

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

October 5, 2006
1:00 pm
San Jose City Hall
200 East Santa Clara Street
San Jose, CA

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chair
Ann Notthoff (Public Member)
Jeremey Hallisey (Public Member
Meg Caldwell (California Coastal Commission)
Fred Klass (Designated Representative, Department of Finance)

OVERSIGHT LEGISLATORS PRESENT:

There were no Oversight members present

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General
Jack Judkins, Staff Counsel

1. ROLL CALL

2. **APPROVAL OF MINUTES**

The Minutes of the June 29, 2006 public meeting were approved without change.

Chairman Bosco, acknowledged Steve Horn's retirement from the Conservancy.

3. **LAKE MERRITT CHANNEL**

Item pulled from agenda due to CEQA lawsuit and will be rescheduled.

4. **LAKE MERRITT'S FIVE BIRD ISLANDS**

Maxene Spellman of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation was Marklee Barbinger, Project Manager, Lake Merritt.

Resolution:

“The State Coastal Conservancy hereby authorizes acceptance of one million dollars (\$1,000,000) in funds awarded to the Conservancy by the Wildlife Conservation Board (“WCB”), and disbursement of up to \$1,000,000 to the City of Oakland (“the City”) to restore bird habitat on the lake’s five bird islands, and to create a demonstration wetland along the lake’s shoreline; to analyze the potential for inter-island marsh habitat, and to refine designs and cost estimates for implementation.

Prior to the Conservancy’s disbursement of funds:

1. The Conservancy and WCB shall enter into a memorandum of understanding authorizing the Lake Merritt Channel and Bird Islands Restoration as an approved project under WCB Agreement WC-3032BT.
2. The City shall submit for the review and written approval of the Executive Officer of the Conservancy a detailed work program, schedule, and budget and the names and qualifications of any contractors to be employed in carrying out the projects.”

Following the completion of constructed projects, the City shall maintain them for their reasonable life but no less than twenty years.”

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, Sections 31160-31165.
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 5-0.

5. **YOSEMITE SLOUGH**

Joan Cardellino of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation was: Barbara Hill, California State Parks Foundation; Mike Josselyn, Wetland Research Association gave a slide presentation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three million three hundred sixteen thousand nine hundred eleven dollars (\$3,316,911) to the California State Parks Foundation (CSPF) for the purposes of implementation of Phase 1 of the Yosemite Slough Restoration Project involving habitat restoration and construction of environmental education and public access facilities at Yosemite Slough, Candlestick Point State Recreation Area. The State Coastal Conservancy also hereby authorizes the Association of Bay Area Governments (ABAG) to disburse to CSPF an amount not to exceed one hundred seventy-two thousand dollars (\$172,000) of the Conservancy funds authorized on September 15, 2004 to construct 1,130 feet of Bay Trail along the perimeter of Yosemite Slough. These authorizations are subject to the following conditions:

1. Prior to disbursement of any funds under this authorization:
 - a. There shall be in place a fully executed Memorandum of Understanding between the Conservancy and the Wildlife Conservation Board (WCB) authorizing the project as an “approved project” under WCB Agreement Number WC-3032BT.
 - b. CSPF shall provide documentation that all funds required for the completion of Phase 1 of the Yosemite Slough Restoration Project have been secured.
2. Prior to the disbursement of funds to CSPF for the habitat restoration and environmental education facilities components of the project, CSPF shall submit the following for the review and written approval of the Executive Officer of the Conservancy:
 - a. The names and qualifications of any contractors to be retained to carry out the project components.
 - b. A detailed work plan for the project components, including a final budget and schedule.
 - c. The proposed revegetation plan - for consideration of consistency with the Conservancy’s Invasive Spartina Project.
 - d. Documentation that all permits and approvals necessary to the completion of the project components have been obtained.
 - e. A signing plan acknowledging the Conservancy’s funding of the project components.
3. Prior to the disbursement of funds to CSPF for the habitat restoration and environmental education facilities components of the project, CSPF and the California Department of Parks and Recreation (DPR), the owner of the project site, have entered into and recorded an agreement sufficient to protect the public interest in the project under Public Resources Code Section 31116(c) and providing access to the project site and authorizing the project work.
4. Prior to the disbursement of funds by ABAG for the Bay Trail component of the project, ABAG shall submit the following for the review and written approval of the Executive Officer:

- a. The names and qualifications of any contractors to be retained to carry out the project component.
 - b. A detailed work plan, including a final budget and schedule.
 - c. Documentation that all permits and approvals necessary to the completion of the project component have been obtained.
 - d. A signing plan acknowledging the Conservancy's and WCB's funding of the project component.
5. Prior to the disbursement of funds by ABAG for the Bay Trail component of the project, ABAG and DPR, the owner of the project site, have entered into and recorded an agreement, providing access to the project site and authorizing the project work, and by which DPR agrees to maintain in perpetuity the portion of the Bay Trail constructed under the project.
 6. All project work shall be undertaken in full compliance with the requirements of all permits and approvals and CSPF and ABAG shall assure implementation of all relevant mitigation measures and the relevant portions of the mitigation monitoring and reporting program contained in the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the project (attached to the accompanying staff recommendation as Exhibits 2a and 2b), adopted by DPR on June 5, 2006.”

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 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of, and improvement of public access to, the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
3. The proposed authorization will serve greater than local needs, by providing for public access to the shoreline and by restoring critical habitat for special status wildlife species that are of national concern.
4. The California State Parks Foundation is a statewide nonprofit organization existing under Internal Revenue Service Code Section 501(c)(3) whose purposes are consistent with Division 21 of the California Public Resources Code.
5. The Conservancy has independently reviewed the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, attached to the accompanying staff recommendation as Exhibit 2a and 2b, which was adopted by the California Department of Parks and Recreation on June 5, 2006, and finds that there is no

substantial evidence that the project, as mitigated, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

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

6. **TOMALES FARM AND DAIRY**

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: John Williams, Tomales Farm and Dairy; Bettina Ring, Bay Area Open Space Council.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Marin Agricultural Land Trust for the purpose of the acquisition of an agricultural conservation easement over 178 acres of the Tomales Farm and Dairy property (Marin County Assessors Parcel Nos. 102-140-16 and 102-140-06), subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the Marin Agricultural Land Trust shall:
 - a. Submit for review and approval of the Executive Officer of the Conservancy (the “Executive Officer”), all relevant acquisition documents, including, without limitation, appraisals, purchase agreements, conservation easements, escrow instructions and documents of title; and
 - b. Provide written evidence to the Executive Officer that all other funds necessary to the acquisition have been obtained.
2. The purchase price of the conservation easement shall not exceed fair market value, as established in an appraisal approved by the Executive Officer of the Conservancy.
3. The easement interest acquired under this authorization shall be managed and operated in a manner consistent with the purpose of agricultural conservation, open space preservation and natural resource protection. The property interests acquired under this authorization shall be permanently dedicated to those purposes in accordance with Public Resources Code Section 31116(b).
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign, the design and placement 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 Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 *et seq.*), regarding the Conservancy's mandate to address the preservation of agricultural lands.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Marin Agricultural Land Trust is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes, which include the preservation of land for agricultural and open space opportunities, are consistent with Division 21 of the Public Resources Code."

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

7. **SAN FRANCISCO BAY AREA CONSERVANCY PROGRAM**

Ann Buell of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred twenty thousand dollars (\$320,000) to Greenbelt Alliance, acting through the Bay Area Open Space Council, to produce a plan for the protection of open space priority land in the San Francisco Bay Area and to further the natural resource and recreational goals of the San Francisco Bay Area Conservancy Program. Prior to disbursement of any Conservancy funds, Greenbelt Alliance shall submit for review and approval of the Executive Officer of the Conservancy a detailed work program, timeline, and budget, and the names and qualifications of any intended contractors."

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 4.5 of Division 21 of the California Public Resources Code (Sections 31160-31165) regarding the San Francisco Bay Area Conservancy Program.
2. The proposed 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, and whose purposes are consistent with Division 21 of the California Public Resources Code."

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

8. **ALAMEDA CREEK**

Brenda Buxton 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 twenty thousand dollars (\$120,000). Up to eighty thousand dollars (\$80,000) shall go to the Alameda County Water District and up to forty thousand dollars (\$40,000) shall go to the Center for Ecosystem Management and Restoration to manage and conduct technical studies necessary to determine water flows for restoration of steelhead fisheries to Alameda Creek, subject to the condition that, prior to the disbursement of Conservancy funds to each entity, Alameda Water District and the Center for Ecosystem Restoration shall submit for the review and written approval of the Executive Officer of the Conservancy project work programs, budgets and timelines, and the names of any contractors and subcontractors to be retained to carry out the project work.”

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 of Chapter 4.5 of Division 21 of the California Public Resources Code (Sections 31160-31165) regarding the Conservancy’s mandate to address resource goals of San Francisco Bay Area;
2. The proposed project is consistent with the Project Selection Criteria and Guidelines and adopted by the Conservancy on January 24, 2001; and
3. The Center for Ecosystem Management and Restoration is a private, nonprofit organization incorporated under 501(c)(3) of the U.S. Internal Revenue Service Code and has purposes consistent with Division 21 of the Public Resources Code.”

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

9. **PARSONS SLOUGH**

Trish Chapman of the Coastal Conservancy presented the Staff recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to two hundred thousand dollars (\$200,000) of grant funds from the U.S. Environmental Protection Agency to the Elkhorn Slough Foundation for preparation of a wetland restoration plan for the Parsons Slough area of Elkhorn Slough, subject to the condition that prior to the disbursement of funds, the Executive Officer of the Conservancy shall approve in writing a work program, budget, schedule and any contractors to be employed for these tasks.”

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 6 of the Public Resources Code (31251-31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Elkhorn Slough has been identified in the County of Monterey’s Local Coastal Plan as an environmentally sensitive habitat area which should be preserved and restored.
4. The Elkhorn Slough Foundation is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

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

Conservancy member Meg Caldwell stepped away from the meeting.

10. **WETLANDS RECOVERY PROJECT**

Karen Bane of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Southern California Coastal Water Research Project (SCCWRP) to implement the Southern California Wetlands Recovery Project Science Advisory Project, subject to the condition that prior to the disbursement of any funds, SCCWRP shall submit for review and approval of the Executive Officer of the Conservancy a work program, budget, schedule and any contractors or subcontractors to be employed for these tasks.”

Findings:

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

The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of the Public Resources Code (31251-31270) regarding enhancement of coastal resources.

1. The proposed project is consistent with the guidelines and criteria set forth in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.”

Moved and seconded. Approved by a vote of 4-0.

Conservancy member Meg Caldwell returned to the meeting.

11. TALL SHIP SWIFT OF IPSWICH

Neal Fishman of the Coastal Conservancy presented the Staff recommendation.

Speaking in favor of the Staff Recommendation and presenting a slide show: Jim Gladson and Alice Robinson, L.A. Maritime Institute.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) to the Los Angeles Maritime Institute to repair the tall ship *Swift of Ipswich*, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the Association shall submit for review and approval of the Executive Officer of the Conservancy (“Executive Officer”) a budget, schedule, final designs and plans, and any contractors and subcontractors to be employed;
2. The Los Angeles Maritime Institute shall identify the Coastal Conservancy as a sponsor of the *Swift of Ipswich* on educational materials, advertisements, and publications, in a manner that shall be approved by the Executive Officer of the Conservancy.”

Findings:

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

1. The proposed project is consistent with Section 31119 (regarding education projects) and Chapter 7 (regarding urban waterfronts) of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Los Angeles Maritime Institute is a private nonprofit organization 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.”

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

12. TRINIDAD PIER

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred seventy-five thousand dollars (\$375,000) to the Cher-Ae Heights Indian Community of the Trinidad Rancheria (“the Rancheria”) to undertake engineering designs, preparation of environmental documents and permit applications for the reconstruction of the public fishing pier in Trinidad. This authorization is subject to the condition that prior to the disbursement of funds, the Rancheria shall submit for the review and approval of the Executive Officer of the Conservancy a

work program, schedule and budget, and the names of any contractors to be employed in preparation of the feasibility studies.”

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 in Chapter 7 of Division 21 of the Public Resources Code (Sections 31300-31315) regarding the restoration of urban waterfronts.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 21, 2001.”

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

13. **CONSENT ITEMS**

A. **NAVARRO WATERSHED RESTORATION PLAN**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$172,000 (one hundred seventy-two thousand dollars) to the Mendocino County Resource Conservation District to conduct Mill Creek upslope road sediment reduction and Navarro River watershed monitoring activities, and to implement a watershed awareness signing program, all of which will further implement the *Navarro Watershed Restoration Plan (approved by the Conservancy on August 6, 1999)*, subject to the following conditions:

1. Prior to the disbursement of any funds, the Executive Officer of the Conservancy shall approve in writing a work plan, budget and schedule, any contractors or subcontractors to be employed in these tasks, and a signing plan that acknowledges Conservancy funding.
2. The grantee shall implement the applicable requirements of the Negative Declaration and its Mitigation Measures, Monitoring and Reporting Program (attached as Exhibit 3 to the accompanying staff recommendation) adopted on July 7, 2004 by the California Department of Fish and Game for the 2004 Fisheries Restoration Grant Program.
3. The grantee shall submit for approval by the Executive Officer proof of appropriate permits and access agreements sufficient to implement all on-the-ground tasks.”

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. The Conservancy has independently reviewed the Mitigated Negative Declaration prepared and adopted by the California Department of Fish and Game (“CDFG”) on July 7, 2004, attached to the accompanying staff recommendation as Exhibit 3, and concurs there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment as defined in 14 California Code of Regulations Section 15382.
4. There is no evidence before the Conservancy that the project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.
5. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in 14 California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.”

B. EEL RIVER SALMONID RESOURCES PROJECT

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Center for Ecosystem Management and Restoration (“CEMAR”) for the preparation of the Eel River Salmonid Resources Project, as described in the accompanying staff recommendation. Prior to commencement of work, CEMAR shall submit for the review and approval of the Executive Officer of the Conservancy a work program, schedule for completion and project budget, and the names and qualifications of any contractors to be employed in the preparation of the Resources 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 6 (Sections 31251-31270) of Division 21 of the Public Resources Code regarding the enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.

The Center for Ecosystem Management and Restoration is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Service Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

C. HUMBOLDT BAY WATER TRAILS

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to one hundred thousand dollars (\$100,000) to the Redwood Community Action Agency, a nonprofit organization, to complete the design and engineering phase of the Humboldt Bay Water Trails Implementation Program. Prior to disbursement of any funds, the Executive Officer of the Conservancy shall approve in writing a work plan, budget and schedule, and any contractors to be employed in these tasks.”

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 regarding public access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Redwood Community Action Agency is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

D. MARSH CREEK

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to American Rivers, a nonprofit organization, to construct a fish ladder over a grade-control drop structure located approximately three miles from the mouth of Marsh Creek in the City of Brentwood, subject to the following conditions:

1. The project shall not commence and no Conservancy funds shall be disbursed for the project until the Executive Officer of the Conservancy has reviewed and approved in writing:
 - a. A project work program, budget, and timeline.
 - b. The names of any contractors that American Rivers will retain to carry out all or part of the project.
 - c. A signing plan that acknowledges Conservancy funding.
 - d. Documentation that American Rivers has obtained all permits and approvals required for the project under federal, state, and local law.
2. The Conservancy, American Rivers, and the owner of the property on which the project will be constructed shall enter into an agreement sufficient to protect the public interest in any improvement or development constructed as part of this proposed project, in accordance with Public Resources Codes Section 31116(c).”

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 31160-31164, regarding the Conservancy’s mandate to address the resource goals of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. American Rivers is a nonprofit organization existing under provisions of U.S. Internal Revenue Code Section 501(c)(3), and whose purposes are consistent with Division 21 of the Public Resources Code.”

E. VENICE CANALS

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Venice Canals Foundation (VCF) to construct a public beach accessway from the Venice Canals to Venice Beach in Los Angeles County, subject to the condition that prior to disbursement of Conservancy funds for the project, the grantee shall:

1. Submit for the review and approval of the Executive Officer of the Conservancy:
 - a. A work program, including final design plans and specifications, schedule, and budget for construction.
 - b. The names and qualifications of any contractors to be employed in carrying out the work.
 - c. Evidence that that all necessary permits and approvals have been obtained.
 - d. A signing plan for the project acknowledging Conservancy funding; and
2. Enter into an agreement pursuant to Public Resources Code Section 31116(c) with the Conservancy and the City of Los Angeles to protect the public interest in all improvements or developments constructed under this grant and assure public access.”

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 9 of Division 21 of the Public Resources Code (§31400 *et seq.*) regarding public access to the coast.

2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The project will serve access needs beyond those of the local community.”

F. YONKERS CREEK

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of previously authorized Conservancy funds for the County of Trinity’s Five Counties Salmonid Conservation Program to implement fish passage improvement projects at Yonkers Creek (up to \$75,000) and Salmon Creek (up to \$45,000) within the counties of Del Norte and Humboldt, respectively, subject to the following conditions:

1. Prior to the implementation of and the disbursement of funds for either project, the County shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - a. A work program, including schedule, budget and detailed site plans for the project and a plan for post-implementation monitoring to evaluate the success of the project.
 - b. A sign plan to acknowledge Conservancy and any Proposition 12 funding for the project.
 - c. The names and qualifications of any contractors to be employed on the project.
 - d. Documentation that all permits and approvals necessary to the completion of the project have been obtained.
2. All project work shall be undertaken in full compliance with the requirements of all permits and approvals and the County of Trinity shall assure implementation of all relevant mitigation measures and the relevant portions of the mitigation monitoring and reporting program for the implementation of the Yonkers Creek fish passage project contained in the Final Mitigated Negative Declaration for the 2005 Fisheries Restoration Grant Program (Mitigated Negative Declaration) and the Mitigation Monitoring and Reporting Program (MMRP) (attached to the accompanying staff recommendation as Exhibits 4 and 5, respectively), adopted by the Department of Fish and Game on May 19, 2005.”

Findings:

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

1. The proposed projects are 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, and set forth in Chapter 6 of Division 21 (sections 31251 –

31270) of the Public Resources Code, 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.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration and the MMRP (Exhibits 4 and 5) with respect to the implementation of the fish passage project at Yonkers Creek. The Conservancy finds that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382. ”

G. WILDLIFE-FRIENDLY POND RESTORATION

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed fifty thousand dollars (\$50,000) to the Alameda County Resource Conservation District (“ACRCD”) to assist in the restoration of a minimum of five livestock ponds in Alameda County pursuant to Natural Resources Conservation Service wildlife-friendly design standards and specifications, subject to the following conditions:

1. The work shall not have commenced prior to September 1, 2006.
2. Prior to the disbursement of Conservancy funds, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy a work program, schedule for completion and project budget, the names and qualifications of any contractors employed or to be employed, a plan for acknowledging Conservancy funding, and documentation that ACRCD has obtained all permits and approvals required for the project under federal, state, and local law. For each project site, the grantee shall also submit for the Executive Officer’s review and approval an agreement or other instrument providing for the maintenance of the ponds for a minimum of 10 years according to Natural Resources Conservation Service (NRCS) design standards and specifications.”

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 4.5 (Sections 31160-31164) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
3. The Conservancy has independently reviewed the Negative Declaration for the Alameda County Partners in Restoration Permit Coordination Program as adopted on December 3, 2004 by the Board of Directors of the Alameda County Resource Conservation District, and

as attached to the accompanying staff recommendation as Exhibit 2, and finds that there is no substantial evidence that the implementation of the Alameda County Wildlife-Friendly Pond Restoration project, which is being undertaken as a part of the Permit Coordination Program, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

H. LAKE BERRYESSA SHORLINE TRAIL

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed nine thousand five hundred dollars (\$9,500) to Berryessa Trails and Conservation to design two regionally significant trail segments, totaling approximately 6 miles, of the proposed 150-mile Lake Berryessa Shoreline Trail in the Lake District of eastern Napa County, subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing a final work plan, including a budget and schedule, and any contractors proposed to be used.”

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 4.5 of Division 21 of the California Public Code (Sections 31160-31164) regarding the Conservancy’s mandate to address the resource and recreation goals of the San Francisco Bay area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Berryessa Trails and Conservation 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.”

H. CHANNEL ISLAND NATIONAL MARINE SANCTUARY

Resolution:

“The State Coastal Conservancy hereby adopts the Initial Study and Mitigated Negative Declaration for the Channel Islands Derelict Fishing Gear Removal Project and the associated Mitigation and Monitoring Program, attached to the accompanying staff recommendation as Exhibits 2 and 3, respectively, and authorizes the disbursement of an amount not to exceed forty five thousand dollars (\$45,000) to the Regents of the University of California, Davis Campus, Wildlife Heath Center, SeaDoc Society (“SeaDoc Society”) for the removal of derelict fishing gear in Channel Islands National Marine Sanctuary and Channel Islands National Park, including work already undertaken, subject to the following conditions:

1. Prior to disbursement of Conservancy funds, the SeaDoc Society shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - a. A detailed work program, schedule, and budget.
 - b. The names and qualifications of any contractors to be employed in carrying out the project.
 - c. Evidence that all necessary permits and/or approvals have been obtained.
 - d. Evidence that all other funds necessary to complete the project have been obtained.
2. At the conclusion of the project, the SeaDoc Society shall provide to the Conservancy a written report documenting the implementation of all mitigation measures required in the Mitigated Negative Declaration for the project as well as a monitoring report indicating the success of the mitigation measures, in accordance with Public Resources Code Section 21081.6.”

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 the Public Resources Code (Section 31220), regarding the Conservancy’s authority to protect and restore marine resources;
2. The Conservancy has reviewed the Initial Study and proposed Mitigated Negative Declaration for the Channel Islands Derelict Fishing Gear Removal Project, attached to the accompanying staff recommendation as Exhibit 2, and finds that the project, as mitigated, avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 Cal. Code of Regulations Section 15382;
3. The proposed project is consistent with the Conservancy’s Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001;
4. There is no evidence before the Conservancy that the Channel Islands Derelict Fishing Gear Removal Project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.”

Moved and seconded. All Consent Items were approved by a vote of 5-0.

14. EXECUTIVE OFFICER’S REPORT

- a. Sam Schuchat introduced Nadine Hitchcock, who presented a draft report on the San Francisco Bay Area Integrated Regional Water Management Plan. Ms. Hitchcock informed the Conservancy that staff would present and request that the Conservancy consider and adopt the plan at the November meeting.
- b. Adoption of 2007 meeting schedule approved with change to Sept. 20 due to end of Legislative session. (Adopted scheduled attached to the minutes)

- c. EO Sam Schuchat presented the Conservancy with proposed “SCC Easement Standards and Practices” for discussion. After a discussion by the Conservancy members, staff stated its intention to bring the Standards and Practices back to the Conservancy for consideration and possible adoption at the November Conservancy meeting. The Conservancy members requested that staff provide notice to the public agencies and nonprofit organizations involved in development of the Standards and Practices that the adoption of the proposed Standards and Practices would be considered at the November board meeting. (The staff memo presented to the Conservancy is attached to the minutes).
- d. Michael Bowen provided an update on the Klamath River. His discussion included updates on the Conservancy and OPC authorized Klamath Sediment Study, the Federal Energy Regulatory Commission relicensing process, and the recent decision by Administrative Law Judge Parlen McKenna regarding several issues of fact contested by Klamath dam owner PacifiCorp, with regard to conditions recommended to the Federal Energy Regulatory Commission (FERC) for the relicensing of their dams and hydroelectric facilities. In summary, the sediment study yielded no evidence of significant contamination behind the dams and provided suggested methods for removal of the dams, FERC’s EIS is due in December of this year, and McKenna found that proposed prescriptions made by the Department of the Interior (DOI) and the Department of Commerce would benefit salmon, steelhead, and lamprey by providing access to an estimated 58 miles of habitat between PacifiCorp dams. Additional information may be found at:
<http://www.fws.gov/news/NewsReleases/showNews.cfm?newsId=F5AF9657-EA1F-639B-EA87807F99989A1A>

15. DEPUTY ATTORNEY GENERAL REPORT

Roth V. Coastal Commission, et al. The demurrer filed by the Coastal Commission and the Coastal Conservancy was sustained without leave to amend. The case was dismissed. An appeal is expected.

16. BOARD MEMBER COMMENTS:

There were no comments

17. PUBLIC COMMENT

There was no public comment\

18. CLOSED SESSION

There was no close session

19. ADJOURNMENT: Meeting was adjourned at 4:07 pm

