

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

March 2, 2006
10:00 am
State Capitol, Hearing Room 126
Sacramento, CA

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chair
Gary Hernandez (Public Member), Vice Chairman
Jeremy M. Hallisey (Public Member)
Karen Scarborough (Designated Representative, Resources Agency)
Meg Caldwell (California Coastal Commission, Chair)
Fred Klass (Designated Representative, Department of Finance)

OVERSIGHT LEGISLATORS PRESENT:

Senator Wesley Chesbro

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General
Glenn Alex, Senior Staff Counsel

2. APPROVAL OF MINUTES:

The Minutes of the February 3, 2006 public Meeting were approved without change.

3. FIVE COUNTIES SALMONID CONSERVATION PLANNING PROGRAM

Michael Bowen of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Marc Lancaster, Five Counties Program Area.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed seven hundred thousand dollars (\$700,000) to the County of Trinity for fish passage improvement projects. No Conservancy funds shall be disbursed toward implementation of any proposed project until the Conservancy authorizes the proposed project.”

Findings:

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

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 5.5 of Division 21, section 31220 of the Public Resources Code regarding watershed enhancement projects, and with Chapter 6 (sections 31251-31270) regarding the enhancement of coastal resources.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Moved and seconded. Approved by a vote of 6-0.

4. SUNNY BRAE COMMUNITY FOREST ACQUISITION

Moira McEnepsy of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Mark Lovelace, Sunnybrae Arcata Neighborhood Alliance; Mark Andre, City of Arcata, Jeff Calvert, Department of Forestry, Robin Park, Trust for Public Land.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred fifty-seven thousand five hundred dollars (\$357,500) to the City of Arcata (“the City”) towards acquisition of the Sunny Brae property, approximately 175 acres of forested property in the Grotzman and Beith Creeks watersheds of Humboldt County (Humboldt County Assessor Parcel Nos. 500-032-03, 500-101-04, 500-101-09, 500-132-26), for the purposes of preventing fragmentation of forestlands; preserving open space; protecting, restoring and enhancing water quality and salmonid habitat; improving forest structure and increasing natural diversity; and providing public access where appropriate. These funds may be used directly towards the acquisition or as reimbursement to the General Fund for approved tax credits provided to the seller under the Natural Heritage Preservation Tax Credit Act of 2000 in exchange for the seller’s donation of the property to the City. This authorization is subject to the following conditions:

1. Prior to the disbursement of Conservancy funds for acquisition, the City shall:
 - a. Submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - i. All relevant acquisition documents, including but not limited to an appraisal, environmental assessments, agreement of purchase and sale, easements, escrow instructions, and documents related to title.
 - ii. Evidence that the City has obtained all funds necessary to complete the acquisition.

- b. Enter into an agreement or other instrument acceptable to the Executive Officer requiring periodic payment to the Conservancy of excess future timber revenues generated by the property, in an amount roughly proportionate to the Conservancy's contribution. At the request of the Executive Officer, the instrument shall be recorded.
- 2. The City shall pay no more than fair market value for the Sunny Brae property as established in an appraisal approved by the Executive Officer.
- 3. The City shall permanently dedicate the Sunny Brae property in a manner acceptable to the Executive Officer for the purposes of preventing fragmentation of forestlands; preserving open space; protecting, restoring and enhancing water quality and salmonid habitat; improving forest structure and increasing natural diversity; and providing public access where appropriate.
- 4. The City shall acknowledge Conservancy funding by erecting and maintaining on the Sunny Brae property a sign that has been reviewed and approved by the Executive Officer.
- 5. The City shall amend its existing forest management and non-industrial timber management plans to include the Sunny Brae property, and submit these amended plans for approval by the Executive Officer within a reasonable time after acquiring the property, but no later than December 31, 2007. The plans shall include, among other things, descriptions of specific lands and reserve areas, an explanation of how indicators of ecosystem health and forest productivity will be monitored and evaluated, and an explanation of educational and outreach programs that will be implemented regarding sustainably managing redwood forests. The plans shall be updated periodically, and the updates submitted for approval by the Executive Officer.”

Findings:

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

- 1. The proposed project is consistent with Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220) regarding integrated coastal and marine resources protection.
- 2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
- 3. A portion of the Sunny Brae property is available for acquisition by donation under the Natural Heritage Preservation Tax Credit Act (“the Act”); and the proposed acquisition appears to comply with the requirements of the applicable portions of the intended funding source, Proposition 50, “The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002,” as well as with the requirements of the Act.”

Moved and seconded. Chair Bosco recused himself from voting. Approved by a vote of 5-0.

5. MANGINI RANCH ACQUISITION

Betsy Wilson of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Seth Adams, Director, Land Program, Save Mount Diablo.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed nine hundred thousand dollars (\$900,000) to Save Mount Diablo (“SMD”) for the acquisition of an approximately 208-acre portion of the Mangini Ranch property as shown in Exhibit 1. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, SMD shall submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”):
 - a. All relevant acquisition documents, including but not limited to escrow instructions, a current appraisal, environmental assessments, purchase agreement, title reports, and documents of title necessary to the acquisition of the property.
 - b. Evidence that sufficient funds are available to complete the acquisition.
 - c. Evidence that SMD has completed the subdivision of the Mangini Ranch property and an access easement to facilitate purchase and use of the property.
2. SMD shall pay no more than fair market value for the property.
3. SMD shall permanently dedicate the Property for habitat preservation, open space protection and public access, through 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 approved by the Executive Officer, and maintain the property to allow public access.”

Findings:

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

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. SMD is a nonprofit organization existing under provisions of U.S. Internal Revenue Code Section 501(c)(3) whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved by a vote of 6-0.

6. STEVENS CANYON RANCH ACQUISITION

Amy Hutzel of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Craig Britton, Midpeninsula Regional Open Space District

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Midpeninsula Regional Open Space District (“District”) for the purpose of acquiring Santa Clara County Assessor Parcel Nos. 503-04-001, 503-05-016 and -039, and 503-06-024, known as the Stevens Canyon Ranch (“property”), consisting of 238 acres, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the District shall submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”):
 - a. All relevant acquisition documents, including without limitation, a current appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and title report.
 - b. Evidence that sufficient funds are available to complete the acquisition.
2. The District shall pay no more than fair market value for the property.
3. The District shall permanently dedicate the property for habitat preservation, open space protection and public access, through an irrevocable offer to dedicate an interest in the property or other instrument approved by the Executive Officer, and maintain the property to allow public access.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been 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 project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Moved and seconded. Approved by a vote of 6-0.

Board member Jeremy Hallisey left the meeting room.

7. BAY AREA INTEGRATED REGIONAL WATER MANAGEMENT PLAN

Jeff Melby of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes:

1. The Conservancy to enter into and the Executive Officer to execute all agreements required for a grant to the Conservancy of four hundred fifty-one thousand, two hundred thirty dollars (\$451,230) from the California Department of Water Resources for the development and preparation of the Watershed Management/Habitat Protection and Restoration and the Flood Protection and Stormwater Management components of the Bay Area Integrated Regional Water Management Plan and to integrate those components into the Plan.
2. Disbursement of additional Conservancy funds in an amount not to exceed two hundred thousand dollars (\$200,000) to further the development and integration of the Watershed Management/Habitat Protection and Restoration and the Flood Protection and Stormwater Management components of the Bay Area Integrated Regional Water Management Plan.
3. The Conservancy to enter into and the Executive Officer to execute a Memorandum of Understanding by which the Conservancy would participate in the Bay Area Water Forum, and the Conservancy to receive and disburse funds donated by other public agencies participating in the Forum for strategic planning and facilitation support.”

Findings:

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

1. The proposed authorizations are consistent with Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 *et seq.*), regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The proposed authorizations are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy Board on January 24, 2001.”

Moved and seconded. Approved by a vote of 5-0.

8. SAN FRANCISCO BAY AREA UPLAND HABITAT GOALS REPORT

Ann Buell of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Bettina Ring, Bay Area Open Space Council.

Board member Jeremy Hallisey returned to the meeting room.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred fifty thousand dollars (\$150,000) to Greenbelt Alliance to develop Phase I of the *San Francisco Bay Area Upland Habitat Goals* report, subject to the condition that prior to the disbursement of any Conservancy funds:

1. Greenbelt Alliance shall submit for the review and written approval of the Executive Officer a detailed work program, budget and schedule; and the names and qualifications of any contractors and subcontractors that it intends to employ.
2. The Conservancy has received fifty thousand dollars (\$50,000) in matching funds for this project from the Gordon and Betty Moore Foundation.”

Findings:

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

1. The *San Francisco Bay Area Upland Habitat Goals* project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31160-31165 regarding the Conservancy's mandate to address the resource and recreation goals of the San Francisco Bay Area, and with the authority of the Conservancy under Public Resources Code Section 31111 to award grants to non-profit organizations for these purposes.
2. The *San Francisco Bay Area Upland Habitat Goals* project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Greenbelt Alliance is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. Approved by a vote of 6-0.

9. LAGUNA COAST WILDERNESS PARK ACQUISITION

Deborah Ruddock of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred seventy-one thousand three hundred dollars (\$171,300) to the City of Laguna Beach (“City”) for the acquisition of the Decker/Bossard property, County of Orange Assessors Parcel No. 632-081-08, adjacent to the Laguna Coast Wilderness Park (“LCWP”). This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition of the property, the City shall submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):

- a. All relevant acquisition documents, including without limitation, an appraisal, purchase agreement, escrow instructions, environmental assessment, and title report.
 - b. Evidence of commitment by the County of Orange to manage the property as part of the Laguna Coast Wilderness Park for open space, public access and wildlife habitat.
2. The City shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
 3. The City shall permanently dedicate the property for open space, public access and habitat preservation, through an appropriate instrument approved by the Executive Officer.
 4. The City shall acknowledge Conservancy and Proposition 12 funding by erecting and maintaining signs on the property, the design and location of which have been 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 project is consistent with Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31409) with respect to public access. The proposed acquisition will connect important coastal watershed and scenic areas in the Laguna Coast Wilderness Park, part of a regional park system.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 21, 2001.
3. The proposed project would serve a greater-than-local need.”

Moved and seconded. Approved by a vote of 6-0.

10. CONSENT ITEMS

A. PRICE CREEK RANCH

Resolution:

“The State Coastal Conservancy hereby authorizes the expenditure of \$30,000 of the funds previously authorized on December 8, 2005 for acquisition of a conservation easement on the Price Creek Ranch (Humboldt County Assessor’s Parcel Numbers 102-101-001, 106-161-011, 106-161-012, 106-161-013, 106-171-001, and 106-171-003) to purchase an option to secure the acquisition of the conservation easement. This authorization is subject to the condition that, prior to the disbursement of funds the Conservancy review, approve, and execute with the seller an agreement that outlines the terms of the purchase.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed authorization is consistent with Chapter 8 of Division 21 of the Public Resources Code (Sections 31350 *et seq.*), regarding reservation of significant coastal resources, and remains consistent with Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220 *et*

seq.) regarding protection of coastal resources and with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

B. BALLONA WETLANDS

Resolution:

“The State Coastal Conservancy hereby amends its December 4, 2004 authorization to add the disbursement of an amount not to exceed two hundred forty five thousand dollars (\$245,000) for technical studies, planning, data collection, and other work associated with planning the restoration and enhancement of the Ballona Wetlands, subject to the condition that prior to disbursement of any funds for any work, the Conservancy’s Executive Officer shall approve the work plan, budget and the contractor for that work.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed project remains consistent with the Conservancy’s December 4, 2004 findings regarding the Conservancy’s enabling legislation and Project Selection Criteria and Guidelines.”

Moved and seconded. All consent items were approved by a vote of 6-0.

11. EXECUTIVE OFFICER’S REPORT

- a. Sam presented to the board the Strategic Plan: 3rd Report (the memo is linked to the minutes – summary chart is a separate document included with these minutes). The Board agreed to wait until the Ocean Protection Council finished its strategic plan in June before updating the Conservancy’s plan.
- b. Deborah Ruddock gave the Legislative Report. Report is included with these minutes.

12. DEPUTY ATTORNEY GENERAL’S REPORT

No report.

13. BOARD MEMBER COMMENTS

Chairman Bosco indicated his view that the Conservancy should play a large role in helping to resolve problems in the Klamath, and should consider adding this to the Conservancy’s strategic plan.

14. PUBLIC COMMENT

There was no public comment

15. CLOSED SESSION

There was no closed session.

16. ADJOURNMENT

The meeting was adjourned at 12:30 p.m.