

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

23 October 2003
10:30 a.m.

Council Chambers
Ventura City Hall
501 Poli Street
Ventura, California

MEMBERS PRESENT:

Paul Morabito (Public Member), Chairman
Jeremy M. Hallisey (Public Member)
Fred Klass (Designated Representative, Department of Finance)
John Lormon (Public Member)
Mike Spear (Designated Representative, Resources Agency)

OVERSIGHT LEGISLATORS PRESENT:

Assemblymember Hannah-Beth Jackson (District 35)
Assemblymember Fran Pavley (District 41).

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General

2. APPROVAL OF MINUTES:

The Minutes of the September 25, 2003 Public Meeting were approved without change.

3. ORMOND BEACH ACQUISITIONS:

Peter S. Brand of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Kathy Long, John K. Flynn, Steve Bennett, and Linda Parks, all County of Ventura Supervisors; Dr. Manuel M. Lopez, Mayor of Oxnard; Brian Brennan, representing the City of Ventura; John Zaragosa, Oxnard City Councilmember; Maria Cobian, representing Congresswoman Lois Capps; Hilda Garda, representing Senator Sheila Kuehl; Jean Harris, representing the Ormond Beach Observers; and Pedro Nava.

Resolution honoring Roma Joy Armbrust:

“WHEREAS, Roma worked tirelessly and successfully to make preservation and restoration of the Ormond Beach Wetlands a high priority for the State of California; and

WHEREAS, Roma has been an inspiration and friend to many Coastal Conservancy staff and others involved in the Ormond Beach project; and

WHEREAS, Roma let the formation of Ormond Beach Observers in 1989 and Ormond Beach Task Force in 1993, both collaborative organizations that have built consensus among a diverse array of stakeholders and that continue to facilitate cooperation in planning and conservation of the Ormond Beach area of south Oxnard in Ventura County; and

WHEREAS, Roma served since 1999 as a founding co-chair of Ventura County Wetlands Task Force, which is the local component of Southern California Wetlands Recovery Project, an innovative partnership of 17 federal and state agencies supported by many local agencies and private organizations; and

WHEREAS, Roma encouraged public officials and her friends and colleagues to “carry on, carry on” in her last inspiring remarks voiced during the Ventura County Board of Supervisors meeting held on 7 October 2003; and

WHEREAS, the Coastal Conservancy is accepting donations in honor of Roma, to be expended in her memory for preservation, restoration, and enhancement of the Ormond Beach wetlands;

NOW, THEREFORE, the Coastal Conservancy adopts this resolution in recognition of the exceptional lifetime contributions made by Roma Joy Armbrust that will benefit in perpetuity the people of California and the environmental resources of Ormond Beach.”

Motion passed by a vote of 4-0.

Resolution:

“The State Coastal Conservancy authorizes reservation from currently available Conservancy appropriations of an amount not to exceed twenty-three million dollars (\$23,000,000) for acquisition of lands for wetland and related habitat restoration at Ormond Beach. These acquisitions may include at least 280 acres of the City/MWD property and 220 acres of the Southland Sod property.

The State Coastal Conservancy further authorizes the acceptance of funds from the Wildlife Conservation Board and other sources to defray or reimburse the Conservancy’s costs for the Ormond Beach properties. To the extent that these funds are committed to the project an equal amount of funds shall be released from the reservation.

No reserved funds shall be disbursed until the Conservancy has taken further action to authorize the terms and conditions of a specific acquisition, which shall be governed by the following requirements:

1. The Conservancy or its grantee shall pay no more than fair market value for the property as established by an appraisal approved by the Executive Officer or the State Department of General Services.

2. Phase II Environmental Assessments of possible contamination of the property shall be completed and evaluated.
3. Conservancy staff shall seek grants and other funding from the Wildlife Conservation Board and other agencies to defray or reimburse the Conservancy's costs of acquisition.
4. This reservation of funds will terminate after one year if the owners of the property have not signed purchase agreements agreeing to sale of their property."

Findings:

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

1. Acquisition of additional properties at Ormond Beach by a public agency or non-profit organization for wetland and related habitat restoration would be consistent with the purposes and criteria of Chapter 6 of the Division 21 of the Public Resources Code (Sections 31251-31270) regarding enhancement of coastal resources.
2. The Conservancy is authorized under Section 31104 of the Public Resources Code to apply for and accept financial federal grants and other financial support from public and private sources."

Motion passed by a vote of 4-0.

Also speaking in favor of the Staff Recommendation: Jurgen Gramckow, representing Southland Sod Farms; Shirley Godwin, representing the Squiers Road Design Team; Janet Bridges, representing the Western Alliance for Nature; John Buse, representing the Environmental Defense Center; Mati Waiya, representing Wishtoyo-Chumash Nation; Damon Wing, representing the Wishtoyo Foundation and Ventura Coastkeeper; Dr. Thomas Holden; Jerome Hopkins; Lee Quaintance, representing the Beacon Foundation; Pedro Nava; Cameron Benson; and Carla Frisk.

Ms. Peterson, Deputy Attorney General, swore in Jeremy Hallisey as a new Public Member of the Conservancy.

4. THE STRAND WALKWAY RECONSTRUCTION:

Marc Beyeler of the Conservancy staff presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy (Conservancy) hereby authorizes disbursement of an amount not to exceed one hundred fifty thousand dollars (\$150,000) to the City of Manhattan Beach (City) to prepare detailed design drawings, specifications, and cost estimates for reconstruction of The Strand walkway, subject to the following conditions:

1. Prior to the disbursement of any funds, the City 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, the names of any contractors it intends to use to carry out these tasks, and a signing plan for the project acknowledging Conservancy participation.
2. As applicable to reconstruction of an existing accessway, the City shall incorporate the Conservancy's "Standards and Recommendations for Accessway Location and Development" into the planning and design of The Strand reconstruction 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 public access objectives and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*).
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve more than local needs."

Motion passed by a vote of 5-0.

6. NCCP PROGRAM IMPLEMENTATION: SAN DIEGO RIVER AND OTAY RIVER WATERSHED PROPERTIES:

Marc Beyeler of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Michael Beck, Chair of the San Diego River Park-Lakeside Conservancy; and Deborah Jones, Executive Director.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed seven million two hundred thousand dollars (\$7,200,000) to the San Diego River Park-Lakeside Conservancy for acquisition of property described in Exhibit 2A of the accompanying staff recommendation to implement the SDRP: Lakeside NCCP Enhancement Plan approved by the Conservancy on June 25, 2001; and further authorizes the disbursement of an amount not to exceed seven million four hundred twenty thousand dollars (\$7,420,000) to the Department of Fish and Game, for the acquisition of property described in Exhibit 2B of the accompanying staff recommendation to implement the Multiple Species Conservation Program (MSCP), approved by the Conservancy on June 25, 1998, subject to the following conditions:

1. Prior to the disbursement of any funds for the acquisition of each property, the Executive Officer of the Conservancy ("Executive Officer") shall review and approve all relevant acquisition documents, including but not limited to an appraisal,

agreement of purchase and sale and documents of title; and all other funds necessary to carry out the acquisition shall be provided.

2. The acquiring entity shall pay no more than fair market value for the property as established in an appraisal approved by the California Department of General Services.
3. The acquiring entity shall dedicate the property for natural resource protection, open space preservation and public access in an appropriate instrument approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been reviewed and approved by the Executive Officer.

The Conservancy further authorizes the acceptance and disbursement of funding from the Wildlife Conservation Board and the Resources Agency to defray or reimburse the Conservancy for the costs of acquisition.”

Findings:

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

1. The proposed acquisitions are consistent with and will help to carry out resource enhancement plans adopted by the Conservancy on June 25, 2001 and June 25, 1998 respectively, pursuant to its authority under Public Resources Code Sections 31251-31270 regarding enhancement of coastal resources.
2. The proposed projects are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The San Diego River Park-Lakeside 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 California Public Resources Code.”

Motion passed by a vote of 4-0. Mr. Lormon recused himself from voting on this item.

5. VENTURA RIVER *ARUNDO* REMOVAL DEMONSTRATION PROJECT:

Peter Brand, on behalf of Karen Bane of the Conservancy staff, presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thirty-two thousand dollars (\$132,000) to the Ventura Resource Conservation District (RCD) to implement the Ventura River *Arundo* Removal Demonstration Project, except for the revegetation experiment, subject to the condition that, prior to the disbursement of any funds, the RCD 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, and the names of any contractors it intends to use to implement the project. The State Coastal Conservancy also adopts the Mitigation Monitoring Program (MMP) for the Ventura River *Arundo* Removal Demonstration Project, attached as Appendix B to the Final Environmental Impact Report adopted by the Ventura County Watershed Protection District on September 9, 2003. The RCD shall carry out the project in accordance with requirements of the MMP and shall provide the Conservancy with copies of all monitoring documentation relating to portions of the project that are funded by this grant.”

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. The Conservancy has independently reviewed and considered the information contained in the EIR adopted by the Ventura County Watershed Protection District (VCWPD) on September 9, 2003 (attached to the accompanying staff recommendation as Exhibit 2), and finds that, with one exception treated immediately below, there is no substantial evidence that the activities to be funded by the Conservancy, as changed or mitigated, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. The Conservancy concurs with the VCWPD’s finding that the project will have one significant and unavoidable adverse effect with respect to noise. During the first project year, noise associated with cutting and chipping of *Arundo* would exceed the County’s adopted significance criteria for construction-related noise in residential areas. Nevertheless, the Conservancy concurs with the VCWPD that the proposed project would result in beneficial effects that outweigh the unavoidable adverse impact on noise. These beneficial effects include improving the composition and diversity of native plant communities in the river system, decreasing flood and fire hazards associated with *Arundo*, increasing recreational uses of the watershed and improving visual resources (as discussed in the EIR and this staff recommendation). As the VCWPD finds, even with noise mitigation measures including restricted hours of operation, engine covers and properly operating mufflers, there is no feasible way to lessen or avoid the identified impacts of noise in residential areas; Alternative 1 would result in the same unavoidable significant impact; and Alternatives 2 and 3 would result in additional unavoidable significant impacts.
5. There is no evidence before the Conservancy that the Ventura River *Arundo* Removal Demonstration Project will have a potentially adverse effect, either indi-

vidually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.

6. 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."

Motion passed by a vote of 5-0.

7. MONTANA DE ORO STATE PARK ACQUISITION:

Tim Duff of the Conservancy staff presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million two hundred fifty thousand dollars (\$1,250,000) to the State Department of Parks and Recreation ("DPR") for the acquisition of the property (San Luis Obispo County Assessor Parcel Nos. 074-022-061 and -060) shown on Exhibit 2 of the accompanying staff recommendation as an addition to Montana de Oro State Park, subject to the following conditions:

1. Prior to disbursement of any funds for acquisition of the property, DPR shall submit for the review and approval of the Executive Officer of the Conservancy ("Executive Officer") all relevant acquisition documents, including but not limited to the appraisal, agreement of purchase and sale, environmental assessments, escrow instructions, and documents of title.
2. DPR shall pay no more than fair market value for the property, as established in an appraisal approved by the Department of General Services.
3. DPR shall permanently dedicate the property for natural resource protection, open space preservation, and public access, by an appropriate instrument approved by the Executive Officer.
4. DPR shall prepare a management plan for the property pursuant to Fish and Game Code Section 2794.
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 acquisition is consistent with Chapters 8 and 9 of Division 21 of the Public Resources Code (Sections 31350 *et seq.*) regarding the reservation of significant coastal resource areas and public access.

2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0.

8. SANTA BARBARA COUNTY FISH PASSAGE DESIGN:

Mary Travis of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Robert Almy and Rory Lang, both representing the Santa Barbara County Water Agency.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred fifty-three thousand dollars (\$453,000) to the County of Santa Barbara to prepare engineering designs, environmental documentation and permit applications for at least six fish passage improvement projects in coastal streams on the County’s south coast, subject to the condition that prior to the disbursement of any funds, the County of Santa Barbara shall submit for the review and written approval of the Executive Officer of the Conservancy a work program, budget and schedule, and the names of any contractors to be employed in carrying out the 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 in Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding enhancement of coastal resources.
2. The project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The project area has been identified in the certified Local Coastal Programs of Santa Barbara County and the City of Santa Barbara as requiring public action to resolve existing or potential resource protection problems.”

Motion passed by a vote of 5-0.

9. CARMEL RIVER RESTORATION PROGRAM:

Neal Fishman of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) to the Planning and Conservation League Foundation (“PCLF”) to develop a program to restore the resources of the

Carmel River, subject to the condition that, prior to the disbursement of any funds, PCLF shall submit for the review and written approval of the Conservancy's Executive Officer a work program, including scope of work, budget and schedule, and the names of any contractors that it intends to use."

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 of Chapter 6 of the Public Resources Code (Sections 31251-31270) 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 24, 2001.
3. PCLF is a nonprofit organization existing under Section 501(c)(3) of the U. S. Internal Revenue Code, and subject to the Nonprofit Public Benefit Corporation Law (commencing with Section 5000 of the California Corporations Code), and whose purposes are consistent with Division 21 of the Public Resources Code."

Motion passed by a vote of 5-0.

10. YOSEMITE CANAL WETLAND RESTORATION AND PUBLIC ACCESS PLAN: PHASE II:

David Hayes of the Conservancy staff presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed six hundred fifty thousand dollars (\$650,000) to the California State Parks Foundation (Foundation) to complete detailed plans, designs, specifications, environmental compliance documents, and permits for wetland restoration and public access improvements in and around Yosemite Canal; and for engineering and site planning a nature center in the Candlestick Point State Recreation Area, subject to the condition that, prior to the disbursement of any Conservancy funds, the Foundation shall submit for review and written approval by the Conservancy's Executive Officer a work program, including scope of work, budget and schedule, and the names of any contractors it intends to use to complete the 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 Public Resources Code Sections 31160-31164, regarding the Conservancy's mandate to address the resource and recreational 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. The California State Parks Foundation is a private nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and subject to the Nonprofit Public Benefit Corporation Law (commencing with Section 5000 of the California Corporations Code), and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Motion passed by a vote of 5-0.

11. DUTRA RANCH ACQUISITION:

Amy Hutzel of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Muir Heritage Land Trust for the acquisition of the Dutra Ranch in Contra Costa County (APN# 326-160-002 and 326-160-003), as shown in Exhibit 1 of the accompanying staff recommendation.

This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the Muir Heritage Land Trust shall:
 - a. Submit for the review and written approval the Executive Officer of the Conservancy (“Executive Officer”) all relevant acquisition documents, including but not limited to, the appraisal, option, agreement of purchase and sale, escrow instructions, documents of title and environmental inspection documents; and
 - b. Provide evidence to the Executive Officer that all other funds necessary for this acquisition have been obtained.
2. The property interests acquired under this authorization shall be managed and operated in a manner consistent with the purposes of habitat, agricultural preservation, open-space protection, resource enhancement and restoration, and outdoor public recreational use, and shall be permanently dedicated to those purposes in accordance with Public Resources Code Section 31116(b) through an instrument acceptable to the Executive Officer.
3. Any future transfer of this property shall be subject to the approval of the Executive Officer and any funds generated from such a transfer in excess of the grantee's costs, up to the total amount disbursed pursuant to this authorization, shall be repaid to the Conservancy.
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property, or in a nearby location approved by the Executive Officer, a sign whose design and wording has been approved by the Executive Officer.

5. Muir Heritage Land Trust shall execute an agreement under Government Code Section 831.5 regarding nondiscriminatory public access and tort immunity.”

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 31116, 31160-31164 and 31400 *et seq.*
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Muir Heritage Land Trust 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 California Public Resources Code.
4. The project serves greater than local need.”

Motion passed by a vote of 5-0.

12. LIVING CLASSROOM PROJECT: EDUCATION AND INTERPRETIVE CENTER:

Ann Buell of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Dana Lanza, Executive Director of Literacy for Environmental Justice.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred thousand dollars (\$400,000) to Literacy for Environmental Justice for construction of a greenhouse classroom for environmental education at Heron’s Head Park in the San Francisco Bayview–Hunters Point District, subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has reviewed and approved in writing:

1. A final work plan, including a final budget and schedule, for the project.
2. Any contractors or subcontractors to be used.
3. A signing plan for the project acknowledging Conservancy participation.
4. An agreement with the City and County of San Francisco and San Francisco Port to protect the public interest in development constructed under the grant and allowing LEJ access for study, construction, and monitoring.
5. Written evidence that all permits and approvals necessary for the implementation and completion of the project under applicable local, state, and federal laws and regulations have been obtained.

The grantee shall ensure that a biologist instruct all excavation crews about any potential for disturbance to biological resources.”

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. Literacy for Environmental Justice is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and subject to the Nonprofit Public Benefit Corporation Law (commencing with Section 5000 of the California Corporations Code), and whose purposes are consistent with Division 21 of the California Resources Code.”

Motion passed by a vote of 5-0.

13. SAN FRANCISQUITO CREEK WATERSHED STEELHEAD RECOVERY:

Ann Buell of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred thirty-three thousand dollars (\$233,000) to Acterra for analysis, design, securing of landowner permission, environmental review, and permitting for approximately six barriers to fish migration; exotic plant removal at approximately seven sites within the riparian corridor; and stewardship activities throughout the watershed. Prior to the disbursement of any Conservancy funds, Acterra shall submit for the review and written approval of the Executive Officer a detailed work program, budget and schedule for project completion; and the names and qualifications of any contractors and subcontractors to be used.”

Findings:

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

1. The San Francisquito Creek Watershed Steelhead Recovery project is consistent with Public Resources Code sections 31160-31164, regarding the Conservancy's mandate to address the resource and recreation goals of the San Francisco Bay Area.
2. The San Francisquito Creek Watershed Steelhead Recovery project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.

3. Acterra 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."

Motion passed by a vote of 5-0.

14. HABITAT CONVERSION MODEL:

Amy Hutzel of the Conservancy staff presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount up to two hundred thousand dollars (\$200,000) to Point Reyes Bird Observatory to refine and implement a Habitat Conversion Model."

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. Point Reyes Bird Observatory is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code and subject to the Nonprofit Public Benefit Corporation Law (commencing with Section 5000 of the California Corporations Code), and whose purposes are consistent with Division 21 of the Public Resources Code."

Motion passed by a vote of 5-0.

15. SALMON CREEK GREEN SCHOOL:

Richard Retecki of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Victoria Johnston and Laurel Anderson, both representing the Harmony Union School District.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) to the Harmony Union School District for the creation of a "green" school to include construction of a creek observation deck, a nursery, an outdoor classroom, and a nature trail; preparation of a de-

sign for a community resource center, a trail feasibility plan, a public access plan, and a forestry management plan; and enhancement of a riparian corridor and a wetland area.

Prior to the disbursement of funds, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy a work program, budget, project schedule, names of subcontractors, and a sign plan for the project acknowledging Conservancy funding.”

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 Chapters 3 and 4.5 of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0.

16. NAVARRO RIVER RESTORATION:

Julia McIver of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Patty Madigan, representing the Mendocino County Resource Conservation District.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$713,000 (seven hundred thirteen thousand dollars) to the Mendocino County Resource Conservation District (“RCD”) for inter-agency coordination, community outreach and education, and development and implementation of projects in the Navarro River Watershed in Mendocino County, as described in the accompanying staff recommendation, and subject to the following conditions:

1. Prior to the disbursement of any funds, the Executive Officer of the Conservancy (“Executive Officer”) shall approve in writing a work plan, budget and schedule, and any contractors or subcontractors to be employed in these tasks.
2. The RCD shall comply with the applicable conditions of the Department of Fish and Game’s streambed alteration agreement for the Butler project on Dago Creek, and of the North Coast Regional Water Control Board’s waste discharge permit, and provide compliance reports to the Executive Officer as part of project implementation.”

Findings:

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

1. The proposed Navarro River projects are consistent with and will help to carry out the Navarro Watershed Restoration Plan (“the Plan”), adopted by the Conservancy on August 6, 1999, pursuant to Chapter 6 of Division 21 of the Public Resources Code.
2. The proposed projects are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has reviewed the Initial Study and Negative Declaration adopted by the North Coast Regional Water Control Board (RWQCB) for the Navarro Watershed Restoration Projects on March 27, 2003, attached to the accompanying staff recommendation as Exhibit 2, and finds there is no substantial evidence that the watershed restoration projects, when implemented pursuant to the Board’s waste discharge requirements (part of Exhibit 2), will have a significant effect on the environment.
4. There is no evidence before the Conservancy that the projects 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.”

Motion passed by a vote of 5-0.

17. CONSENT ITEMS:

A: EAST WEST RANCH: PHILLIPS PROPERTY ACQUISITION:

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) to reimburse the Cambria Community Services District (CCSD) for the acquisition of the Phillips Property (San Luis Obispo County Assessor’s Parcel Number 13-131-033) as shown on Exhibit 2 of the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of funds, the CCSD shall submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”):
 - a. All relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition of the property.

- b. Evidence that the CCSD has paid no more than fair market value for the property acquired as established in an appraisal approved by the Executive Officer of the Conservancy.
 - c. An instrument acceptable to the Executive Officer permanently dedicating the property to public access, resource protection and open space purposes, pursuant to Public Resources Code Section 31116(b).
2. The Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign or signs, 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 project is consistent with the purposes and objectives of Sections 31400 et seq. of the Public Resources Code regarding 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 greater than local needs.”

B: PERMIT COORDINATION PROGRAM FOR SANTA CRUZ COUNTY – PHASE 2:

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred six thousand five hundred dollars (\$106,500) to the Santa Cruz County Resource Conservation District (“SCCRCD”) to develop Phase 2 of the Permit Coordination Program for Santa Cruz County, subject to the condition that prior to disbursement of any funds for the project, the SCCRCD shall submit for the review and approval of the Executive Officer a work program, schedule for completion, project budget, and any subcontractors to be used to carry out the 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 Public Resources Code Section 31220, regarding the Conservancy’s mandate to restore watersheds.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project is consistent with local watershed management plans and water quality control plans.”

C: AÑO NUEVO ISLAND HABITAT RESTORATION:

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed eighty-eight thousand dollars (\$88,000) to Oikonos Ecosystem Knowledge (Oikonos) to carry out habitat restoration at Año Nuevo Island in Año Nuevo State Reserve, subject to the following condition:

1. Prior to the disbursement of any funds, Oikonos shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. A work program, budget and schedule, and the names of any contractors to be employed in carrying out the work.
 - b. Evidence that all necessary permits and approvals have been obtained.
 - c. A signing plan for the project acknowledging Conservancy participation.
2. Oikonos shall enter into an agreement pursuant to Public Resources Code Section 31116(c) sufficient 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 proposed project is consistent with the purposes and criteria in Chapter 6 of Division 21 of the Public Resources Code (Sections 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. The project area has been identified in the certified Local Coastal Program of San Mateo County as requiring public action to resolve existing or potential resource protection problems.
4. Oikonos 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 California Public Resources Code.”

D: SAN FRANCISCO BAY TRAIL BLOCK GRANT APPROVAL:

Resolution:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (“ABAG”) to disburse an amount not to exceed two hundred sixty-five thousand dollars (\$265,000) of the total Conservancy funds authorized on September 22, 1999 and December 7, 2000, for the Martinez Shoreline Bay Trail connection, subject to the conditions indicated below.

1. Prior to commencement of construction, ABAG shall:

- a. Require the City of Martinez to submit evidence that all necessary permits and approvals have been obtained.
 - b. Present to the Executive Officer of the Conservancy for approval an agreement or other instrument with each owner of property over which the trail will pass, addressing access to that property for construction, maintenance, and monitoring of the trail; and ownership, public use, and management of the access improvements following their construction.
2. ABAG shall require the City to construct the wetland-restoration portion of the project either prior to or concurrent with the trail construction.
 3. ABAG shall require the City of Martinez to assure implementation of the mitigation measures contained in the Mitigated Negative Declaration (attached as Exhibit 2 to the accompanying staff recommendation) for the Bay Trail Phase II project adopted by the City of Martinez on May 7, 2003 pursuant to CEQA, and the Biological Assessment for the Martinez Bay Trail Corridor Project, dated August 7, 2003 and prepared by the East Bay Regional Park District. ABAG shall require the City to report on the CEQA mitigation measures, as required by Public Resources Code Section 21081.6, and provided for in the approved Joint Aquatic Resource Permit Application submitted by the East Bay Regional Park District in September 2003.”

Findings:

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

1. The proposed San Francisco Bay Trail project is consistent with the purposes and objectives of Public Resources Code Section 31400-31409, regarding public access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local needs for public access to the shoreline.
4. The Conservancy has independently reviewed the Mitigated Negative Declaration adopted on May 7, 2003 by the City of Martinez for the Bay Trail Phase II Project, attached to the accompanying staff recommendation as Exhibit 2, 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 Cal. Code of Regulations Section 15382.”

E: WILDLAND WEED WORKERS HANDBOOK FOR THE S.F. BAY AREA:

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed nineteen thousand dollars (\$19,000) to the California Exotic Pest Plant Coun-

cil (Council) to prepare, publish, and distribute a "Wildland Weed Workers Handbook for the S.F. Bay Area" This authorization is subject to the condition that prior to the disbursement of any funds, the Council shall submit for the review and approval of the Conservancy's Executive Officer a work program, budget, timeline, and the names and qualifications of any contractors it intends to use for the project."

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. The grantee 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 California Public Resources Code."

F: SHELTER COVE BREAKWATER ENGINEERING AND DESIGN:

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Humboldt Bay Harbor, Recreation and Conservation District ("the District") to undertake engineering feasibility analyses and preparation of environmental documentation and permit applications to evaluate options for the rehabilitation of the breakwater facility in Shelter Cove. This authorization is subject to the condition that prior to the disbursement of funds, the District 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."

**G: MATTOLE RIVER WATERSHED WATERSHED ENHANCEMENT:
SALMONID HABITAT IMPROVEMENTS:**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed seventy thousand dollars (\$70,000) to the Mattole Restoration Council, Inc. (“MRC”), a nonprofit organization, for the purposes of improving salmonid habitat in the Mattole River estuary and operating artificial salmonid rearing facilities, in conjunction with related grants awarded by the Department of Fish and Game (“DFG”).

This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the MRC shall submit for review and approval by the Executive Officer a work program, schedule, budget, and the names of any contractors to be used for the activities under this authorization, and provide evidence that all permits necessary to this project have been issued.
2. Conservancy and Proposition 12 funding shall be acknowledged in signage or other documentation appropriate to the project.
3. With respect to the work proposed for the estuary, an agreement meeting the requirements of Public Resources Code Section 31116(c) to protect the public interest in improvements funded under this grant shall be recorded in the official records of Humboldt County.”

Staff further recommends that the Conservancy adopt the following 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 criteria of Chapter 6 of Division 21 of the Public Resources Code (Sections 31251 to 31270) regarding 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 Mattole Restoration Council 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.
4. The Mattole River is identified in the Humboldt County Local Coastal Plan, South Coast Area Plan as environmentally sensitive habitat and a significant coastal stream for which the biological productivity should be maintained.
5. The Conservancy has reviewed the proposed Mitigated Negative Declaration (attached to the accompanying staff recommendation as Exhibit 2) adopted by the California Department of Fish and Game, Central Coast Region on May 19, 2003 pursuant to the California Environmental Quality Act, and the Mitigation Monitoring Program developed to mitigate potentially significant environmental effects, and finds that the project avoids, reduces or mitigates the possible signifi-

cant environmental effects to a level of insignificance, and that there is no substantial evidence that the salmonid habitat improvements to the Mattole River estuary may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.

6. There is no evidence before the Conservancy that the estuary habitat improvements will have a potentially adverse effect on wildlife resources as defined under California Fish and Game Code 711.2.
7. 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.”

Motion passed by a vote of 5-0.

18. EXECUTIVE OFFICER’S REPORT:

Mr. Schuchat reported on the receipt of Wildlife Conservation Board funding for San Francisco Bay Area Conservancy Program wetlands projects.

Mr. Schuchat distributed the final Strategic Plan and Coastal Trail Report to Board members.

Julia McIver, legislative liaison, presented a report on the status of legislation affecting the Conservancy.

Mr. Schuchat presented a proposed schedule for Conservancy meetings in 2004, for consideration and possible approval at the next Board meeting.

The next meeting will be held on Thursday, December 11, 2003, in San Francisco.

19. DEPUTY ATTORNEY GENERAL'S REPORT:

Ms. Peterson reported on the status of California State Coastal Conservancy and California Coastal Commission v. City of Trinidad and John Frame, Humboldt County Superior Court No. CV030643, and related litigation between the City of Trinidad and John Frame. She also reported a decision in *Citizens for Hatton Canyon*, a case involving a conveyance from Caltrans to the Department of Parks and Recreation, in which the Conservancy was previously involved.

20. BOARD MEMBER COMMENTS:

There were no other comments by Board Members.

21. PUBLIC COMMENTS:

A representative of the Sierra Club spoke to the Conservancy regarding the Hearst Ranch easement proposal.

25. ADJOURNMENT:

The meeting was adjourned at 12:50 p.m.

TDS