

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

25 September 2003
10:00 a.m.

Second Floor Board Room
Harbor Administration Building
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, California

MEMBERS PRESENT:

Paul Morabito (Public Member), Chairman
Chuck Damm (Designated Representative, Coastal Commission)
Gary Hernandez (Public Member)
Fred Klass (Designated Representative, Department of Finance)
John Lormon (Public Member)
Mike Spear (Designated Representative, Resources Agency)

OVERSIGHT LEGISLATORS PRESENT:

Senator Betty Karnette
Assemblymember Fran Pavley

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General

2. APPROVAL OF MINUTES:

The Minutes of the August 14, 2003 Public Meeting were approved without change.

3. INVASIVE *SPARTINA* PROJECT – PHASE II: CONTROL PROGRAM:

Maxene Spellman of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Peggy Olofson, Director of the Invasive *Spartina* Project.

Resolution:

“The State Coastal Conservancy hereby certifies the “Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program” (FEIS/R), attached to this staff recommendation as its Exhibit 1, authorizes the Conservancy to implement the *Spartina* Control Program consistent with Alternative 1 of the FEIS/R, as modified by incorpo-

ration of all mitigation measures identified in the FEIS/R, and adopts the Mitigation Monitoring and Reporting Program (“MMRP”), attached to the FEIS/R as Attachment K.

The Conservancy further authorizes:

1. The acceptance of fifty thousand dollars (\$50,000) from the United States Fish and Wildlife Service (USFWS) by augmentation and amendment of a 1999 CALFED grant to the Conservancy and disbursement of those funds as described in paragraph 2, below.
2. The disbursement of an amount not to exceed seven hundred thousand dollars (\$700,000), consisting of the fifty thousand dollars (\$50,000) in augmented 1999 CALFED grant funds and six hundred fifty thousand dollars (\$650,000) in Conservancy funds, for the purchase of equipment and for environmental consulting services needed to operate and manage the regionally coordinated *Spartina* Control Program consistent with environmental law and regulation, including the continued services of a Project Director, Field Operations Manager, Field Biologist and Plant Ecologist and the supplemental services of a Compliance and Monitoring Officer.
3. The disbursement of an amount not to exceed one hundred eighty thousand six hundred dollars (\$180,600), available through the 1999 CALFED Grant and a 2001 CALFED grant to the Conservancy, as separate grants for implementation of *Spartina* treatment and eradication demonstration projects. Grant recipients are the Alameda Flood Control District, the East Bay Regional Park District, the City of Palo Alto, the Marin Conservation Corps, the California State Parks Foundation, the USFWS Don Edwards San Francisco Bay National Wildlife Refuge, Friends of Corte Madera Creek, and National Audubon Society. Each grant shall be subject to the following conditions:
 - a. Prior to implementing any control and treatment project and prior to disbursement of any funds to the grantee, the grantee shall submit for review and approval of the Executive Officer a site-specific plan, including mitigation measures, and a work program, schedules and budgets, and shall provide evidence that the grantee has obtained all necessary permits and approvals for the project.
 - b. In carrying out any control and treatment project, the grantee shall comply with all applicable mitigation and monitoring measures that are identified in the FEIS/R for the Control Program, that are set forth in the approved site-specific plan, or that are required by any permit or approval for the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The Conservancy has independently reviewed and considered the information contained in the FEIS/R pursuant to its responsibilities under the California Environmental Quality Act (“CEQA”). The FEIS/R has been completed in compliance

with CEQA under the direction and supervision of the Conservancy and reflects the Conservancy's independent judgment and analysis.

2. The FEIS/R identifies potential significant effects from implementation of the *Spartina* Control Program in the areas of Hydrology and Geomorphology, Water Quality, Biological Resources, Air Quality, Noise, Human Health and Safety, Visual Resources, Cultural Resources and Cumulative Impacts. With regard to these impacts, the Conservancy finds as follows:
 - a. As modified by incorporation of the mitigation measures identified in the FEIS/R, the *Spartina* Control Program or its operating conditions have been changed to avoid, reduce or mitigate all of the possible significant environmental effects of the project, including effects on Hydrology and Geomorphology, Water Quality, Biological Resources, Air Quality, Noise, Human Health and Safety, Visual Resources, Cultural Resources and Cumulative Impacts, described in the accompanying staff report, except for short term effects to the salt-marsh harvest mouse, tidal shrew, California clapper rail and California black rail and short-term impacts to Visual Resources.
 - b. The *Spartina* Control Program will result in "significant and unavoidable" but short-term effects to the salt-marsh harvest mouse, tidal shrew, California clapper rail and California black rail and short-term impacts to Visual Resources. Specific environmental and other benefits of the project described in the accompanying staff recommendation and detailed in the FEIS/R outweigh and render acceptable these unavoidable adverse environmental effects because the project will result in the long-term environmental benefits of preserving and restoring native habitat for these endangered species and for other plant and animal species that otherwise would be threatened by the continued spread of invasive cordgrass in the Estuary, while avoiding the severe adverse impacts associated with failing to control the continued spread of non-native cordgrass.
 - c. Alternatives to the *Spartina* Control Program analyzed in the FEIS/R are infeasible in that they do not achieve the project objectives of control and eradication of non-native cordgrass, will result in the same or greater environmental impact and will not produce the same environmental benefit as the Control Program.
3. The environmental effects associated with the demonstration treatment projects proposed for grant funding by the Conservancy and the mitigation measures to reduce or avoid those effects were identified and considered in the program FEIS/R.
4. The Introduced *Spartina* Project and implementation of the *Spartina* Control Program remain consistent with Public Resources Code Sections 31160-31164, and with the resolutions, findings and discussion accompanying the Conservancy actions of October 28, 1999, and January 25, 2001, including the requirement of a board authorization for Phase II, Implementation of the *Spartina* Control Program (attached as Exhibit 2).

5. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
6. The Friends of Corte Madera Creek, the National Audubon Society, the Marin Conservation Corps, and the California State Parks Foundation are private non-profit organizations existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Motion passed by a vote of 6-0.

4. BALLONA WETLANDS RESTORATION:

Mr. Schuchat presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Robert van de Hoek, representing the Sierra Club; and Marcia Hanscon, representing the Wetlands Action Network;

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement through an inter-agency agreement of an amount not to exceed ten million dollars (\$10,000,000) for the acquisition by the Wildlife Conservation Board of fee title to approximately 193 acres of the Ballona Wetlands, as more specifically described in Exhibits 2 and 3 of the accompanying staff recommendation, subject to the following conditions:

1. The interagency agreement shall provide that the subject funds must be appropriated pursuant to Public Resources Code Section 5096.352(f), and it shall provide that the property to be acquired shall be permanently dedicated for the enhancement of wetland resources and the preservation of open space, and for public access compatible with resource enhancement, within a wetland restoration project of at least 400 acres.
2. Prior to the disbursement of funds for the acquisition the Executive Officer of the Conservancy shall review and approve the following:
 - a. Evidence that all relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, hazardous materials assessments and documents of title, have been reviewed and approved by the Executive Director of the Wildlife Conservation Board.
 - b. Evidence that the Wildlife Conservation Board will pay no more than fair market value for the property acquired, as established in an appraisal approved by the Department of General Services.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project authorization is consistent with Public Resources Code Sections 31251-31270, regarding the Conservancy's mandate to protect and enhance coastal resources.
2. The proposed project authorization is consistent with Public Resources Code Sections 31400-31409, regarding the Conservancy's mandate to assist in the development of a system of public accessways to and along the coast.
3. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001."

Motion passed by a vote of 6-0.

5. MALIBU CREEK WATERSHED: AHMANSON RANCH ACQUISITION:

Marc Beyeler of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Joe Edmiston, representing the Santa Monica Mountains Conservancy; Shelley Luce, representing Heal the Bay; Marcia Hanscon, representing the Wetlands Action Network; and Robert van de Hoek, representing the Sierra Club.

Resolution:

"The State Coastal Conservancy hereby authorizes the Executive Officer to enter into a joint powers agreement with the Santa Monica Mountains Conservancy to implement projects in the Malibu Creek watershed; and authorizes the disbursement of an amount not to exceed ten million dollars (\$10,000,000) to the Santa Monica Mountains Conservancy (SMMC) for the acquisition of the 2,959-acre property commonly known as the Ahmanson Ranch, in the Malibu Creek Watershed, Ventura County, more specifically described in Exhibit 2 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of any funds for the acquisition of the property:
 - a. The SMMC shall submit for the review and approval the Executive Officer of the Conservancy ("Executive Officer") all relevant acquisition documents, including but not limited to an appraisal, agreement of purchase and sale and documents of title; and
 - b. The Conservancy and the SMMC shall have entered into a joint powers agreement.
2. The SMMC shall pay no more than fair market value for the property as established in an appraisal approved by the California Department of General Services.
3. The SMMC shall dedicate the property for natural resource protection, open space preservation and public access in an appropriate instrument approved by the Executive Officer.

4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been reviewed and approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31251-31270 regarding enhancement of coastal resources.
2. The proposed project has been undertaken at the specific request of the agency having jurisdiction over the project area, which is the SMMC, consistent with Section 31252.2 of the Public Resources Code.
3. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 6-0.

EXECUTIVE OFFICER’S REPORT:

The Conservancy approved the appointment of its Chairman Paul Morabito to the Santa Monica Bay Restoration Commission, with Mr. Morabito designating the Executive Officer (or his designee) to serve on the Commission in his absence.

The next meeting will be on Thursday, October 23, 2003, in Oakland.

DEPUTY ATTORNEY GENERAL'S REPORT:

Ms. Peterson reported that on Monday the Public Works Board approved the acquisition of the Hamilton Army Airfield in Marin County.

BOARD MEMBER COMMENTS:

There were no other comments by Board Members.

PUBLIC COMMENTS:

There were no other comments by members of the public.

ADJOURNMENT:

The meeting was adjourned at 11:30 a.m.

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