weeds in this area of the Pearson Arastradero Preserve.

**POLICY IMPLICATIONS**
This recommendation is consistent with existing City policy.

**ENVIRONMENTAL REVIEW**
The approval of this agreement is not considered an action subject to the California Environmental Quality Act; therefore, no environmental assessment is needed at this time. Environmental review was completed for the actual re-creation of the ephemeral stream and re-vegetation plan.

**ATTACHMENTS**
Attachment A: Land Owner Agreement with Acterra
Attachment B: Restoration Site Map
Attachment C: Resolution No. 1-08 from the Acterra Board of Directors

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