

**STATE COASTAL CONSERVANCY  
PUBLIC MEETING MINUTES**

September 25, 2008  
9:00 a.m.  
Humboldt Bay Aquatic Center  
Eureka, CA

**MEMBERS PRESENT:**

Douglas Bosco (Public Member), Chair  
Marisa Moret (Public Member)  
Karen Finn (Designated Representative, Department of Finance)  
Bryan Cash (Designated Representative, Resources Agency)  
Susan Hansch (Designated Representative, Coastal Commission Chair)

**OVERSIGHT LEGISLATORS PRESENT:**

Assembly Member Patty Berg

**OTHERS PRESENT:**

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

The meeting began with Chairman Bosco introducing Rollin Richmond, President of Humboldt State University, which manages the Humboldt Bay Aquatic Center, site of the meeting. Mr. Richmond welcomed the Conservancy to Humboldt County. The chair also recognized Humboldt County Supervisors John Wooley and Bonnie Neeley.

**1. ROLL CALL**

The roll was called, and a quorum was determined to be present.

**2. APPROVAL OF MINUTES**

Moved and seconded. The minutes of the June 5, 2008 public meeting were approved without change, 5-0.

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**3. CONSENT ITEMS**

**A. SAN CLEMENTE DAM REMOVAL PROJECT**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to one hundred twenty thousand dollars (\$120,000) to the Planning and Conservation League Foundation (PCLF) to contribute to the planning and development of the San Clemente Dam Removal Project in cooperation with the Conservancy, California American Water and the National Marine Fisheries Service. Prior to the disbursement of funds, the Executive Officer of the Conservancy shall approve in writing a work program, including budget and 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 dam removal project is consistent with the Conservancy’s current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220), regarding integrated marine and coastal resource enhancement.
3. The dam removal project is consistent with applicable local watershed management plans and water quality control plans.
4. PCLF 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.”

**B. FISH-PASSAGE IMPROVEMENT PROJECT**

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 Conner Creek (up to \$159,518) and Ancestor Creek (up to \$105,495) within the counties of Trinity and Mendocino, respectively, subject to the following conditions:

1. Prior to the disbursement of funds for either project, the County shall submit for the review and written approval of the Executive Officer of the Conservancy:

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- a. A work program, including schedule, budget and detailed site plans for each of the projects and a plan for post-implementation monitoring to evaluate the success of each of the projects.
  - b. A sign plan to acknowledge Conservancy funding for the projects.
  - c. The names and qualifications of any contractors to be employed on the projects.
  - d. Documentation that all permits and approvals necessary to the completion of the projects have been obtained.
2. In carrying out the projects, the County shall comply with all applicable mitigation and monitoring measures for the projects that are included in the 2008 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (attached to the accompanying staff recommendation as Exhibits 4 and 5), adopted by the Department of Fish and Game on June 9, 2008 under the California Environmental Quality Act (“CEQA”), and shall also comply with all mitigation, monitoring and other measures that are required by any permits and approvals for these projects.
  3. The County shall provide evidence to the Executive Officer of the Conservancy that it has implemented the relevant portions of the Mitigation Monitoring and Reporting Program, attached to the accompanying staff recommendation as Exhibit 5.
  4. The County shall implement post-project effectiveness monitoring for three years following construction according to a monitoring plan 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 projects are consistent with the purposes and criteria set forth in Chapter 5.5 of Division 21 of the Public Resources Code, regarding watershed enhancement, and set forth in Chapter 6 of Division 21 of the Public Resources Code, regarding the enhancement of coastal resources.
2. The project areas identified for action are directly and adversely impacting coastal areas and resources identified in the certified local coastal programs for Del Norte, Humboldt and Mendocino counties as requiring public action to resolve existing or potential resource protection problems.
3. The proposed authorization is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
4. The Conservancy has independently reviewed the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan (Exhibits 4 and 5) adopted under CEQA by the Department of Fish and Game on June 9, 2008, (attached as Exhibits 4 and 5 to the accompanying staff recommendation) with respect to the

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implementation of the fish passage projects at Conner and Ancestor creeks. The Conservancy finds that there is no substantial evidence that the projects to be funded by the Conservancy, as mitigated, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

**C. GREAT CALIFORNIA DELTA TRAIL PLAN**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$100,000 to the Delta Protection Commission to conduct planning for development of the Great California Delta Trail Plan in Contra Costa and Solano Counties. This authorization is subject to the condition that no Conservancy funds shall be disbursed to the Delta Protection Commission until the Executive Officer of the Conservancy has approved in writing a work plan, including a budget and schedule, and the names and qualifications of any contractors proposed to be used to carry out this 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 current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code regarding the Conservancy’s public access goals for the San Francisco Bay Area Conservancy Program.”

**D. SAN LEANDRO SLOUGH**

Resolution:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (ABAG) to disburse an amount not to exceed \$300,000 (three hundred thousand dollars) of the total Conservancy funds authorized on September 20, 2007 to the City of San Leandro to construct an approximately 0.2-mile San Francisco Bay Trail crossing over San Leandro Slough, Alameda County, subject to the following conditions:

1. Prior to the disbursement of funds, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and a grant agreement between ABAG and the City of San Leandro.
2. ABAG shall ensure installation of signs identifying the slough crossing and acknowledging the Conservancy and displaying its logo in a manner approved by the Executive Officer.

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3. ABAG shall ensure compliance by the City of San Leandro with all project actions, components and mitigation measures that are identified as needed to reduce or avoid significant environmental effects in the Mitigated Negative Declaration adopted for the “Oyster Point Bridge at Oyster Bay Slough” project by the City of San Leandro on June 18, 2007 pursuant to the California Environmental Quality Act (CEQA), and accompanying the project staff recommendation as Exhibit 4.
4. ABAG shall provide documentation during the course of the project that the required project actions and mitigation measures have been implemented by or on behalf of the City of San Leandro.”

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, last updated by the Conservancy on September 20, 2007.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration for the “Oyster Point Bridge at Oyster Bay Slough” project adopted by the City of San Leandro on June 18, 2007 pursuant to CEQA and finds no substantial evidence that the project, as mitigated, will have a significant effect on the environment.”

**E. GLEN COVE WATERFRONT PARK**

Resolution:

“The State Coastal Conservancy hereby authorizes (1) the Association of Bay Area Governments (ABAG) to disburse an amount not to exceed \$200,000 (two hundred thousand dollars) of the total Conservancy funds authorized on September 20, 2007 to the Greater Vallejo Recreation District (GVRD) and (2) disbursement of up to \$75,000 (seventy-five thousand dollars) to the GVRD to construct approximately 3,550 linear feet of trail that will serve both the San Francisco Bay Trail and the Bay Area Ridge Trail, and trail amenities in Glen Cove Waterfront Park, Solano County, subject to the following conditions:

1. Prior to the disbursement of funds, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer) a grant agreement between ABAG and the GVRD.

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2. Prior to the disbursement of funds, ABAG and the GVRD shall each submit for the review and approval of the Executive Officer a final work program, schedule and budget.
3. ABAG and the GVRD shall each submit a sign plan for the review and approval of the Executive Officer (signs shall identify the trail segments and acknowledge the Conservancy and display its logo in a manner approved by the Executive Officer), and shall each ensure installation of signs.
4. ABAG and the GVRD shall ensure compliance by the GVRD with all project actions, components and mitigation measures that are identified as needed to reduce or avoid significant environmental effects in the Environmental Impact Report for the Glen Cove Waterfront Park Master Plan Project certified by the GVRD on September 27, 2007 pursuant to the California Environmental Quality Act (CEQA), and accompanying the project staff recommendation as Exhibit 3.
5. ABAG and the GVRD shall provide to the Executive Officer documentation that the required mitigation measures have been implemented by or on behalf of the GVRD.”

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, last updated by the Conservancy on September 20, 2007.
3. The Conservancy has independently reviewed the Environmental Impact Report for the Glen Cove Waterfront Park Master Plan Project certified by the GVRD on September 27, 2007 pursuant to CEQA and finds no substantial evidence that the portion of the project to be funded by the Conservancy, as mitigated, will have a significant effect on the environment.”

**F. ROMIC SETTLEMENT FUNDS**

Resolution:

“The State Coastal Conservancy hereby authorizes the following:

1. Acceptance from Romic Environmental Technologies Corporation (Romic) of \$60,500 (sixty thousand five hundred dollars) in settlement funds related to a claim by the California Department of Fish & Game for resource damage caused by a chemical release in south San Francisco Bay.

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2. Disbursement of up to \$60,500 (sixty thousand five hundred dollars) of the Romic settlement funds to supplement the existing grant to the California Wildlife Foundation for invasive *Spartina* treatment and eradication for 2009 and 2010 through implementation of portions of the updated three-year site-specific plans for South San Francisco Bay, accompanying the April 24, 2008 Conservancy staff recommendation (Exhibit 1 to the accompanying staff recommendation).
3. This authorization is subject to the same conditions imposed by paragraphs 2(a) through 2(c) of the Conservancy's April 24, 2008 authorizing resolution."

Findings:

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

1. Disbursement of additional funds for ISP Control Program treatment and eradication in South San Francisco Bay remains consistent with Public Resources Code Sections 31160-31165 and with the resolutions, findings and discussion accompanying the Conservancy authorization of April 24, 2008 (Exhibit 1 to the accompanying staff recommendation).
2. The proposed authorization remains consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
3. California Wildlife Foundation is a private nonprofit organizations 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."

**G. SWAN CANYON**

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed twenty two thousand dollars (\$22,000) to Endangered Habitats Conservancy for planning and securing permits for the removal of non-native vegetation and the planting of native vegetation in Swan Canyon in the upper Chollas Creek watershed, subject to the following conditions:

1. Prior to commencement of the project, Endangered Habitats Conservancy (EHC) shall submit for the review and written approval of the Conservancy's Executive Officer the following:
  - a. A detailed work program, including budget and schedule;
  - b. Names and qualifications of any contractors EHC intends to use to carry out the project."

Findings:

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

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1. The proposed project is consistent with the purposes and criteria of Chapter 5.5 of the Public Resources Code (Section 31220) regarding the protection of coastal watershed resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines, last adopted by the Conservancy on September 20, 2007.
3. Endangered Habitats Conservancy 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.”

**H. CARPINTERIA CREEK**

Resolution:

“The State Coastal Conservancy hereby augments its June 16, 2005 authorization by disbursing an additional amount of up to two hundred eighty-nine thousand four hundred and thirty nine dollars (\$289,439) to Earth Island Institute to implement fish barrier removal projects on Carpinteria Creek, subject to the conditions contained in its June 16, 2005 authorization, attached to the accompanying staff recommendation as Exhibit 2.”

Findings:

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

1. The proposed augmentation of funds remains consistent with the Conservancy’s June 16, 2005 authorization regarding resource enhancement under Public Resources Code Sections 31251-31270; and with the Project Selection Criteria and Guidelines.
2. Earth Island Institute 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.”

**I. ARROYO HONDO CREEK**

Resolution:

“The State Coastal Conservancy hereby authorizes broadening the use of two hundred thirty-nine thousand five hundred dollars (\$239,500) previously granted to the Land Trust for Santa Barbara County (Land Trust) for the Arroyo Hondo Steelhead Passage Enhancement project to enable implementation of the Arroyo Hondo Creek Upstream Habitat Enhancement project, subject to the following conditions:

1. Prior to commencement of construction and to disbursement of any Conservancy funds for the upstream habitat enhancement, the Land Trust shall submit for the review and written approval of the Executive Officer of the Conservancy:

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- a. A revised work program, project budget and timeline.
  - b. The names and qualifications of any contractors or subcontractors that the Land Trust intends to employ to construct the project.
  - c. Evidence that all applicable permits and approvals for the project have been obtained.
2. The Land Trust shall enter into and record an agreement under Public Resources Code Section 31116(c) to protect the public interest in the project.”

Findings:

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

1. The currently proposed project is consistent with Public Resources Code Section 31220 regarding watershed restoration.
2. The currently proposed project is consistent with the guidelines and criteria in the Conservancy’s Project Selection Criteria and Guidelines last updated on September 20, 2007.
3. The Land Trust for Santa Barbara County 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.”

“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 June 29, 2006 resolution, findings, and staff report, attached to the accompanying current staff report as Exhibit 2, except as indicated in the current staff report.”

**J. QUIOTA CREEK**

Resolution:

“The State Coastal Conservancy hereby authorizes the redirection of funds authorized to be disbursed to Cachuma Conservation and Release Board on April 27, 2006 for the removal of fish barrier Crossing #2 to remove instead fish barrier Crossing #6 and restore habitat on Quiota Creek, a tributary to the lower Santa Ynez River subject to the previously required conditions.”

Findings:

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

1. The project is consistent with Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources.

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2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001 and updated on September 20, 2007.
3. The project area has been identified in the certified Local Coastal Program of Santa Barbara County as requiring public action to resolve existing or potential resource protection problems.
4. The Conservancy has independently reviewed and considered the Environmental Impact Report/Environmental Impact Statement for the Lower Santa Ynez River Fish Management Plan and Cachuma Project Biological Opinion for Southern Steelhead trout, certified by COMB on November 22, 2004, and the Addendum prepared by COMB under CEQA and adopted on June 23, 2008 (collectively attached to the accompanying staff recommendation as Exhibit 3) and finds that the project as mitigated avoids or reduces the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the project, as mitigated, may have a significant adverse effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.”

**K. SOUTHERN CA WETLAND RECOVERY PROJECT**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to fifty thousand four hundred dollars (\$50,400) to augment its January 18, 2007 authorization to Environment Now to manage the Local Assistance Program of the Southern California Wetlands Recovery Project (WRP). This augmentation is subject to the January 18, 2007 authorization’s conditions, attached to the accompanying staff recommendation as Exhibit 2.”

Findings:

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

The proposed augmentation of funds remains consistent with the findings made under the Conservancy’s January 18, 2007 authorization, attached to the accompanying staff recommendation as Exhibit 2.”

**L. SANTA YNEZ RIVER**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to ninety thousand dollars (\$90,000) to Audubon California for preparation of a feasibility study to assess potential restoration actions to enhance the ecological functions of the Lower Santa Ynez River, subject to the following condition that prior to the disbursement of funds, the Executive Officer of the Conservancy shall approve in

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writing a work program, budget, schedule and any contractors to be employed for these tasks and evidence that Audubon California shall provide all remaining funds needed to complete the study.”

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 set forth in Chapter 6 of Division 21 the Public Resources Code (Section 31251-31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
3. The Santa Ynez River and estuary have been identified in the Certified Local Coastal Program of Santa Barbara County as environmentally sensitive habitat areas which should be preserved and restored.
4. Audubon California 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.”

The entire consent calendar was moved and seconded, and approved by a vote of 5-0.

**4. ARCATA COASTAL RAIL WITH TRAIL PROJECT**

Chair Bosco recused himself from participating with respect to this agenda item due to his provision of pro bono legal advice to an interested party. In the absence of vice-chair Ann Notthoff, board member Marisa Moret served as chair during the presentation of this item. Mr. Bosco left the meeting room for the duration of the item and the ensuing vote.

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Karen Deemer, City of Arcata; John Wooley, Supervisor, Humboldt County; Mark Lovelace, Supervisor-Elect, Humboldt County; Mike Wilson, Commissioner, Humboldt Bay Conservation; Cheryl Willis, Department of CalTrans; Chris Rall, Green Wheels; Paul Pitino, Councilman, City of Arcata; Zuretti Goosby, Representing Senator Pat Wiggins; Bonnie Neely, County of Humboldt; Assemblywoman Patty Berg. (Mr. Lovelace also expressed support for items 5 and 6, below.) Ralph Faust, while generally in support, expressed some concerns, which staff and others then addressed.

Ms. Hansch, with the concurrence of staff, proposed an additional condition and an additional finding for addition to the proposed resolution.

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Resolution, as amended:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million sixty-five thousand dollars (\$1,065,000) to the City of Arcata to prepare final engineering designs and environmental documents, and obtain permits for the construction of 3.8 miles of coastal trail from northern Arcata through the city and extending south toward the City of Eureka ending at Bracut Marsh. Prior to disbursement of any funds, the Executive Officer shall approve in writing a work plan, budget and schedule, and any contractors to be employed in these tasks.

“The City of Arcata shall seek the active participation of Caltrans in the planning process.”

Findings:

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

1. The proposed Arcata Coastal Rail with Trail Project is consistent with Chapter 9 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 September 20, 2007.
3. The proposed project will serve greater than local needs.
4. Caltrans has an integral role to play in identifying trail alternatives along the Highway 101 corridor.

Moved and seconded, and approved as amended, by a vote of 4-0. Mr. Bosco was absent.

Following the vote, Chair Bosco returned and chaired the remainder of the meeting.

**5. HUMBOLDT COUNTY COASTAL TRAIL IMPLEMENTATION PROGRAM**

Liza Riddle of the Coastal Conservancy presented the Staff recommendation

Speaking in favor of the Staff Recommendation: Jan Rice, Natural Resource Service gave a power point presentation; Tom Madson, Director, Humboldt County Public Works; Zurreti Goosby, representing Senator Pat Wiggins; Sungnome Madrone; Don Allan, Humboldt North Coast Land Trust; Rondal Snodgrass (who also expressed support for items 4 and 6).

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$900,000 (nine hundred thousand dollars) to the Redwood Community Action Agency to complete the Humboldt County Coastal Trail Implementation Program – Phase I. Prior to disbursement of any funds, the Executive Officer shall approve in

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writing a work plan, budget and schedule, and any contractors to be retained for 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 Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
2. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
3. The Redwood Community Action Agency is a private nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

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

**6. HUMBOLDT COASTAL NATURE CENTER**

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Carol Vander Meer, Executive Director of Friends of the Dunes gave a power point presentation; Zurreti Goosby, representing Senator Pat Wiggins; John Wooley, Humboldt County Supervisor.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to seven hundred fifty thousand dollars (\$750,000) to the Friends of the Dunes (FOD), to develop the Humboldt Coastal Nature Center to provide a visitor center and educational facilities on the North Spit of Humboldt Bay, subject to the following conditions:

1. Prior to the disbursement of any funds:
  - a. The Executive Officer shall approve in writing a work plan, budget and schedule, any contractors to be used for the activities under this authorization, and final detailed designs of structural renovations for the nature center.
  - b. The grantee shall provide evidence that all permits necessary to this project have been issued.
2. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign or signs, the design and placement of which shall be approved by the Executive Officer.”

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Findings:

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

1. The proposed project is consistent with Public Resources Code Sections 31400-31410 regarding establishing a system of public coastal accessways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on September 20, 2007.
3. FOD is a nonprofit organization existing under Internal Revenue Code Section 501(c)(3), and whose purposes are consistent with Division 21 of the Public Resources Code.

The Conservancy has independently reviewed the Negative Declaration prepared by the Humboldt County Planning Division under the California Environmental Quality Act, and approved by the Humboldt County Planning Commission on April 5, 2007 (attached to the accompanying staff recommendation as Exhibit 6) with respect to the development of the Humboldt Coastal Nature Center. 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.”

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

**7. DUTCH BILL CREEK**

Deborah Hirst of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Lisa Hula, Gold Ridge Resource Conservation gave a Power Point presentation; Zuretti Goosby, representing Senator Pat Wiggins, John Wooley, Humboldt County Supervisor

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$494,500 to the Gold Ridge Resource Conservation District to restore fish passage to approximately 3.4 miles of Dutch Bill Creek, enhance riparian habitat and improve public access across Dutch Bill Creek at Camp Meeker, subject to the conditions that:

1. The GRRCD shall submit for the review and approval of the Conservancy’s Executive Officer a work program, including a final budget, and the names of all contractors that the GRRCD intends to use to complete the project; and
2. The GRRCD shall provide evidence that all necessary permits have been obtained;
3. In carrying out the project, the GRRCD shall comply with all applicable mitigation and monitoring measures of the project that are included in the Mitigated Negative Declaration and Appendix B attached to the accompanying staff recommendation as Exhibit 4, and with all mitigation, monitoring and other measures that are required by permit or approval for this project;

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4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which to be 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 the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code (Section 31251 *et seq.*), regarding enhancement of coastal resources.
2. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
3. The project area has been identified in the certified Local Coastal Program of the County of Sonoma as requiring public action to resolve existing or potential resource protection problems.
4. The Conservancy has independently reviewed the Department of Fish and Game’s programmatic Mitigated Negative Declaration, attached to the accompanying staff recommendation as Exhibit 4, and finds that the project, as mitigated, avoids, reduces or mitigates the possible significant environmental effects and 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 Sections 15074 and 15382.”

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

**8. HARE CREEK BEACH**

Liza Riddle 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 seventy thousand five hundred dollars (\$370,500) to the Mendocino Land Trust (“the MLT”) as follows: Up to \$350,000 to acquire the Hare Creek Beach Property (Mendocino County Assessor Parcel Number 018-450-25, “the Property”) for public access and recreation, habitat conservation, and open space preservation purposes; and, up to \$20,500 for costs associated with the acquisition, including development and implementation of a management plan and stewardship of the Property for three years.

This authorization is subject to the following conditions:

1. Prior to disbursement of any Conservancy funds, the MLT shall:
  - a. Submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”) all relevant acquisition documents,

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including but not limited to the appraisal, agreement of purchase and sale, escrow instructions and documents of title.

- b. Obtain all other funds necessary to complete the acquisition.
2. The MLT shall pay no more than fair market value for the Property, as established in an appraisal approved by the Executive Officer.
3. The MLT shall permanently dedicate the Property for public access, habitat conservation and open space in accordance with Public Resources Code Section 31116(b).
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the Property that has been reviewed and approved by the Executive Officer.
5. Prior to disbursement of any funds for development of the management plan, the MLT shall submit for the review and approval of the Executive Officer a work program, schedule and budget.”

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 Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
2. The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
3. The Mendocino Land Trust is a private nonprofit organization, existing under the provisions of 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.”

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

**9. AUSTIN CREEK WATERSHED**

Liza Riddle of the Coastal Conservancy presented the Staff Recommendation and orally corrected a typo in the Agenda, indicating that the intended amount is \$262,190.

Speaking in favor of the Staff Recommendation: Kara Eckert, Sotoyome Resource Conservation District gave a power point presentation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred sixty-two thousand one hundred ninety dollars (\$262,190) to

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the Sotoyome Resource Conservation District (“SRCD”) for a watershed restoration program, including construction of in-stream improvements in Lower Austin Creek and preparation of engineering designs and environmental documentation for road improvement projects in the Austin Creek Watershed, a tributary to the Russian River, for the purpose of reducing erosion and enhancing critical anadromous fish habitat.

1. Prior to the disbursement of funds for the project, the SRCD 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. The names and qualifications of any contractors to be employed on the project.
  - c. A signing plan for the project acknowledging the Conservancy’s participation in this project.
2. Prior to the disbursement of funds for the *Lower Austin Creek Migration Improvement* component of the project, the grantee shall provide evidence that all permits and approvals necessary to undertake the project have been obtained.”

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 Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
2. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources.
3. The project area is identified by the Sonoma County Local Coastal Program as requiring public action to resolve existing resource protection problems.”

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

**10. POINT REYES HOSTEL**

Joel Gerwein of the Coastal Conservancy presented the Staff Recommendation Resolution:

“The State Coastal Conservancy hereby:

1. Authorizes the disbursement of an amount not to exceed \$230,000 (two hundred thirty thousand dollars) to the National Park Service (NPS) to construct additional family and staff accommodations at the Point Reyes Hostel and to bring the

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Hostel buildings into compliance with current state, federal, and local regulations, subject to the following conditions:

- a) Prior to disbursement of any funds, NPS shall submit for the review and approval of the Executive Officer of the Conservancy:
    - i) Final plans, cost estimates and a plan for signage that acknowledges the Conservancy's funding assistance.
    - ii) Evidence that all necessary permits and approvals have been obtained.
    - iii) The names and qualifications of all contractors NPS retains to complete any portions of the project for which Conservancy funds will be used.
    - iv) A written agreement by which NPS agrees to maintain the improvements to the Hostel for no less than 20 years.
  - b) NPS shall carry out the project in compliance with and shall incorporate all mitigation measures required by the Environmental Assessment/Finding of No Significant Impact, prepared and issued by the National Park Service in 1999, as supplemented by the CEQA Addendum, all attached as Exhibit 3 to the accompanying staff recommendation.
2. Adopts the Environmental Assessment/Finding of No Significant Impact, prepared and issued by the National Park Service in 1999, as supplemented by the CEQA Addendum, all attached as Exhibit 3 to the accompanying staff recommendation, as and in lieu of a Mitigated Negative Declaration for the Point Reyes Hostel project.
  3. Adopts the Point Reyes Hostel Expansion Project Mitigation Monitoring Program, attached as Exhibit 4 to the accompanying staff recommendation.”

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

#### **11. ESTERO AMERICANO WATERSHED**

Matt Gerhart of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Lisa Hula, Executive Director, Gold Ridge Resource Conservation District

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$155,000 (one hundred fifty five thousand dollars) to the Gold Ridge Resource Conservation District (RCD) for the implementation of dairy enhancement projects on agricultural properties in the Estero Americano watershed in Sonoma and

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Marin counties, subject to the condition that prior to the disbursement of any Conservancy funds with respect to a particular project site:

1. The Executive Officer of the Conservancy (“the Executive Officer”) shall approve in writing
  - a. A work plan, budget and project schedule, and any contractors and subcontractors to be employed in the project.
  - b. A plan for the installation and maintenance of signage acknowledging the Conservancy funding, which details the design and location of the proposed sign(s).
2. The RCD shall enter into and record an agreement satisfactory to the Executive Officer with the landowner of the project site for the provision of access to the property and monitoring and maintenance of the project.
3. The RCD shall provide documentation that all permits and approvals necessary to completion of the project under federal, state and local laws have been obtained.”

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

**12. MOORE CREEK PROPERTY**

Amy Hutzel of the Coastal Conservancy presented the Staff Recommendation and orally corrected a typo in the Agenda, indicating that the intended amount is \$1,650,000.

Speaking in favor of the Staff Recommendation: John Woodbury, Napa County Regional Park and Open Space District

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$1,650,000 (one million six hundred fifty thousand dollars) to Napa County Regional Park and Open Space District for the purpose of acquiring the 673-acre Moore Creek Property (Napa County Assessor Parcel Nos. 020-200-034, 020-280-030, 020-060-025, and 020-060-023), subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, Napa County Regional Park and Open Space District shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and documents of title.
  - b. Evidence that sufficient funds are available to complete the acquisition.

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2. Napa County Regional Park and Open Space District shall pay no more than fair market value for the fee interest in the property based on an appraisal of the property.
3. Napa County Regional Park and Open Space 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 in accordance with Public Resources Code Section 31116(b).
4. Napa County Regional Park and Open Space District may lease a portion of the acquired property for grazing provided that the grazing is carried out in a manner consistent with the purposes of this authorization and that all funds generated under the lease are used for maintenance, operation or improvement of the property.
5. 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 31160-31165.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.”

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

**13. CHAPARRAL SPRING**

Michelle Jespersen of the Coastal Conservancy presented the Staff Recommendation Speaking in favor the Staff Recommendation: Ron Brown, Save Mt. Diablo, on behalf of East Bay Regional Park District

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million four hundred thousand dollars (\$1,400,000) to the East Bay Regional Park District (“EBRPD”) to acquire the approximately 333-acre Chaparral Spring property (the “property”, Assessor’s Parcel numbers 078-040-009, 078-040-011, 078-070-026, and 078-280-002) for open space, wildlife, and habitat preservation, public access, and limited agricultural uses. This authorization is subject to the following conditions:

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1. Prior to disbursement of any Conservancy funds for the acquisition, EBRPD shall submit for review and approval of the Executive Officer of the Conservancy:
  - a. All relevant acquisition documents, including but not limited to the appraisal, escrow instructions, title reports and documents of title necessary to the purchase of the property.
  - b. A signing plan acknowledging Conservancy funding, the design and placement of which is approved by the Executive Officer.
2. EBRPD shall pay no more than fair market value for the property acquired, as established in an appraisal approved by the Executive Officer.
3. EBRPD shall permanently dedicate the property to for open space, wildlife, habitat preservation, public access and limited agricultural uses by recording an offer to dedicate (“OTD”) or other instrument acceptable to the Executive Officer.”

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

Melanie Denninger of the Coastal Conservancy next delivered a combined presentation of the Staff Recommendations for items 14 and 15, following which the Conservancy voted on both proposed resolutions together.

**14. INTERSTATE 780 OVERCROSSING**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$241,500 (two hundred forty-one thousand five hundred dollars) to the City of Benicia to assist with building an addition to the Rose Drive/State Park Road overcrossing of Interstate 780 to enable safe passage by users of the San Francisco Bay Trail and the Bay Area Ridge Trail, subject to the following conditions:

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing the following:
  - a. A final work plan, including a budget and schedule, and any contractors proposed to be used;
  - b. A signing plan for the project; and
  - c. Evidence that Caltrans agrees to maintain the project.
2. The City shall install and maintain a sign which acknowledges the Conservancy’s funding contribution to the project and identifies the project as part of the Bay Area Ridge Trail.”

Findings:

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

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1. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160-31165), regarding the San Francisco Bay Area Conservancy Program.”

**15. McGARY ROAD**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$150,000 (one hundred fifty thousand dollars) to the City of Fairfield (the City) to assist with construction of a segment of the San Francisco Bay Area Ridge Trail along 1.65 miles of McGary Road between Red Top Road and the vicinity of Lynch Road in Solano County, subject to the following conditions:

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing the following:
  - a. A final work plan, including a budget and schedule, and any contractor proposed to be used;
  - b. A signing plan for the project; and
  - c. Evidence that Solano County agrees to maintain the road and associated trail after construction.
2. The City shall provide pavement striping demarcating the trail from the road along at least 8,000 linear feet of the trail on both sides of the road.
3. The City shall install and maintain a sign which acknowledges the Conservancy’s funding contribution to the project and identifies the project as part of the Bay Area Ridge Trail”

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 Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160-31165), regarding the San Francisco Bay Area Conservancy Program.”

Items 14 and 15 were moved and seconded together. Approved by a vote of 5-0. The meeting then adjourned for lunch, followed by general public comment, taken out of the proposed agenda order.

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**26. PUBLIC COMMENT**

Andrea Tuttle, former Director of the California Department of Forestry, expressed her view that all agencies should make findings regarding climate change. Mr. Schuchat took the opportunity to inform the Conservancy about the ongoing efforts of Conservancy staff and the Ocean Protection Council (staffed largely by the Conservancy) with respect to climate change.

**16. GALINDO CREEK**

Michelle Jespersen of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Christina Rodger and Rick Cole, City of Concord

Resolution:

“The State Coastal Conservancy (the “Conservancy”) hereby authorizes the disbursement of an amount not to exceed \$150,000 (one-hundred fifty thousand dollars) to the City of Concord (the “City”) to complete a 600-foot gap in the historic 20-mile long California Riding and Hiking trail by installing a 74-foot long pedestrian bridge over Galindo Creek and constructing a 528-foot long trail. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for this project, the City shall submit for review and written approval of the Executive Officer of the Conservancy:
  - a. A work program, including budget and schedule of completion.
  - b. A sign plan to acknowledge Conservancy 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 completion of the project have been obtained.
2. The City shall provide evidence to the Executive Officer of the Conservancy that it has implemented the Mitigation Monitoring Program, attached to the accompanying staff recommendation as Exhibit 5.”

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 current Project Selection Criteria and Guidelines.

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2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code regarding the San Francisco Bay Area Conservancy Program.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration and Mitigation Monitoring Program for the “Galindo Creek Trail Gap Closure Project” adopted by the City of Concord on April 26, 2005 pursuant to CEQA (Exhibit 5) 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.

**17. CALIFORNIA SEA OTTER RECOVERY**

Neal Fishman of the Coastal Conservancy presented the Staff Recommendation and thanked Carol Arnold for preparing the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to two hundred twenty four thousand nine hundred sixty dollars (\$224,960) to the Regents of the University of California, Santa Cruz Campus (UCSC), to undertake a study to determine the impact of coastal contaminants and anthropogenic stressors on southern sea otter recovery, subject to the condition that, prior to the disbursement of any funds, UCSC shall submit for the review and written approval of the Executive Officer of the Conservancy a work program, including scope of work, budget and schedule.”

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 Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 5.5 of Division 21 of the Public Resources Code, regarding Coastal and Marine Resource Protection.”

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

**18. RANCHO PALOS VERDES**

Bob Thiel of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five million five hundred thousand dollars (\$5,500,000) to the City of

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Rancho Palos Verdes to acquire approximately 191 acres known as the Upper Filiorum property (consisting of Assessor Parcel Numbers 7581-023-029 and 7572-002-022 and a portion of APN 7581-023-034) and approximately 28 acres known as the Plumtree property (consisting of APN 7572-010-023 and a portion of APN 7581-023-034) on the Palos Verdes Peninsula in Los Angeles County to protect significant coastal resource areas. This authorization is subject to the following conditions with respect to the acquisition of each of the properties:

1. Prior to the disbursement of funds for acquisition, the City of Rancho Palos Verdes (the City) shall submit for the review and approval of the Executive Officer of the Conservancy all relevant acquisition documents, including but not limited to the appraisal, environmental assessments, agreement of purchase and sale, escrow instructions, and documents of title necessary to the acquisition.
2. The City shall pay no more than fair market value for the property.
3. The City shall permanently dedicate the property for habitat and resource protection, open space preservation, and public access (to the extent compatible with habitat and resource protection) in a manner acceptable to the Executive Officer.
4. The City shall acknowledge Conservancy funding by erecting and maintaining on the Upper Filiorum and Plumtree properties, or at another approved location, a sign that 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 the purposes and objectives of Chapter 8 of Division 21 of the Public Resources Code (Sections 31350-31356) regarding reservation of significant coastal resource areas.
2. The proposed authorization is consistent with the current Project Selection Criteria and Guidelines.”

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

**19. CRYSTAL COVE STATE PARK**

Greg Gauthier of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Dan Gee, Board of Directors, Crystal Cove Alliance.

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In response to a question by Ms. Finn, staff clarified that the “bond issue” referenced in the “Project Financing” section of the staff recommendation does not refer to state general obligation bonds.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million dollars (\$1,000,000) to the Crystal Cove Alliance to assist with restoration of the Crystal Cove Historic District at Crystal Cove State Park, Orange County, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, the Crystal Cove Alliance shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. Evidence that the Crystal Cove Alliance and/or California Department of Parks and Recreation has obtained all necessary permits and approvals and adequate funding to complete the project.
  - b. A detailed, final work plan, a project schedule and budget.
  - c. The names and qualifications of any contractors to be used in the completion of the project.
2. The Crystal Cove Alliance and California Department of Parks and Recreation shall enter into an agreement consistent with Section 31116(c) of the Public Resources Code, to protect the public’s interest in the constructed improvements at the project site.
3. The Crystal Cove Alliance shall install and maintain signs on the project site, the design, number and placement of which has been approved by the Conservancy’s Executive Officer, acknowledging Conservancy funding participation.”

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 Section 31119 and Sections 31400 *et seq* of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
3. The proposed project will serve greater than local needs.
4. The Conservancy has independently reviewed the Crystal Cove Historic District Preservation and Public Use Plan Final Environmental Impact Report, adopted by the California Department of Parks and Recreation on February 25, 2003, attached to the accompanying staff recommendation as Exhibit 4, and finds that there is no substantial evidence that the project, as

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mitigated, will have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.

5. The Crystal Cove 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 5-0.

**20. LAGUNA COAST ACQUISITION - BUNN PROPERTY**

Deborah Ruddock of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of six hundred seventy five thousand dollars (\$675,000) to the City of Laguna Beach (“City”) for acquisition in fee of the 4.5 acre Bunn property, County of Orange Assessors Parcel Nos. 641-411-12 and -13; and up to \$4,000 for estimated closing costs for the transaction, 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 that sufficient funds are available to complete the acquisition.
  - c. Evidence of commitment by the County of Orange to manage the property as part of the Laguna Coast Wilderness Park for public access and for wildlife habitat.
2. The City shall pay no more than fair market value for the property, as established in 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 on the property signs, 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:

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1. The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31410) with respect to public access. The proposed acquisition will connect important coastal watershed and scenic areas in the Laguna Coast Wilderness Park area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on September 20, 2007.
3. The proposed project would serve a greater-than-local need.”

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

**21. TIJUANA ESTUARY SEDIMENT FATE**

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 \$425,000 (four hundred twenty-five thousand dollars) to the Southwest Wetlands and Interpretive Association (SWIA) to implement the Tijuana Estuary Sediment Fate and Transport Study and approves the Mitigation Monitoring and Reporting Program, attached to the accompanying staff recommendation as Exhibit 4.

This authorization is subject to the following conditions:

1. Prior to disbursement of funds, SWIA shall submit for the review and approval of the Executive Officer:
  - a. A work plan, including schedule and budget;
  - b. Evidence that all permits and approvals necessary to implement the project have been obtained; and
  - c. The names and qualifications of any contractors that the grantee intends to employ to carry out the project.
2. SWIA shall provide evidence to the Conservancy that it has implemented the mitigation measures contained in the Mitigation Monitoring and Reporting Program, attached to the accompanying staff recommendation as Exhibit 4.”

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 current Project Selection Criteria and Guidelines.

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2. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code, regarding coastal resource enhancement.
3. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration (MND) for the project adopted by the California Department of Parks and Recreation (DPR) on April 29, 2008, attached to the accompanying staff recommendation as Exhibit 3. Based on the MND and the Environmental Impact Report/Environmental Impact Statement, approved by DPR on January 16, 2002 and adopted by the Conservancy on January 24, 2002, the Conservancy finds that the project, as mitigated, avoids, reduces or mitigates potential significant environmental effects and 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.”

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

**22. SUNSET CLIFFS NATURAL PARK MASTER PLAN.**

Prentiss Williams 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 eighty thousand dollars (\$380,000) to the City of San Diego (the City) to prepare final designs and specifications, and permit applications, and to conduct environmental review necessary to implement the projects identified in the Sunset Cliffs Natural Park Master Plan, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds the City shall submit for the review and written approval of the Executive Officer of the Conservancy a work plan, budget and schedule, and the names and qualifications of any contractors to be employed to carry out these tasks.
2. The City shall ensure that final designs of project improvements are consistent with the Conservancy’s ‘Standards and Recommendations for Accessway Location and Development.’
3. At the time project improvements are made the City shall acknowledge Conservancy funding by erecting and maintaining signage that 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 project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.

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2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access.
3. The proposed project serves greater-than-local needs.”

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

**23. EXECUTIVE OFFICER REPORT**

Sam Schuchat announced new Conservancy staff members Peter Jarausch, in the North Coast region, and Marilyn Latta, with San Francisco Bay Subtidal Goals.

Mr. Schuchat announced that he will attend the San Clemente Coastal Trail dedication Oct. 3.

- a. Meeting schedule. Mr. Schuchat asked the members of the Conservancy to review a proposed meeting schedule for 2009 for discussion at the November 2008 meeting.
- b. Report on the Ocean Protection Council. Mr. Schuchat introduced new project staff for the oceans program: Cina Loarie, Christina Cairns and Doug George. The next OPC meeting is scheduled for Nov. 20 in Long Beach.
- c. Deborah Ruddock provided an update on relevant legislative bills. (Attached to minutes)

**24. DEPUTY ATTORNEY GENERAL'S REPORT**

No report given.

**25. BOARD MEMBER COMENTS**

Susan Hansch announced that Northern California Whole Foods stores would donate 20 percent of its sales receipts on Sept. 25 to the Coastal Cleanup.

**26. PUBLIC COMMENT**

Public comment was heard after Item 15, above.

**27. CLOSED SESSION**

There was no closed session.

**28. ADJOURNMENT**

The meeting was adjourned at 1:55 p.m.

## Legislative Report September 23, 2008

(Bills may be located at [www.leginfo.ca.gov](http://www.leginfo.ca.gov))

### NOTE:

- Water bond bills are **DEAD**. The Governor is likely to call a special session to deal with water issues.
- Bills of interest to SCC were either signed by the governor or expired in the legislature, so this report does not include any vetoed bills.

### Chaptered Bills (Signed by Governor)

#### Budget

##### **AB 1338 (Committee on Budget):** Public Resources

SB 72 (McPherson), 1997, created the Coastal Access Account in the State Coastal Conservancy Fund, into which coastal development permit fees collected by the Coastal Commission have been deposited and from which funds have been appropriated by the legislature for SCC grants to public agencies and private, nonprofit organizations for the development, maintenance, and operation of facilities that provide public access to the coast.

The Coastal Conservancy currently collects approximately \$500,000 annually from the Coastal Access Account for the purposes of awarding grants for projects which provide or enhance public access to and along the coast. This bill creates the Coastal Act Services Account in the State Treasury for receiving CCC permit fee revenue. (The Commission currently is in the process of raising its permit fees.) These fees, when appropriated by the legislature to CCC, may be used for Coastal Act enforcement and assistance to local jurisdictions. Upon appropriation by the legislature, \$500K, indexed to CPI, will be deposited into the Coastal Access Account for use by the Conservancy for public access projects.

#### Restoration/Conservation

##### **AB 2133 (Hancock):** State Contracts

This bill allows the Conservancy, with the approval of DGS, to directly carry out a public works project involving habitat or wetlands restoration and certain improvements other than buildings and non access related structures, on specified state-owned lands, including Bel Marin Keys in Marin County, Eden Landing Ecological Reserve (a part of the South Bay Salt Pond Restoration Project) in Alameda County, Bair Island Ecological Reserve in San Mateo County, and Napa Sonoma Marshes State Wildlife Area in Napa, Solano, and Sonoma Counties.

##### **AB 2537 (Furutani)** Public Works: exemption: volunteers

Under existing law, all workers employed on public works projects must be paid not less than the general prevailing per diem wage rate, except for public works projects of \$1,000 or less, or except for any work performed until January 1, 2009 by a volunteer, a volunteer coordinator, or by members of the CA Conservation Corps or of certified Community Conservation Corps. *This bill* extends the exemption until January 1, 2012.

### **AB 2954 (Lieber)** San Francisco Bay Restoration Authority

This bill:

- Enacts the San Francisco Bay Restoration Authority Act, which would establish the San Francisco Bay Restoration Authority; establish a governing board composed of specified local government officials; impose board membership requirements; and require the board to, among other things, establish policies for the operation of the Authority and to convene a Bay Restoration Advisory Committee to assist and advise the board.
- Authorizes the Authority to raise funds and award grants to public and private entities for eligible projects, including projects that restore, protect, or enhance tidal wetlands, managed ponds, or natural habitat in the San Francisco Bay Area, as defined.
- Authorizes the Authority to, among other things, levy a benefit assessment, apply for and receive grants from federal and state agencies, solicit and accept gifts, fees, grants, and allocations from public and private entities, issue revenue bonds, incur bond indebtedness, and enter into joint powers agreements.

### **AB 2785 (Ruskin)** Wildlife conservation: habitat connectivity

This bill requires the Department of Fish and Game to identify the state's most essential wildlife corridors and habitat linkages and prioritize vegetative data development in those areas (contingent upon funding). The bill also requires the department to develop and maintain a spatial data system that identifies those areas in the state that are most essential for maintaining habitat connectivity, and require the department to make all of the described data sets and associated analytical products available to the public and other government entities. This program could provide a valuable new tool to help identify projects that meet the requirements for strategic expenditure of Proposition 84 funding.

## **Land Transactions**

### **SB 1285 (Corbett)** Resource Conservation Lands: acquisitions

This bill adds to and amends Division 5, Chapter 1.695, of the Public Resources Code as follows: (1) requires the Department of General Services (DGS) to convene a workgroup to develop and adopt standards, subject to the approval of the Resources Agency and after a public hearing, with respect to the appraisal of conservation lands acquired by the state or with state funds; (2) expands the definition of "acquisition agency" to include the Department of Parks and Recreation (DPR), the Wildlife Conservation Board (WCB), and all state conservancies; (3) removes qualifications regarding the jurisdiction of properties from the definition of "conservation lands"; and (4) requires sellers of properties who claim charitable tax deductions of more than \$5,000 for donated values of conservation lands purchased with state funds to attach to their tax returns a copy of an appraisal prepared by a state-licensed appraiser that complies with state and federal tax requirements.

### **SB 1431 (Wiggins)** Parks and recreation: easements

This bill authorizes State Parks to acquire conservation easements on real property if the department determines that the conservation easement is necessary to protect one of the 238 units of the state park system from an incompatible use or to preserve and enhance the natural resource, cultural, or historic value of a unit of the state park system. The bill authorizes the department to

make grants to a state or local government agency or a nonprofit land trust organization to purchase and hold one of those conservation easements, if specified requirements are met.

## **Prop 84**

### **SB 732 (Steinberg) Environment**

The bill establishes the Strategic Growth Council which is charged with developing grant and loan programs for expenditure of the Proposition 84 \$90 million urban greening planning and \$90 million urban greening project funds.

The bill appropriates \$500,000 from Proposition 84 to the Resources Agency to support the council and its activities. The Strategic Growth Council will consist of the Director of State Planning and Research, the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, the Secretary of Business, Transportation and Housing, the Secretary of California Health and Human Services, and one member of the public to be appointed by the Governor. The public member shall have a background in land use planning, local government, resource protection and management, or community development or revitalization. Staff for the council shall be reflective of the council's membership.

The Council may establish “financial assistance programs” for awarding grants and loans for urban greening plans and projects and designate “appropriate” state agencies to manage these programs. Eligible grantees for the \$90 million project pot include cities, counties, and NPOs.

Projects must provide multiple benefits including, but not limited to,

- A decrease in air and water pollution
- A reduction in the consumption of natural resources and energy
- An increase in the reliability of local water supplies
- An increased adaptability to climate change

An eligible project may not include a mitigation action that is required under existing law.

Eligible projects must meet at least one of the following criteria:

- Use natural systems, or systems that mimic natural systems, to achieve the benefits identified above;
- Create, enhance, or expand community green spaces.

Project benefits may include, but are not limited to, the establishment or enhancement of one or more of the following:

- Tree canopy.
- Urban forestry.
- Local parks and open space.
- Greening of existing public lands and structures.
- Multi-objective stormwater projects.
- Urban streams, including restoration.
- Community, demonstration, or education gardens/orchards.
- Urban heat island mitigation and energy conservation efforts.
- Nonmotorized urban trails.

Up to 25 percent of the moneys allocated may be used to award revolving loans or grants to a council of governments, countywide authority, a metropolitan planning organization, local government, or nonprofit organization, for the purpose of creating urban greening plans.

**AB 31 (De Leon) Statewide Park Development and Community Revitalization Act of 2008**

This bill states the intent of the Legislature to make \$400 million in Prop 84 bond proceeds available, upon appropriation, to the Department of Parks & Recreation, to be used for competitive grants for new neighborhood and regional parks and trails, new recreational facilities (including swim centers and regional recreational trails) or new recreational opportunities serving critically underserved communities. Funds may be used for land acquisition.

*The bill requires DPR to adopt guidelines and develop a procedural guide on or before April 1, 2009.*

The bill defines a "critically underserved community" as a community that either has less than three acres of usable parkland per 1,000 residents, or is a "disadvantaged community" as defined in Prop 84 (a median household income less than 80% of the statewide average, and which can demonstrate that the community has insufficient or no park space and recreational facilities).

Eligible applicants include cities, counties, joint powers authorities (JPAs), nonprofit organizations, and districts (recreation and park districts, public utility districts, memorial districts, community service districts, regional park districts). An eligible applicant may apply for a grant to develop state-owned park lands if the applicant manages those lands under a contract with the state without state reimbursement for management costs.

Projects must meet **ALL** of the following criteria:

- The project will create a new park where one currently does not exist, a new recreational facility or new recreational opportunity
- The project is located in a critically underserved community, or in the case of a regional park or trail, is within close proximity to one or more critically underserved communities; The project is designed to provide efficient use of water and other natural resources, as described
- The amount of the grant, together with any matching funds, will meet all costs of acquisition or development, and the project when completed will be fully usable by the residents of the critically underserved community
- The applicant or partnering entities will provide for public safety and recreational opportunities following project completion
- The operating hours will accommodate needs of community residents
- Entrance fees will not significantly deter use by community residents, and fees are not limited to nonresidents.

The bill requires DPR to assign higher priority in evaluating grant applications for each of the following criteria: a) the project is to acquire a new park, expand an overused park, or create a new recreational opportunity in a community with insufficient or no park facilities; b) the critically underserved community has a significant percent of persons living at or below the poverty level; c) the project will enhance workforce development and employment opportunities, utilize the California Conservation Corps or certified local conservation corps, or accommodate

outdoor learning opportunities for school pupils or at-risk youth in the service area; and, d) the project applicant actively involved the public and community groups in the selection and planning of the project.

The bill prohibits more than 25% of the grant amount from being used for project planning, design, California Environmental Quality Act compliance, and other incidental construction or acquisition costs.

### **Water**

#### **SBX2 1 (Perata) Water Quality, flood control, water storage, and wildlife preservation**

This bill appropriates over \$800 million from various water bonds for critical flood control and water quality programs within the Department of Water Resources including Urban Streams and the Integrated Regional Water Management Plan.

### **Other**

#### **AB 2494 (Caballero) Housing-Related Parks Program**

This bill creates the Housing Related Parks Program, and will be the vehicle used to distribute the \$200 million in Proposition 1c for Housing Urban-Suburban-and-Rural Parks, after allocation by the Legislature. This bill creates incentives for California's cities and counties to improve the quality of life for critically underserved communities by receiving funding for park and recreation facilities in exchange for their demonstrated support of affordable housing.

#### **SB 1428 (Kehoe) San Diego River Conservancy**

Existing law authorizes the San Diego River Conservancy to acquire and manage certain public lands in the San Diego River area. Existing provisions are repealed on January 1, 2010, unless a later statute enacted before January 1, 2010 deletes or extends that date. This bill extends the repeal date until January 1, 2020 and provides that the Mayor of San Diego or his or her designee shall be a voting member.

#### **SB 1464 (Maldonado) State Agencies: Resources Agency**

This bill would rename the Resources Agency the Natural Resources Agency. The bill would prohibit any supplies, forms, insignias, signs, or logos from being destroyed or changed as a result of the name change and would require their continued use until exhausted or unserviceable.

**DEAD** These bills failed to pass out the legislature.

#### **AB 2255 (Aghazarian) Real property: Resource land acquisition and conservation easement registry**

Existing law requires the Secretary of the Resources Agency to establish a central public registry of all conservation easements held or required by the state, or purchased with state grant funds provided by an agency, department, or division of the state on or after January 1, 2000, and to

make the registry available for use by the general public on or before January 1, 2009. This bill would have added to the registry State acquisitions and funding of interests in properties that have cultural, natural, or recreational resource value. This bill would have significantly broadened the scope of the registry.

**ABX2 8 (Huffman)** Safe, Clean, Reliable Drinking Water Supply Act of 2008

**ABX2 9 (Plescia)** Safe, Clean, Reliable Drinking Water Supply Act of 2008 (the Schwarzenegger/Feinstein proposal)

**AB 2687 (Krekorian)** Parks and Nature Education Facilities

Prop 84 makes \$100,000,000 in bond funds available to the Department of Parks and Recreation for grants for nature education and research facilities. This bill would have required the department to establish a program to offer grants, on a competitive basis, to eligible projects submitted by eligible nonprofit organizations, and public institutions, including natural history museums, aquariums, nature education and research facilities, and botanical gardens.