

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

27 May, 2004
10:00 a.m.

Farrand Hall
Santa Barbara Museum of Natural History
2559 Puesta del Sol
Santa Barbara, California

MEMBERS PRESENT:

Douglas Bosco (Public Member), Acting Chairman
Jeremy M. Hallisey (Public Member)
Gary Hernandez (Public Member)
Mike Reilly (Chairman, Coastal Commission)

OVERSIGHT LEGISLATORS PRESENT:

There were no Oversight Legislators present.

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General

2. RECOGNITION OF DEWEY SCHWARTZENBERG

Acting Chairman Bosco read, and the Conservancy adopted, the following resolution:

To the Family, Friends, and Colleagues of
Dewey Schwartzenburg
The State Coastal Conservancy joins with you in mourning his loss.
We have lost a pillar of our small community.
Dewey was a key person in the Coastal Conservancy's history.
We miss
His sense of humor and fun
His competence and dedicated service
His professionalism, with a personal touch
His devotion to both the natural world and the spiritual.
As we resolve always to remember Dewey,
We direct that our staff determine a suitable way to memorialize
His humanity and grace, and
His contributions to California, the Coast, and the Conservancy.

3. APPROVAL OF MINUTES:

The Minutes of the March 25, 2004 Public Meeting were approved without change.

4. PACIFIC SHORES SUBDIVISION:

Acting Chairman Bosco removed this item from the Consent Agenda for consideration by the Conservancy.

Karyn Gear of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Sarah Sampels, representing the Del Norte County Board of Supervisors; Patty McCleary, representing the Smith River Alliance; and Sandra Jerabeck, representing a coalition of Del Norte County and other environmental organizations.

Speaking in opposition: Thomas W. Resch, President, Pacific Shores Property Owners Association; Bruce Smith, Pacific Shores property owner.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred fifty-three thousand four hundred dollars (\$353,400) to the Smith River Alliance, Inc., to determine the feasibility of public acquisition of parcels in the Pacific Shores Subdivision, Del Norte County, and for initial property acquisition activities. 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, schedule and budget, and the names and qualifications of any contractors to be used in the development of 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 Sections 31251 *et seq.* and 31111.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Smith River Alliance, Inc. 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.”

Motion passed by a vote of 4-0.

5. SEA CENTER ON STEARNS WHARF:

Janet Diehl of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Jennifer Ancona, representing Assembly Member Hannah-Beth Jackson.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred fifty thousand dollars (\$350,000) to the Santa Barbara Museum of Natural History (Museum) to be used for the construction of the Sea Center on Stearns Wharf in Santa Barbara, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, the Museum shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. A work program, including project schedule and budget, and the names of any contractors and/or subcontractors to be employed on the project; and
 - b. Evidence that all permits and approvals necessary to implement the project have been obtained.
2. The Museum shall enter into an agreement with the Conservancy sufficient to protect the public interest in any improvement or development constructed as part of this proposed project in accordance with the requirements of Public Resources Codes Section 31116(c).”

Findings:

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

1. The proposed project is consistent with the purposes and criteria of Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31409) regarding public coastal access and with the purposes and criteria of Section 31119 of the Public Resources Code regarding educational projects.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Santa Barbara Museum of Natural History 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.
4. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration and the Addendum to Mitigated Declaration for the Sea Center project, attached to the accompanying staff recommendation as Exhibit 4 and Exhibit 5, respectively, 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 Section 15382.”

Motion passed by a vote of 4-0.

6. GOLETA SLOUGH TIDAL RESTORATION DEMONSTRATION PROJECT:

Trish Chapman of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Karen Ramsdell, representing the Santa Barbara Airport; Pat Saley, representing the Goleta Slough Management Committee; Jennifer Ancona, representing Assembly Member Hannah-Beth Jackson.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) to the City of Santa Barbara to implement the Goleta Slough Tidal Restoration Demonstration Project, subject to the following conditions:

1. Prior to commencement of construction and disbursement of any funds to the City, the City shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - i. A detailed work program, project budget and timeline.
 - ii. The names and qualifications of any contractors or subcontractors that the City intends to employ to construct the project.
 - iii. Evidence that all applicable permits and approvals for the project have been obtained.
2. The City shall implement the Mitigation and Monitoring Reporting Program that it adopted on December 3, 2003 for the project in compliance with the California Environmental Quality Act (attached to the accompanying staff recommendation as part of Exhibit 2).
3. Conservancy funding shall be acknowledged by erecting and maintaining a sign in the project area, the design and location of which has been reviewed and approved by the Executive Officer of the Conservancy.”

Findings:

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

1. The proposed project is consistent with Chapter 6 of Division 21 of the Public Resources Code (31251-31270) regarding enhancement of coastal resources.
2. The proposed project will enhance wetland habitats in Goleta Slough and is consistent with the City of Santa Barbara’s Local Coastal Program, which states call for the preservation and restoration of the slough.
3. The Conservancy has reviewed the Mitigated Negative Declaration (attached as Exhibit 2 to the accompanying staff recommendation) for the Goleta Slough Tidal

Restoration Demonstration Project, adopted by the City of Santa Barbara on December 3, 2003 to comply with the California Environmental Quality Act, and finds that, with the mitigations and monitoring proposed, there is no substantial evidence that the proposed Conservancy project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382

4. 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 4-0.

7. MORRO BAY HARBOR WATERFRONT BOARDWALK:

Tim Duff of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Bill Bouchen, City of Morro Bay

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the City of Morro Bay (the City) for construction of a waterfront boardwalk, subject to the condition that prior to the disbursement of funds for construction, the City shall submit for the review and approval of the Executive Officer of the Conservancy:

1. Evidence that the City has obtained all necessary permits and approvals, and all other funds necessary to complete the project.
2. A final work program, including construction drawings, a budget, schedule, and names of any contractors and subcontractors to be employed for these tasks.
3. A signing plan for the project acknowledging Conservancy participation.
4. Evidence that the project design is consistent with the Conservancy’s “Standards and Recommendations for Accessway Location and Development.”

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 Division 21 of the Public Resources Code regarding coastal access.
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 reviewed the Mitigated Negative Declaration adopted by the City of Morro Bay on May 24, 2004, attached as Exhibit 4 to this staff recommendation, and concurs that the project, as mitigated, avoids or reduces the possible effects on the environment to a level of insignificance. The Conservancy

further finds that there is substantial evidence to conclude that the project will not have an adverse effect on wildlife resources.

4. The proposed project serves greater than local needs.”

Motion passed by a vote of 4-0.

8. AHEARN RANCH ACQUISITION:

Tim Duff of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Neil Havlik, representing the City of San Luis Obispo; and Kathleen Phelps/Bruce Emmens, representing the United States Forest Service.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed four hundred thousand dollars (\$400,000) to the City of San Luis Obispo (grantee) for the acquisition of the 610-acre Ahearn Ranch (“Ahearn Ranch”) as public lands, with the Conservancy funds to be applied to the acquisition by the grantee of a portion of the Ahearn Ranch, comprised of San Luis Obispo County Assessor’s Parcel Nos. 070-241-026 [portion], -027 [portion], and 073-321-007. Disbursement of the funds is subject to the following conditions:

1. Prior to disbursement of Conservancy funds:
 - a. The grantee 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, escrow instructions, and documents of title.
 - b. The grantee shall provide evidence that all funds necessary to complete its acquisition of portions of the Ahearn Ranch are available.
2. The purchase price of the Ahearn Ranch shall not exceed fair market value for the property, as established in an appraisal approved by the Executive Officer
3. The grantee shall permanently dedicate the portions of the Ahearn Ranch acquired by the grantee for natural resource protection, public access and open space preservation by an appropriate instrument approved by the Executive Officer, in accordance with Public Resources Code Section 31116(b).
4. Conservancy and Proposition 12 funding shall be acknowledged by erecting and maintaining a sign on the Ahearn Ranch, the design and location of which has been reviewed and approved by the Executive Officer.
5. Any revenues generated from leases and rents on the property shall be utilized by the grantee solely for maintenance, operation or management of the property consistent with the purposes of the acquisition, as described in condition number 3, above.”

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 Division 21 of the Public Resources Code (Sections 31251 to 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 San Luis Obispo County's Local Coastal Plan as requiring public action to resolve existing or potential resource protection problems."

Motion passed by a vote of 4-0.

9. EAST WEST RANCH COASTAL TRAIL:

Prentiss Williams of the Conservancy staff presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) to the Cambria Community Services District to construct improvements to the Coastal Trail on the East West Ranch property in Cambria, San Luis Obispo County, subject to the condition that prior to the disbursement of funds for construction, the Cambria Community Services District (CCSD) shall submit for the review and approval of the Executive Officer of the Conservancy:

1. A signing plan for the project acknowledging Conservancy participation.
2. A final work plan for the project
3. The names of any subcontractors to be used in the completion of the project.
4. A project schedule and budget.
5. Evidence that the CCSD has obtained all necessary permits and approvals and has conducted all necessary environmental review."

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 coastal access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed the CCSD's Initial Study and Mitigated Negative Declaration (attached to the accompanying staff recommendation as Exhibit 2) for the project and finds that there is no substantial

evidence that the project, as mitigated, may have a significant effect on the environment.

4. The CCSD has incorporated the guidelines of the Conservancy's 'Standards and Recommendations for Accessway Location and Development' into the trail design.
5. The proposed project will serve greater than local needs."

Motion passed by a vote of 4-0.

10. SAN PEDRO CREEK WATERSHED ENHANCEMENT PLAN:

Prentiss Williams of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the staff recommendation: Scott Holmes, Director of Public Works, representing the City of Pacifica.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred forty-five thousand dollars (\$545,000) to the City of Pacifica to implement a series of habitat improvements to San Pedro Creek corridor near the Capistrano Bridge to facilitate fish passage, subject to the following conditions:

1. Prior to the disbursement of funds:
 - a. The Executive Officer of the Conservancy shall approve in writing a final work program, schedule and budget, a signing program acknowledging assistance from the Conservancy and from Proposition 12, and any contractors to be employed in implementation of the project.
 - b. The City shall provide evidence to the Executive Officer of the Conservancy that the City has obtained all necessary permits and approvals.
2. The City shall implement, or shall cause to be implemented, the mitigation measures contained in the City's May 2003 Mitigated Negative Declaration for the project prepared under the California Environmental Quality Act and attached to the accompanying staff recommendation as Exhibit 2.
3. Upon completion of the project, the City shall provide to the Conservancy a written report indicating the implementation of all applicable mitigation measures required in the Mitigation Monitoring and Reporting Program for the Capistrano Bridge Fish Passage Improvement Project, attached to the accompanying staff recommendation as Exhibit 3.
4. The City shall monitor the project for no less than five years after the completion of 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 set forth in Chapter 6 of the Public Resources Code (Sections 31251 *et seq.*) 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. The Coastal Conservancy has independently reviewed the Mitigated Negative Declaration adopted by the City on May 5, 2003 (attached as Exhibit 2 to the accompanying staff recommendation) for the project pursuant to California Environmental Quality Act, and finds that there is no substantial evidence that the project, as mitigated, may have a significant effect on the environment as defined in 14 Cal. Code of Regulations Section 15382.”

Motion passed by a vote of 4-0.

11. BOUDREAU PROPERTY ACQUISITION:

Karen C. Bane of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Dick Bobertz, representing the San Dieguito River Park Joint Powers Authority.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million five hundred thousand dollars (\$1,500,000) to the San Dieguito River Park Joint Powers Authority (SDRPJPA) for the acquisition of the Boudreau property (San Diego APN 304-020-16 and 304-020-13) as described in the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of any funds for acquisition, the Executive Officer shall review and approve all title and acquisition documents including but not limited to the appraisal, agreement of purchase and sale, the grant deed and conservation easement, environmental assessments, escrow instructions and documents of title.
2. The SDRPJPA shall pay no more than fair market value for the interests acquired, as established by an appraisal approved by the Executive Officer.
3. The property shall be permanently protected for public access, open space and habitat conservation in a manner acceptable to 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 criteria set forth in Chapter 6 of the Division 21 of the Public Resources Code (Sections 31241-31270) 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.

Motion passed by a vote of 4-0.

12. MACHADO LAKE AND WILMINGTON DRAIN:

Karen C. Bane of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Leila Barker, representing the City of Los Angeles Department of Recreation and Parks; and Robert Urteaga, representing City Councilwoman Janet Hahn, City of Los Angeles.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) to the City of Los Angeles Department of Recreation and Parks (RAP) for final project development and preparation of environmental compliance documents for improvement of water quality and habitat in Machado Lake and Wilmington Drain. Prior to the disbursement of any funds, the RAP 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 it intends to use to conduct 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 set forth in Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220) regarding integrated coastal and marine resource protection.
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 4-0.

13. EASTERN SWETT RANCH ACQUISTION:

Ann Buell of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Jim Ball, representing the Solano Land Trust.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed five hundred seventy-five thousand dollars (\$575,000) to the Solano Land Trust (“SLT”) toward the acquisition of the Eastern Swett Ranch in Solano County, Assessor Parcel Numbers 182-070-02, 182-080-01, 182-080-02, as shown on Exhibit 3 to the accompanying staff recommendation.

This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the SLT shall:
 - a. Submit for review and approval of the Executive Officer all relevant acquisition documents including but not limited to, the appraisal, agreement(s) of purchase and sale, escrow instructions and documents of title.
 - b. Provide evidence to the Executive Officer that all additional funds needed to complete the acquisition have been obtained.
2. The SLT shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. The SLT shall permanently dedicate the property for habitat, open-space preservation, resource enhancement and restoration, and outdoor public recreational use, in a manner acceptable to the Executive Officer, and in accordance with Public Resources Code Section 31116(b).
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign whose design and location have been reviewed and approved by the Executive Officer.”

Findings:

“Based on the accompanying Staff Recommendation 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 Solano 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.”

Motion passed by a vote of 4-0.

14. SAN FRANCISCO BAY AREA CONSERVANCY PROGRAM:

Ann Buell of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Jeff Rasmussen, East Bay Regional Park District.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred seventy-five thousand dollars (\$375,000) to Greenbelt Alliance, acting through the Bay Area Open Space Council, to further the purposes of the San Francisco Bay Area Conservancy Program. Prior to disbursement of any Conservancy funds, Greenbelt Alliance shall submit for review and approval of the Executive Officer of the Conservancy a detailed work program, timeline, and budget; and the names and qualifications of any intended contractors.”

Findings:

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

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 of Division 21 of the California Public Resources Code (Sections 31160-31164) regarding the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Greenbelt Alliance is a nonprofit organization existing under Section 501(c)(3) of the 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.

15. ALVISO MARINA COUNTY PARK:

Amy Hutzel of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Lisa Killough, representing the Santa Clara County Parks and Recreation Department.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to Santa Clara County for construction of access and recreation improvements at Alviso Marina County Park, subject to the following conditions:

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy (“Executive Officer”) has reviewed and approved in writing a final work program, including a budget and schedule; a sign plan acknowledging Conservancy funding; and any contractors to be employed in the project.

2. Prior to initiating construction, Santa Clara County shall provide written evidence to the Executive Officer that all permits and approvals necessary to the implementation and completion of the project under applicable local, state and federal laws and regulations have been obtained.”

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 *et seq.*, regarding the Conservancy’s mandate to address the resource and recreational goals of 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 Conservancy has reviewed the Environmental Impact Report for the Alviso Marina Park Master Plan, adopted by the County of Santa Clara on October 21, 1997 to comply with the California Environmental Quality Act and attached as Exhibit 5 to the accompanying staff recommendation, and finds, consistent with the Conservancy’s findings of April 27, 2000, that there is no substantial evidence that, with the mitigations and mitigation monitoring proposed, the elements encompassed in the increased scope of Conservancy participation in the project may have a significant effect on the environment. The Conservancy further finds that:
 - a. There is no evidence before the Conservancy that the elements encompassed in the increased scope of Conservancy participation in the project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined in Cal. Fish and Game Code Section 711.2.
 - b. The Conservancy has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in 14 Cal. Code of Regulations Section 753.5.d regarding the potential for adverse effects of the increased scope of Conservancy participation in the project on wildlife resources as defined under Cal. Fish and Game Code Section 711.2.”

Motion passed by a vote of 4-0.

16. TIDEWATER PARK ACCESS IMPROVMENTS:

Amy Hutzel of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Jeff Rasmusson, representing the East Bay Regional Park District.

Resolution:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (“ABAG”) to disburse an amount not to exceed one hundred eighty-six thousand three hundred eighty-one dollars (\$186,381) of the total Conservancy funds authorized on December 7, 2000 to ABAG for San Francisco Bay Trail projects, to East Bay Regional Park District (“EBRPD”) to construct the San Francisco Bay Trail portion of public access improvements at Tidewater Park.

The Conservancy further authorizes disbursement of an amount not to exceed two hundred fifty thousand eight hundred eighty dollars (\$250,880) to the EBRPD for implementation of public access and recreation improvements at Tidewater Park.

These authorizations are subject to the following conditions:

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy (“Executive Officer”) has reviewed and approved in writing a final work program, including a budget and schedule; a sign plan acknowledging Conservancy and Proposition 12 funding; and any contractors to be employed in the project.
2. Prior to initiating construction, EBRPD shall provide written evidence to the Executive Officer that all permits and approvals necessary to the implementation and completion of the project under applicable local, state and federal laws and regulations have been obtained.”

Findings:

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

5. The proposed project is consistent with the policies of Chapter 4.5 of the Public Resources Code (Sections 31160-31163) regarding the San Francisco Bay Area Conservancy Program.
6. 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 4-0.

17. MEINS LANDING PROPERTY ACQUISITION:

Mary Small of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) to the Department of Water Resources (“DWR”) for the acquisition of the 668-acre Meins Landing property in Solano County (Solano County Assessor Parcel Numbers 0090-070-320, 0090-070-330 and 0090-070-040), as described in Exhibit 1 to the accompanying staff recommendation, for habitat enhancement and resource protection, subject to the

following conditions:

1. Prior to disbursement of funds, DWR shall submit for the review of the Executive Officer of the Conservancy ("Executive Officer"):
 - a. All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, hazardous materials assessments, escrow instructions and title reports; and
 - b. A sign plan for the property which acknowledges Conservancy funding and has been reviewed and approved by the Executive Officer.
2. Prior to disbursement of funds, there shall be in place a fully executed Memorandum of Understanding between the Conservancy and the Wildlife Conservation Board (WCB) authorizing the acquisition of the property as an approved project under WCB Agreement Number WC-3032BT.
3. DWR shall pay no more than fair market value for the property, as established in an appraisal approved by the California Department of General Services and WCB.
4. The property shall be acquired from a willing seller.
5. DWR shall permanently dedicate the property acquired pursuant to this authorization for the protection of fish and wildlife habitat and for public access through an appropriate instrument approved by the Executive Officer.
6. Subsequent to the acquisition, DWR may transfer its interest in the property to a public entity or nonprofit organization acceptable to the Executive Officer for purposes consistent with fish and wildlife protection and public access and subject to any agreements and other instruments may be required 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 Public Resources Code Sections 31160-31164, which authorizes the Conservancy to award grants to address resource and recreational goals of the San Francisco Bay Area.
2. The proposed acquisition is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001."

Motion passed by a vote of 4-0.

18. CARRINGTON RANCH PUBLIC USE IMPROVEMENTS:

Richard Retecki of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred sixty thousand dollars (\$260,000) to the California Department of Parks and Recreation (DPR) for interim public access and facility planning, environmental analysis, and property cleanup activities on the Carrington Ranch property in Sonoma County, subject to the following conditions:

7. Prior to the disbursement of any funds, DPR shall submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”) a work program, budget, and schedule and the names and qualifications of any contractors and subcontractors to be employed.
2. Prior to the removal of any buildings, DPR shall submit evidence that all necessary permits and approvals have been obtained.
3. The Conservancy shall be acknowledged with respect to future trails through the installation and maintenance of a sign or signs, the design and placement of which have been reviewed and approved by the Executive Officer.
4. DPR shall incorporate the guidelines of the Conservancy’s “Standards and Recommendations for Accessway Location and Development” into trail planning and future construction, as appropriate.”

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 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.”

Motion passed by a vote of 4-0.

19. CONSENT ITEMS:

Speaking in favor of item C, regarding the Matilija Dam: David Pritchett, representing the California Steelhead Coordinating something.

A: FARMONT RANCH RESTORATION:

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed fifty-five thousand dollars (\$55,000) to the Ojai Valley Land Conservancy

(OVLC) for the restoration of trail corridors for habitat and erosion control on the Farmont Ranch in Ventura County, subject to the condition that the project shall not commence and no funds shall be disbursed until:

1. The Executive Officer has approved in writing a project work program, budget, and timeline; the names and qualifications of any contractors to carry out all or part of the project; and a signing plan that acknowledges Conservancy funding.
2. OVLC has entered into and recorded agreements pursuant to Public Resources Code Sections 31116(c) and 831.5, to protect the public interest in improvements funded under this grant, and to afford the OVLC the same level of tort immunity as afforded a public entity.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed Farmont Ranch Restoration project remains consistent with the purposes and criteria set forth in Chapter 6 of Division 21 of the Public Resources Code, and with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001, as determined by the Conservancy in its original authorization of the project on January 23, 2003.”

B. MANCHESTER ENHANCEMENT PROJECT

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred ten thousand dollars (\$110,000) to the San Elijo Lagoon Conservancy (SELC) to implement the Habitat Enhancement Plan for the Manchester Site, attached to the accompanying staff recommendation as Exhibit 2, subject to the following conditions:

1. Prior to commencement of construction and to disbursement of any funds, SELC shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - a. A detailed work program, project budget and timeline.
 - b. The names and qualifications of any contractors or subcontractors that SELC intends to employ to construct the project.
 - c. Evidence that all applicable permits and approvals for the project have been obtained.
2. Conservancy funding shall be acknowledged by erecting and maintaining a sign in the project area, which has been reviewed and 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:

4. 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.
5. The proposed project is consistent with the guidelines and criteria set forth in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.
6. San Elijo Lagoon has been identified in the City of Encinitas Local Coastal Plan as an environmentally sensitive habitat area which should be preserved and restored.
7. The San Elijo Lagoon 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.”

C. MATILIJA DAM STUDIES

Resolution:

“The State Coastal Conservancy hereby amends its Matilija Dam Studies authorizations of October 26, 2000, attached as Exhibit 3, and February 27, 2003, attached as Exhibit 4, to authorize disbursement of an amount not to exceed five hundred eleven thousand dollars (\$511,000) to the Ventura County Watershed Protection District to participate with the United State Army Corps of Engineers in studying the feasibility of removing the Matilija Dam, subject to the condition that prior to disbursement of funds, the County shall submit to the Conservancy’s Executive Officer a budget, work program and the names of any subcontractors to be employed for the project.”

Findings:

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

1. The proposed authorization remains consistent with the findings adopted by the Conservancy on October 26, 2000 (Exhibit 3),
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 Chapter 6 of Division 21 of the California Public Resources Code (Section 31251-31270).”

D. 26TH AVENUE STAIRWAY CONSTRUCTION

Resolution:

“The State Coastal Conservancy hereby amends condition number 5 of and adds condition number 6 to its August 14, 2003 resolution, attached to the accompanying staff recommendation as Exhibit 2, to implement the 26th Avenue Stairway construction project, as follows:

5. Evidence that the County of Santa Cruz has accepted all remaining Offers-to-Dedicate Public Access Easements within its jurisdiction, except for the Offer to Dedicate (“OTD”) made by the Sumner Woods Homeowners’ Association, recorded on November 22, 1991 as instrument number 74949 in the Official Records of Santa Cruz County, volume 4931, pages 372 through 379.
6. The County of Santa Cruz and the Conservancy shall enter into a Memorandum of Understanding which provides that the County accept the Sumner Woods Homeowners’ Association OTD, as described more specifically in #5, above, prior to its expiration on November 22, 2012.”

Findings:

“The State Coastal Conservancy hereby finds that the proposed authorization remains consistent with the findings adopted by the Conservancy on August 14, 2003 regarding the Conservancy’s Enabling Legislation, Strategic Plan Goals and Objectives, Project Selection Criteria and Guidelines, and Local Coastal Program Policies, as shown in Exhibit 2 to the accompanying staff recommendation.”

E. MORI POINT COASTAL TRAIL PLANNING

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed seventy-four thousand dollars (\$74,000) to the Golden Gate National Parks Conservancy (GGNPC) for the development of plans for construction of the California Coastal Trail on the National Park Service’s Mori Point property in Pacifica, San Mateo County, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, GGNPC shall submit for the review and written approval of the Executive Officer of the Conservancy a work program, budget, schedule for the completion of the project and the names and qualifications of any contractors or subcontractors to be employed to carry out the work program.
2. GGNPC shall incorporate the guidelines of the Conservancy’s ‘Standards and Recommendations for Accessway Location and Development’ into any design criteria included in the plan.
3. GGNPC shall incorporate into the trail designs a signing plan for the project acknowledging Conservancy participation and the use of Proposition 12 funds.”

Findings:

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

8. The proposed project is consistent with the authority of the Conservancy under Public Resources Code Sections 31111 and 31400-31400.3 regarding public access to the coast.

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

The Golden Gate National Parks 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.”

F. SAN BRUNO MOUNTAIN HABITAT ACQUISITION

Resolution:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed sixty-one thousand five hundred dollars (\$61,500) to the City of Brisbane to acquire two parcels of Brisbane Acres (City of Brisbane Assessor Parcel Numbers 007-570-140 and 007-483-030), an unrecorded subdivision located on the upper slopes of San Bruno Mountain in the City of Brisbane. This authorization is subject to the condition that prior to the disbursement of any Conservancy funds for acquisition, the City of Brisbane shall submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”):

1. 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 Brisbane Acres property.
2. Evidence that the City of Brisbane has paid no more than fair market value for the property acquired, as established in an appraisal approved by the Executive Officer.
3. An offer to dedicate (OTD) or other instrument acceptable to the Executive Officer that permanently dedicates the property (Assessor’s Parcel Numbers 007-570-140 and 007-483-030) for open space, wildlife and habitat preservation.
4. A signing plan acknowledging Conservancy funding, to be sited on or near the property in a location that is open to the public.”

Findings:

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

1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

G. SOUTH BAY SALT POND RESTORATION PLANNING

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of a portion of Conservancy funds authorized on March 25, 2004, for the South Bay Salt Pond Planning effort, as follows:

An amount not to exceed two hundred thousand dollars (\$200,000) to San Francisco Estuary Institute to manage a database and web site related to wetlands restoration work in the South San Francisco Bay. Prior to the disbursement of Conservancy funds, San Francisco Estuary Institute shall submit for the review and written approval of the Executive Officer of the Conservancy a final work program, including a budget and schedule, and the names and qualifications of any contractors or subcontractors that San Francisco Estuary Institute intends to employ.”

Findings:

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

1. A grant to the San Francisco Estuary Institute to carry out portions of the South Bay Salt Pond Planning effort, authorized by the Conservancy on March 25, 2004, is consistent with the resolution and findings adopted by the Conservancy on that date, and with the authority of the Conservancy to award grants and support public/private partnerships in the San Francisco Bay Area to address resource and recreational goals.
2. The San Francisco Estuary 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.”

H. MARSH CREEK FISH PASSAGE PROJECT

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed thirty-five thousand dollars (\$35,000) to the Natural Heritage Institute for the development of plans to implement a fish passage improvement project on Marsh Creek in the City of Brentwood.”

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.”

I. TALL SHIPS EXPOSITION AND ENVIRONMENTAL EDUCATION

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred twenty-five thousand dollars (\$125,000) to Sail San Francisco to coordinate and facilitate visits of tall sailing ships, international maritime training vessels, and other unique craft, to California’s coastal ports for purposes, including but not limited to, assisting in the development of waterfront festivals that highlight such ships; and to carry out educational projects for students in grades kindergarten through 12 associated with such visits, relating to the preservation, protection, enhancement and maintenance of coastal 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 objectives of Chapter 7 of Division 21 of the Public Resources Code, regarding urban waterfront restoration.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. 3.Sail San Francisco 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.”

J. JOE RODOTA TRAIL

Resolution:

“The State Coastal Conservancy hereby modifies the Conservancy’ April 25, 2002 authorization to disburse funds to the Sonoma County Regional Parks for the Joe Rodota/West County Regional Trail project as follows: 1) authorizes the

disbursement of an additional amount not to exceed one hundred ninety-seven thousand dollars (\$197,000) for a total authorization of up to four hundred forty-seven thousand dollars (\$447,000) for the project; and 2) revises the scope of the project to include the construction of a pedestrian/bicycle bridge over Santa Rosa Creek, rather than trail construction on an existing railroad right-of-way overpass, and to include the construction of the remaining segment of the Joe Rodota/West County Regional Trail. This authorization is subject to the same conditions imposed by the April 25, 2002 authorization.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that disbursement of additional funds to construct a pedestrian/bicycle bridge and the remaining portion of the Joe Rodota Trail is consistent with the Conservancy authorization and findings adopted on April 25, 2002, as shown in the staff recommendation for the original authorization attached as Exhibit 2 to this staff recommendation.”

K. SEA RANCH BLUFF TOP TRAIL REPAIR FEASIBILITY STUDY

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to \$40,000 to Sonoma County to conduct a geotechnical investigation and engineering feasibility study in the vicinity of an eroded portion of the Bluff Top Trail Public Access Easement, seaward of Lots 23-25 at The Sea Ranch, Sonoma County, and to conduct appraisals of easements and other studies on other sections of the Bluff Top Trail that may be susceptible to collapse, subject to the condition that no funds shall be disbursed until Sonoma County has submitted for the written approval of the Executive Officer of the Conservancy evidence that all necessary permits and approvals have been obtained; a final work plan, including budget and schedule; and the names and qualifications of any contractors to be employed to carry out this project.”

Findings:

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

8. The proposed project is consistent with the public access purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code, Sections 31400 *et seq.*
9. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
10. The proposed project will serve greater than local needs.”

L. NOYO RIVER PLAN

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed fifty thousand dollars (\$50,000) to Trout Unlimited for preparation of the Noyo River Plan (“Plan”), subject to the condition that prior to commencement of work, Trout Unlimited shall submit for the review and written approval of the Executive Officer of the Conservancy a work program, program budget, schedule for completion and the names and qualifications of any contractors or subcontractors to be employed in the preparation of the plan.”

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 3 (Section 31111) and Chapter 6 (Sections 31251-31270) of Division 21 of the Public Resources Code regarding the enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001. Trout Unlimited 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.”

Motion passed by a vote of 4-0, with Mr. Reilly abstaining from the vote on items J and K.

20. PUBLIC COMMENTS: Gary Felsman; Brian Trautwein, representing the Environmental Defense Center; and Elizabeth Scott-Graham, representing Hearst Ranch Conservation NOW, addressed the board with regard to the possible acquisition of the Hearst Ranch in San Luis Obispo County.

21. EXECUTIVE OFFICER’S REPORT:

Mr. Schuchat presented a report on personnel changes on the Conservancy staff.

Julia McIver, the Conservancy’s legislative liaison, presented a report on proposed legislation affecting the Conservancy.

22. DEPUTY ATTORNEY GENERAL’S REPORT:

There was no Deputy Attorney General’s report.

23. CLOSED SESSION

The Conservancy adjourned to closed session in order to give instructions to its negotiator prior to the purchase of real property, with regard to the possible purchase of interests in the Hearst Ranch property in San Luis Obispo County, and in order to confer with counsel regarding California State Coastal Conservancy and California Coastal Commission v. City of Trinidad and John Frame, Humboldt County Superior Court No. CV030643; and John Frame v. City of Trinidad, et al., Humboldt County Superior Court No. DR 980359. Session was closed to the public pursuant to Government Code Sections 11126(c)(7) and 11126(e).

24. ADJOURNMENT:

The meeting was adjourned at 2:11 p.m.

—MG