ITEM: 5-2

SUBJECT: Update on the East Bay Regional Park District Albany Beach Restoration and Public Access Project

RECOMMENDATION

For information and discussion.

DISCUSSION

The Beach Restoration project was approved by the EBRPD Board in November 2012. The approval included certification of the final environmental impact report. Since the District’s action, two CEQA legal challenges have been filed. The first action was filed on December 28, 2012 by Golden Gate Fields. The second challenge was filed on January 17, 2013 by a non-profit organization named “Sustainability, Parks, Recycling and Wildlife Defense Fund” (SPRAWLDEF).

It is difficult to evaluate the viability of a CEQA challenge based on the initial filings. There are normally a series of procedural steps that will take place, followed by more detailed briefings of the legal issue. In the absence of a negotiated settlement between the parties, a ruling by the Court can be expected in six to twelve months. In most cases, implementation of a project will be on hold while the CEQA challenge is being considered. It is not unusual, however, for design and other project preparations to continue.