

PUBLIC MEETING MINUTES

October 29, 2009, 10:30 am

Ocean Song Farm and Wilderness Center – The Green Barn
Occidental, California

MEMBERS PRESENT:

Doug Bosco, (Public Member), Chair
Ann Notthoff (Public Member), Vice Chair
Marisa Moret (Public Member)
Bryan Cash (Designated Representative, Resources Agency)
Karen Finn (Designated Representative, Department of Finance)

OVERSIGHT LEGISLATORS PRESENT:

No oversight members were present.

OTHERS PRESENT:

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

1. ROLL CALL

2. APPROVAL OF MINUTES

Moved and seconded, the September 24, 2009 minutes were approved without change by a vote of 5-0.

3. CONSENT ITEM

A. SCC CONFLICT- OF- INTEREST CODE

Resolution:

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“The State Coastal Conservancy hereby amends its Conflict-of-Interest Code, 14 California Code of Regulations § 13800, in the manner shown in Exhibit 1 to the accompanying staff recommendation.”

Findings:

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

1. Amendment of the Conservancy’s Conflict-of-Interest Code to reflect the current staff composition is necessary to implement the requirements of §§ 87300 through 87302, and § 87306 of the Government Code; and is authorized by § 87306 of the Government Code, § 31102 of the Public Resources Code and 2 Cal. Code of Regs. § 18752.
2. No alternative would be more effective in carrying out the purpose for which the amendment is proposed or would be as effective and less burdensome to affected persons than the proposed amendment.”

The consent item was approved by a vote of 5-0.

4. EXECUTIVE OFFICER REPORT

- a. Ocean Protection Council update: The next OPC meeting is scheduled to be held November 30 in San Diego. A report will be provided at the Dec. 3 Conservancy meeting.
- b. There was no legislative report.
- c. The 2010 proposed schedule of meetings was provided to members of the Conservancy for review. No locations have been recommended yet, and the number of meeting may change, depending on the the state’s financial circumstances.

5. SOUTH SAN DIEGO BAY WETLANDS RESTORATION PROJECT

Mary Small of the Coastal Conservancy presented the Staff Recommendation on behalf of Megan Johnson who is on maternity leave.

Speaking in support of the Staff Recommendation: Victoria Touchstone, U. S. Fish and Wildlife Service, San Diego NWR Complex; Eileen Maher, Port of San Diego.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to four million two hundred forty-four thousand three hundred eighty eight dollars (\$4,244,388) to the Southwest Wetlands Interpretive Association (“SWIA”) to carry out the portion of the South San Diego Bay Wetlands Restoration Project that restores the western salt ponds; authorizes

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disbursement of up to two hundred ninety-six thousand six hundred forty one dollars (\$296,641) to the Unified Port of San Diego (“the Port of San Diego”) to carry out that portion of the South San Diego Bay Wetlands Restoration Project that restores the Chula Vista Wildlife Reserve; adopts the CEQA Mitigated Negative Declaration attached to the accompanying staff recommendation as Exhibit 2; and adopts the mitigation monitoring program in Attachment 1 to Exhibit 2; subject to the following conditions:

1. Prior to the disbursement of funds to the Southwest Wetlands Interpretive Association, SWIA shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, including budget and schedule, and the names of any contractors to be employed for these tasks.
2. Disbursement of Conservancy funds to SWIA is conditioned upon the availability of bond funds sufficient to provide the funds to the grantee.
3. Prior to the disbursement of funds to the Unified Port of San Diego, the Port of San Diego shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, including budget and schedule, and the names of any contractors to be employed for these tasks.
4. SWIA and the Port of San Diego shall carry out the project consistent with the project description set forth in the adopted Mitigated Negative Declaration. In addition, SWIA and the Port of San Diego shall be responsible for ensuring implementation of all mitigation measures identified in the adopted Mitigated Negative Declaration.”

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 June 4, 2009.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code regarding the enhancement of coastal resources.
3. The proposed project serves a greater-than-local need.
4. The Southwest Wetlands Interpretive Association 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.
5. The proposed project is a high priority project that offers significant public benefits and provides an opportunity for significant matching funds, and therefore meets the criteria for the exemption from the restrictions set forth in the Department of Finance Budget Letter 09-15 (Exhibit 5).
6. The Conservancy has reviewed the final Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act (“CEQA”) along with the comments received during the public comment period, and finds that there is no

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substantial evidence that the South San Diego Bay Wetlands Restoration Project, as mitigated, will have a significant effect on the environment, as defined in 14 California Code Regulations Section 15382, and that the final Mitigated Negative Declaration reflects the Conservancy's independent judgment and analysis.”

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

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

No report was given.

7. **CONSERVANCY MEMBER COMMENTS**

Mr. Cash commented on the recent state bond sale; this will provide enough funding to cover on-going projects already approved by the Conservancy through the end of the current fiscal year. Ms. Finn indicated that another, smaller bond sale was to take place in early November.

8. **PUBLIC COMMENT**

There was no public comment

9. **CLOSED SESSION**

There was no closed session

10. **ADJOURNMENT**

Adjournment was at 11:35 am