

**STATE COASTAL CONSERVANCY  
PUBLIC MEETING MINUTES**

September 15, 2004

9:00 a.m.

Mary Agatha Furth Center

*adjacent to* Our Lady of Guadalupe Church

8400 Old Redwood Hwy, Windsor, CA 95492

**MEMBERS PRESENT:**

Douglas Bosco (Public Member), Acting Chairman

Jeremy M. Hallisey (Public Member)

Gary Hernandez (Public Member)

Patrick Kemp (Designated)

Mike Reilly (Chairman, Coastal Commission)

Karen Scarborough (Designated)

**OVERSIGHT LEGISLATORS PRESENT:**

Wesley Chesbro (District 2)

Bruce McPherson (District 15)

**OTHERS PRESENT:**

Sam Schuchat, Executive Officer

Pat Peterson, Deputy Attorney General

**2. APPROVAL OF MINUTES:**

The Minutes of the June 30, 2004 Public Meeting were approved without change.

**3. STEELHEAD BEACH RIVER PARK:**

Richard Retecki of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Philip Sales, Sonoma County Regional Parks

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to two hundred and fifteen thousand dollars (\$215,000) to the County of Sonoma for the development and construction of the second phase of public access and riparian habitat improvements at Steelhead Beach River Park, as described in the accompanying staff recommendation, subject to the condition that no funds shall be disbursed until the Executive Officer has received evidence that all other funds and necessary permits have been obtained and has approved in writing a final budget and work plan; and all subcontractors proposed to be used on 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 Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 et seq.) related to development of a system of public accessways to and along California’s coast.
2. The proposed authorization is consistent with the Conservancy’s Project Guidelines and Selection Criteria adopted by the Conservancy on January 24, 2001; and
3. The proposed project will serve greater than local public access needs.”

Motion passed by a vote of 4-0 with one abstention.

**4. BEAR MOUNTAIN:**

Maxene Spellman of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Andrea Mackenzie, Sonoma County Agricultural Preservation & Open Space District; and Assemblywoman Pat Wiggins, 7<sup>th</sup> Assembly District.

Resolution:

“The State Coastal Conservancy hereby authorizes an amount not to exceed one million dollars (\$1,000,000) to the Sonoma County Agricultural Preservation and Open Space District (“the District”) to acquire a 242-acre portion of the contiguous 960-acre Bear Mountain property in Sonoma County, Assessor Parcel Numbers 028-380-001, 002, 003, 004, 006, and 007, as shown on Exhibit 1 to the this staff recommendation; and up to two hundred thousand dollars (\$200,000) to create a management plan for the Bear Mountain property subject to the following conditions:

1. The District shall submit for prior review and approval of the Executive Officer of the Conservancy all relevant acquisition documents, including but not limited to the appraisal, environmental assessments, agreement of purchase and sale, escrow instructions, and documents of title necessary to the acquisition of the Bear Mountain.
2. The District shall pay no more than fair market value for the subject property as established in an appraisal approved by the Executive Officer.
3. The District shall permanently dedicate the 242-acre portion of the Bear Mountain property acquired with assistance from the Conservancy, for habitat and resource protection, open space preservation, and public access, through an irrevocable offer to dedicate an interest in the property or other instrument acceptable to the Executive Officer.

4. The District shall acknowledge Conservancy funding by erecting and maintaining on the Bear Mountain property a sign that has been reviewed and approved by the Executive Officer.”

Findings:

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

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”
3. The project serves a regional constituency in the Sonoma area, and includes matching funds from the Sonoma County Agricultural Preservation and Open Space District.”

Motion passed by a vote of 4-0 with one abstention.

**5. SAN FRANCISCO BAY TRAIL:**

Joan Cardellino of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes a grant of three million eight hundred thousand dollars (\$3,800,000) to the Association of Bay Area Governments (ABAG) for the San Francisco Bay Trail Project (BTP), its associated nonprofit organization, to develop individual San Francisco Bay Trail projects. The funds shall be used to establish criteria for potential Bay Trail access grant projects, to solicit and evaluate grant proposals, to recommend to the Conservancy the award of grant funds to selected projects, to implement selected projects, to monitor implementation of funded projects, and for related matters including administrative costs.

Prior to the execution of an agreement with each individual project grantee, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a work program, schedule and budget for each project. No Conservancy funds shall be disbursed toward implementation of any proposed project that is not exempt from the California Environmental Quality Act, until the Conservancy authorizes the project.”

Findings:

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

1. The proposed project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31160-31164 regarding the San Francisco Bay Area Conservancy Program; and with Sections 31400-31409 regarding public access.

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.

**6. HUNTERS POINT NAVAL SHIPYARD:**

Joan Cardellino of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes a grant of three hundred thousand dollars (\$300,000) to Arc Ecology (Arc) for the purpose of preparing a master plan for a shoreline park located on Parcel E of Hunters Point Naval Shipyard as shown in Exhibit 1, subject to the following conditions:

1. Prior to the disbursement of any funds, ARC shall submit for the review and approval of the Executive Officer of the Conservancy a detailed work program, project budget, schedule and the names and qualifications of any contractors to be employed on the project.
2. The San Francisco Redevelopment Agency and Arc Ecology have entered into a Cooperative Agreement that specifies Arc’s role in managing the master plan process and indicates the Agency’s responsibilities in reviewing and approving the plan.”

Findings:

“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:

2. The proposed project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31160-31164 regarding the San Francisco Bay Area Conservancy Program.
3. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
4. Arc Ecology is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, whose purposes, which include the preservation, restoration or enhancement of land for habitat protection, public access and recreation, are consistent with Division 21 of the California Public Resources Code.”

The San Francisco Redevelopment Agency and Arc Ecology have entered into a Cooperative Agreement that specifies Arc's role in managing the master plan process and indicates the Agency's responsibilities in reviewing and approving the plan."

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:

5. The proposed project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31160-31164 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.

7. Arc Ecology is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, whose purposes, which include the preservation, restoration or enhancement of land for habitat protection, public access and recreation, are consistent with Division 21 of the California Public Resources Code."

Motion passed by a vote of 4-0 with one abstention.

**7. HAMILTON/BEL MARIN KEYS WETLAND RESTORATION PROJECT:**

Tom Gandesbery of the Conservancy staff presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes:

1. The disbursement of up to four hundred thousand dollars (\$400,000) from funds encumbered under the Hamilton Wetland Restoration Project Cooperation Agreement ("PCA"), in accordance with the PCA, to the Novato Sanitary District for the design of replacement dechlorination facilities at two existing District sewage treatment plants; and
2. The disbursement of up to one million one hundred thousand dollars (\$1,100,000) for engineering services, technical studies, planning, and other work associated with design and implementation of the Hamilton and Bel Marin Keys Wetland Restoration project.

The Conservancy further authorizes the Executive Officer to approve minor modifications or amendments to the PCA, if deemed necessary by the Corps of Engineers, in order to provide credit to the Conservancy for any advance payment of its share of project costs or to otherwise carry out these authorizations."

Findings:

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

1. The proposed authorization is consistent with and will help carry out the Hamilton Wetlands Restoration Plan/Feasibility Report and its Environmental Impact Report/Environmental Impact Study adopted and certified by the Conservancy on April 22, 1999, pursuant to Chapter 6 of Division 21 of the Public Resources Code, concerning the enhancement of coastal resources, and with the Project Cooperation Agreement; and with the final SEIR/EIS for the Bel Marin Keys Unit V Expansion off the Hamilton Wetland Restoration Project;
2. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, establishing the San Francisco Bay Area Conservancy Program; and
3. 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.

**8. RUTHERFORD REACH:**

Amy Hutzel of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Davie Pina, Rutherford Dust Society; and Ellie Insley, Rutherford Dust Society.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred eighty thousand dollars (\$279,400) to the Napa County Resource Conservation District (NRCD) for the preparation of engineering designs, environmental documentation and permit applications for restoration of the Rutherford Reach of the Napa River. This authorization is subject to the condition that prior to the disbursement of any funds, the NRCD shall submit for review and approval of the Executive Officer of the Conservancy:

1. A work program, budget, and schedule;
2. The names and qualifications of any contractors or subcontractors that the NRCD intends to employ to implement the project;
3. Evidence that all necessary permits and approvals for the project have been obtained;

4. Evidence that landowners whose properties have been identified as probable project construction sites agree to access by project personnel and to support the project.
5. Evidence that all funds necessary to complete this phase of the project have been secured.”

Findings:

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

4. The proposed project 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;
5. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 4, 2001.”

Motion passed by a vote of 5-0.

**9. SAN FRANCISCO BAY AREA WATERSHED PLAN:**

Jeff Melby 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) for preparation of a Watershed Management/Habitat Protection and Restoration Plan for the San Francisco Bay Area region.”

Findings:

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

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 *et seq.*), regarding the Conservancy’s mandate to address the 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 Board on January 24, 2001.”

Motion passed by a vote of 5-0.

**10. CORNFIELD AND TAYLOR YARD:**

Chris Kroll of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million nine hundred thousand dollars (\$1,900,000) for preparation of planning and technical studies for the Taylor Yard and Cornfield State Park sites near the Los Angeles River, and for reimbursement of the California Department of Parks and Recreation for related planning costs incurred after June 30, 2004.”

Findings:

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

1. The proposed authorization is consistent with Division 21 of the Public Resources Code, specifically Chapter 6 (Sections 31251-31270) regarding enhancement of coastal resources, and Chapter 9 (Sections 31400-31405) regarding public access to and along the coast.
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.

**11. SANTA CLARA RIVER PARKWAY:**

Peter Brand of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred fifty thousand dollars (\$550,000), together with funds provided to the Conservancy by the Santa Clara River Trustee Council for this purpose, to prepare a restoration feasibility study for the Santa Clara River Parkway project area as shown in Exhibit 1 of the accompanying staff recommendation.”

Findings:



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

1. The proposed project is consistent with and will help to carry out the Santa Clara River Conceptual Enhancement Plan approved by the Conservancy on October 26, 2000, pursuant to Chapter 6 of the Division 21 of the Public Resources Code (Sections 31241-31270) regarding enhancement of coastal resources;
2. The proposed project remains consistent with the Conservancy’s Project Selection Criteria and Guidelines as determined by the Conservancy in its action authorizing further implementation of the Santa Clara River Parkway on June 25, 2001.”

Motion passed by a vote of 5-0.

**12. MALIBU CREEK:**

Marc Beyeler of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of additional funds not to exceed five hundred thousand dollars (\$500,000) to the Malibu Coastal Land Conservancy to complete the Malibu Creek Steelhead Barrier Removal Project (“Project”), which the Conservancy approved on June 4, 2003 and which implements the Santa Monica Bay Restoration Plan, approved by the Conservancy on August 2, 2000, subject to the conditions of the Conservancy’s June 4, 2003 authorization..”

Findings:

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

1. The proposed project remains consistent with the Conservancy’s June 4, 2003 findings regarding the Conservancy’s enabling legislation Project Selection Criteria and Guidelines; Local Coastal Plan; and the California Environmental Quality Act.
2. The Malibu Coastal Land 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.”

Motion passed by a vote of 5-0.

**13. VENTURA HILLSIDES:**

Kara Kemmler of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Brooke Ashworth, Ventura Hillside Conservancy.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) to the Ventura Hillside Conservancy to prepare acquisition planning and feasibility studies as part of an acquisition planning program for the Ventura Hillside project area as shown in Exhibit 1 of the accompanying staff recommendation, subject to the condition that prior to the disbursement of funds, the Ventura Hillside Conservancy shall submit for the review and approval of the Conservancy’s Executive Officer a work program, including timeline and budget and the names and qualifications of any contractors it intends to employ for the project.”

Findings:

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

1. The project is consistent with Chapter 6 of Division 21 of the Public Resources Code Sections 31241-31270 regarding resource enhancement;
2. The project is consistent with Chapter 9 of the Public Resources Code Sections 31400-31404 regarding public access;
3. The project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001;
4. The Ventura Hillside Conservancy is a non-profit organization existing under Section 501 (c)(3) of the U.S. Internal Revenue Code and having purposes consistent with Division 21 of the Public Resources Code; and
5. The project serves greater than local need.”

Motion passed by a vote of 5-0.

**14. MORO COJO SLOUGH:**

Marina Cazorla of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby approves disbursement of an amount not to exceed one million dollars (\$1,000,000) to the Monterey County Agricultural and Historical Land Conservancy (Land Conservancy) for acquisition of a conservation easement for the protection of habitat, scenic and open space resources on a 163-acre

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portion of the property known as the Dolan Ranch, Monterey County (Assessor's Parcel Nos. 133-091-007 and 133-091-009), as shown in Exhibit 2 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to disbursement of any funds for acquisition of the conservation easement:
  - (a) The Monterey Land Conservancy shall submit for review and approval of the Executive Officer of the Conservancy all relevant acquisition documents, including but not limited to the appraisal, the conservation easement, agreement of purchase and sale, escrow instructions, and documents of title.
  - (b) The grantee shall provide evidence that all debris, equipment, structures, and waste has been removed from the easement area.
  - (c) The grantee shall provide evidence that all funds necessary to complete the acquisition of the conservation easement are available.
2. The Land Conservancy shall pay no more than fair market value for the conservation easement, as established in an appraisal approved by the Executive Officer.
3. The conservation easement acquired pursuant to this authorization shall be managed consistent with the purposes of protection of habitat, scenic and open space resources and shall protect the interests of the State, as provided in Public Resources Code Section 31116(b).
4. The grantee shall submit an easement monitoring program for review and approval of the Executive Officer.
5. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the easement area, the design and location 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 Chapter 5.5 of Division 21 of the California Public Resources Code (Section 31220) regarding coastal and marine resources protection and restoration.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.

3. The Monterey County Agricultural and Historical Land Conservancy 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 Public Resources Code.”

Motion passed by a vote of 5-0.

**15. AZEVEDO MARSHES:**

Trish Chapman of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred twenty-five thousand dollars (\$525,000) to the Elkhorn Slough Foundation for the purpose of restoring and enhancing the Azevedo Marshes, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for engineering specifications and drawings, the Elkhorn Slough Foundation shall submit for the approval of the Executive Officer of the Conservancy with respect to engineering plans, a final work program, budget and schedule, and the names of any contractors or subcontractors that it intends to engage.
2. Prior to the disbursement of any Conservancy funds for construction, the Elkhorn Slough Foundation 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 for the construction of the project; and
  - b. Evidence that all permits and approvals necessary to implement the project have been obtained, including evidence that the U.S. Fish and Wildlife Service, California Department of Fish and Game, and the California Coastal Commission have approved the engineering plans for the project.
3. The Elkhorn Slough Foundation shall commit to maintenance and operation of the improvements funded under this authorization.”

Findings:

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

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1. The proposed project is consistent with the purposes and criteria in Chapter 6 of Division 21 of the California 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. The project site has been identified in the North Monterey County Local Coastal Program as an environmentally sensitive area requiring public action to resolve existing or potential resource protection problems.
4. The Conservancy has reviewed the Negative Declaration adopted by Monterey County on September 3, 2003 (attached as Exhibit 4 to the accompanying staff recommendation) and concurs that the project will not have a significant effect on the environment within the meaning of 14 Cal. Code of Regulations Section 15382.
5. The Elkhorn Slough Foundation is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Motion passed by a vote of 5-0.

**16. MONTEREY BAY NATIONAL MARINE SACTUARY:**

Trish Chapman 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 thousand dollars (\$200,000) to the Monterey Bay Sanctuary Foundation (MBSF) to implement portions of the Monterey Bay National Marine Sanctuary (MBNMS) Water Quality Protection Program, subject to the condition that prior to the disbursement of any funds, MBSF shall submit for review and approval of the Executive Officer of the Conservancy a work program, budget, schedule and any contractors or subcontractors to be employed for these tasks.”

Findings:

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

6. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding enhancement of coastal resources.
7. 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.

8. The Monterey Bay Sanctuary Foundation is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

Motion passed by a vote of 5-0.

**17. CONSENT ITEMS:**

**A. KELLEY PARK:**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed seventy thousand dollars (\$70,000) to the City of San José to plan the development of a new section of the Bay Area Ridge Trail in Santa Clara County and adopts the Mitigation, Monitoring, and Reporting Program, attached as Exhibit 4 to the Conservancy staff recommendation, subject to the following conditions:

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing: a final work plan, including a budget and schedule; and any contractors proposed to be used; and
2. The City of San Jose shall implement the mitigation measures for the potential significant effects of the project as identified in the City’s Kelley Park Master Plan Environmental Impact Report, adopted on October 17, 1994.”

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. The Conservancy has reviewed the Environmental Impact Report for the Kelley Park Master Plan, adopted by the City of San José on October 17, 1994, to comply with the California Environmental Quality Act and attached as Exhibit 3, and finds that there is no substantial evidence that, with the mitigations and mitigation monitoring proposed, the project may have a significant effect on the environment. There is no evidence before the Conservancy that the proposed 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. 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 authorized project on wildlife resources as defined under Cal. Fish and Game Code Section 711.2.”

**B. SOUTH BAY SALT POND RESTORATION PROJECT:**

Resolution:

“The State Coastal Conservancy hereby authorizes:

- 1) The disbursement of six hundred fifty thousand dollars (\$650,000) of funds granted from the Wildlife Conservation Board to the Conservancy and previously authorized on March 25, 2004, for the South Bay Salt Pond Planning effort, to the Coastal Conservancy Association to manage science advisory panels that provide technical oversight to the South Bay Salt Pond Restoration Project, subject to the condition that prior to the disbursement of any Conservancy funds, the Coastal Conservancy Association shall submit for the review and approval of the Executive Officer of the Conservancy a work program and budget, and the names and qualifications of any subcontractors that it intends to employ.
- 2) The acceptance of five hundred thousand dollars (\$500,000) from the Santa Clara Valley Water District and disbursement of these funds for planning and technical work associated with the South Bay Salt Pond Restoration Project and the South San Francisco Bay Shoreline Study.”

Findings:

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

1. The proposed authorization is consistent with Chapter 4.5 of 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 guidelines and criteria set forth in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.
3. The Coastal Conservancy Association is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

**C. BERKELEY BAY TRAIL SPUR SEGMENT:**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to eighty thousand dollars (\$80,000) to the City of Berkeley to prepare construction drawings and bid documents for a Bay Trail extension from the existing Bike Bridge and Bay Trail on Frontage Road to the East Lawn, including site amenities and a water accessway in the Marina, 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. Any contractors to be used;
2. A final work plan, including a final budget and schedule; and
3. An agreement between the California Department of Parks and Recreation and the City of Berkeley regarding terms and conditions of use for the portion of the trail in Eastshore State Park.”

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:

9. The Conservancy has reviewed the Berkeley Bay Trail Extension to the Berkeley Marina Design Plan and Final Initial Study/Mitigated Negative Declaration (attached as Exhibit 2 to the accompanying staff recommendation) for the Berkeley Bay Trail Extension project, adopted by the City of Berkeley of January 27, 2004 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; and
10. The Berkeley Bay Trail Extension project is consistent with Public Resources Code Sections 31160-31164, and with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

**D. NAVARRO POINT:**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the Mendocino Land Trust of an amount not to exceed eighty thousand dollars (\$80,000) to construct public access improvements at Navarro Point, subject to the condition that prior to disbursement of any funds, the Mendocino Land Trust shall submit for the review and written approval of the Executive Officer of the Conservancy a work plan, budget and schedule, detailed site plans, 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:

11. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 (§§31400-31409) of the Public Resources Code.
12. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
13. The proposed project will serve greater than local needs.
14. The Mendocino Land Trust is a private nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
15. The Conservancy has independently reviewed and considered the CEQA Negative Declaration attached to the accompanying staff recommendation as Exhibit 3, adopted by the Mendocino Board of Supervisors on May 20, 2004 pursuant to the California Environmental Quality Act, and finds that the project, avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 Cal. Code of Regulations Section 15382.”

**E. POINT CABRILLO LIGHT STATION:**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two million one hundred forty thousand six hundred dollars (\$2,140,600) to the Point Cabrillo Lightkeepers Association (PCLK) to complete the restoration of the Point Cabrillo Light Station, and for management of public use improvements onsite. Prior to the disbursement of any funds under this authorization, the PCLK shall submit for the approval of the Executive Officer a detailed work program and budget, approved by the Department of Parks and Recreation, for the activities being funded.”

Findings:

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

16. The Point Cabrillo Lightkeepers Association is a nonprofit organization existing under 501(c)(3) of the Internal Revenue Code whose purposes are consistent with Division 21 of the Public Resources Code.
17. The proposed authorization is consistent with and will help to carry out the Point Cabrillo Restoration Plan and the Property Disposition Implementation Plan adopted by the Conservancy in April, 2001, pursuant to Division 21 of the Public Resources Code.

18. The proposed project is consistent with the purposes and objectives of Section 31200 *et seq.* regarding coastal restoration, and Section 31400 *et seq.* of the Public Resources Code regarding access to the coast.”

**F. SAN MATEO CREEK:**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to Trout Unlimited to undertake additional testing of non-native fish/bullfrog removal techniques, development of a non-native species management strategy, and preparation of environmental documentation for implementation of a management strategy to support recovery of the steelhead trout and other native fish populations in San Mateo Creek watershed:

1. Prior to the disbursement of any Conservancy funds, Trout Unlimited shall submit for the review and written approval of the Executive Officer of the Coastal Conservancy:
  - a. A final work program, schedule and budget for the project.
  - b. The names and qualifications of all contractors to be used for the project.
  - c. Evidence of all permits and approvals for the project.
2. Trout Unlimited shall review its proposed testing techniques on-site with a knowledgeable representative of the California Department of Fish and Game prior to using them.
3. Trout Unlimited shall provide written evidence to the Executive Officer that permission has been received from landowners from each owner of land, public or private, on which work is to be done.
4. Trout Unlimited shall acknowledge funding from Proposition 12 and the Conservancy on all documents/reports prepared under this authorization.

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 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. 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.”

**G. VICTORINE RANCH:**

Resolution:

“The State Coastal Conservancy hereby adopts the Mitigated Negative Declaration, attached as Exhibit 2 to the accompanying staff recommendation, for the Victorine Ranch road repair project; revises the road repair project to incorporate all changes, mitigations, and mitigation-monitoring measures set forth in Exhibit 2; and authorizes the augmentation of its March 23, 2000 authorization by an amount not to exceed seventy-five thousand dollars (\$75,000) to complete the proposed project.”

Findings:

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

1. The Conservancy has considered the Initial Study and Proposed Mitigated Negative Declaration together with comments received during the public review process, and finds that there is no substantial evidence that the Victorine Ranch road repair project, as mitigated, will have a significant effect on the environment within the meaning of 14 California Code of Regulations Section 15382. This finding reflects the Conservancy’s independent judgment and analysis.
2. The proposed Victorine Ranch road repair project remains consistent with Conservancy authorizations and findings pertaining to the Big Sur Restoration Plan, adopted by the Conservancy in 1985, and the Craven-Nation Property Disposition Plan adopted by the Conservancy in 2000.”

**H. MISSION CREEK MUSEUM:**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an additional amount not to exceed twenty-eight thousand dollars (\$28,000) to the Community Environmental Council for the Mission Creek Museum Area Restoration Project Design. This authorization is subject to the requirements imposed by the previous Conservancy authorization for this project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the Mission Creek Museum Area Restoration Project Design remains consistent with the resolution, findings and discussion accompanying the

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Conservancy action of September 26, 2002, attached as Exhibit A to the accompanying staff recommendation.”

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### **I. AÑO NUEVO ISLAND:**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred sixty thousand dollars (\$160,000) to Oikonos Ecosystem Knowledge (Oikonos) to implement further habitat restoration at Año Nuevo Island in Año Nuevo State Reserve. Prior to the disbursement of any funds, Oikonos shall submit for the review and approval of the Executive Officer of the Conservancy:

1. A work program, budget and schedule, and the names of any contractors to be employed in carrying out the work.
2. Evidence that all necessary permits and approvals have been obtained.”

Findings:

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

19. 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.
20. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
21. 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.
22. 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.”

### **J. COASTAL WETLANDS MAPPING:**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred twenty-five thousand hundred thirty-five thousand dollars (\$225,000) of funds received from the California Resources Agency and the California Department of Fish and Game to continue to update an inventory and a Geographic Information Systems (GIS) for state wetlands mapping, authorizes disbursement of up to thirty-five thousand dollars (\$35,000) to the San Francisco Estuary Institute to implement the provisions of Assembly Bill 2286 (wetlands), and further authorizes its Executive Officer to enter into any agreements necessary to complete this project.”

## MINUTES OF CONSERVANCY MEETING: SEPTEMBER 15, 2004

### Findings:

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

3. The proposed project is consistent with the guidelines and criteria set forth under Chapter 6 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources; and
4. 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.”

### **K. COASTAL ESTURINE LANDS:**

#### Resolution:

“The State Coastal Conservancy hereby authorizes expenditure of up to \$60,000 through an agreement with the San Francisco State University Romberg Tiburon Center to provide technical assistance in the preparation of an Acquisition Priorities Plan for the Federal Coastal and Estuarine Lands Conservation Program (CELCP). The plan will be developed in cooperation with federal, State and local agencies and with an opportunity for public involvement.”

### **L. CONSERVANCY PUBLICATIONS:**

#### Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of funds for the production of Conservancy publications through 2005, including *California Coast & Ocean* magazine, program publications, and special public information and project-related documents, and including a grant to the nonprofit Coastal Conservancy Association to provide assistance in this effort.”

## **18. EXECUTIVE OFFICER’S REPORT**

- a. Legislation and Budget Report

## **19. DEPUTY ATTORNEY GENERAL’S REPORT**

- a. Litigation Summary

## MINUTES OF CONSERVANCY MEETING: SEPTEMBER 15, 2004

### 23. CLOSED SESSION (taken out of order)

The Conservancy adjourned to closed session to confer with counsel regarding *Balkanski v. State Coastal Conservancy*, Monterey County Superior Court Case No. M59080; *City of Malibu and David Geffen v. Access for All, California Coastal Commission, California Coastal Conservancy, et al.*, Los Angeles Superior Court Case No. BC277034; *Serra Canyon Co. LTD v. California Coastal Commission, California Coastal Conservancy, et al.*, Los Angeles Superior Court Case No. SCO 73699; *Colony Beach Preservation Assn. v. California Coastal Commission*, Los Angeles Superior Court Case No. BS 083683; *California State Coastal Conservancy and California Coastal Commission v. City of Trinidad and John Frame*, Humboldt County Superior Court No. CV030643; possible legal action with respect to the blockage of legal access to the Conservancy's Victorine Ranch property in Monterey County; and other pending litigation; and/or to consider the initiation of litigation. Session will be closed to the public pursuant to Government Code Section 11126(e).

24. The Conservancy adjourned to closed session to confer with and give instruction to staff negotiators regarding negotiations with the Hearst Corporation pertaining to acquisition of property interests at the Hearst Ranch, San Luis Obispo County. Session will be closed to the public pursuant to Government Code Section 11126(c)(7).

### 20. HEARST RANCH ACQUISITION:

Janet Diehl of the Conservancy staff presented the staff recommendation and a written supplement proposing a revised resolution condition no. 9 concerning public access, with reference to a new Exhibit 10 (attached as *Appendix 1* to these Minutes); and proposing additional finding no. 3 regarding intended funding sources.

\*The following legislators and aides spoke in favor of the project as proposed in the staff recommendation: Sen. Bruce McPherson, 15<sup>th</sup> District; Shirley Bianchi, San Luis Obispo County Board of Supervisors; Debbie Arnold, *for* San Luis Obispo County Board of Supervisor, Mike Ryan; Mike Whiteford, *for* Congressman Bill Thomas.

\*The following legislators and aides spoke in favor modifying the project: Sen. Wesley Chesbro, 2<sup>nd</sup> District; Assemblywoman Fran Pavley, 41<sup>st</sup> District.

\*Proponents of the staff recommendation as presented gave an organized 20-minute presentation. Presenters included: Susan Mullen, Elizabeth Graham, Greg Bettencourt, Gary Felsman and Bruce Gibson from Hearst Ranch Conservation Now; Jack Varian, cattle rancher, also representing Hearst Ranch Conservation Now; David Garth, San Luis Obispo Chamber of Commerce.

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\*Proponents of changing the transaction gave an organized 20-minute presentation. Presenters included: Linda Krop, Environmental Defense Center; Mark Massara, Sierra Club's California Coastal Campaign; Susan Jordan, California Coastal Protection Network; Carl Zichella, Sierra Club; Pat Veesart, Sierra Club, San Lucia Chapter; Anne Notthoff, National Resources Defense Council.

Members of the public then addressed their views to the Conservancy for two minutes each, over the course of several hours. An alphabetical list of the public speakers is attached as *Appendix 2* to these Minutes.

Mr. Riley then presented five motions for suggested changes to the staff recommendation. Mr. Riley stated that in each case the motion would direct staff to work with the landowner to make the indicated changes to the proposed transaction and to report back to the Conservancy if unable to do so.

Motion 1: Extend the timeframe for the Junge Ranch to provide time sufficient for legislative approval of the tax credit, and for staff and the landowner and the Legislature to work out the process.

Moved by Mr. Riley and seconded by Mr. Hernandez.

Voice vote: Motion adopted 6-0.

Motion 2: Prior to any application for the off-site transfer of water Hearst should prepare and the audit committee should review and approve an analysis of the cumulative water needs (i.e., water budget) of the ranch to determine that there would be no significant adverse effects on natural resources or the future viability of agriculture as a result of such transfer.

Motion by Mr. Riley died for lack of a second.

Motion 3: Until the existing parcels of record are extinguished as provided by the easement, the State should be entitled to seek direct judicial enforcement of the easement if the nonprofit easement holder and Hearst fail to carry out their responsibilities.

Moved by Mr. Riley and seconded by Mr. Hernandez.

Roll call vote: Hernandez—yes, Riley—yes, Hallisey—no, Scarborough—no, Kemp—no, Bosco—no. Motion failed passage 2-4.

Motion 4: State Parks should have the authority to provide necessary parking, restrooms and trash/recycling facilities on the state-owned fee property west of Highway 1.



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Moved by Mr. Riley and seconded.

Voice vote: Motion adopted 6-0.

Motion 5: The State Parks public planning process should determine the location of the Coastal Trail easement across the Westside parcels retained by Hearst and management rules for the Coastal Trail and other State Parks ownership.

Moved by Mr. Riley and seconded by Mr. Hernandez.

Roll call vote: Hernandez—yes, Riley—yes, Hallisey—yes, Scarborough—no, Kemp—no, Bosco—no. Motion failed passage 3-3.

Ms. Scarborough then presented a motion regarding standards of impairment:

Motion: Modify proposed condition 1(c)(2)(d) (derived from a changed provision in the Wildlife Conservation Board's August 12, 2004 action), to incorporate into the east-side conservation easement as well as into the Monitoring Protocol standards to guide the conservation-easement holder's determinations of "impairment" of Conservation Values.

Moved by Ms. Scarborough and seconded.

Voice vote. Motion adopted 6-0.

On a motion by Ms. Scarborough, seconded by Mr. Riley, the Conservancy then took up the staff recommendation as amended by the written, staff-proposed changes delivered to the meeting, by a further change to item 1 of Exhibit 10 clarifying that the provision applies to both fee and easement areas, and by the motions adopted at the meeting:

### Resolution:

The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed thirty-four million five hundred thousand dollars (\$34,500,000) to the Wildlife Conservation Board ("WCB") as a part of a series of conveyances designed to conserve the Hearst Ranch both east and west of Highway 1, toward: 1) acquisition of a conservation easement ("the east-side conservation easement") by a nonprofit organization over approximately 80,000 acres east of Highway 1; 2) acquisition of interests in the 906-acre Junge Ranch east and west of Highway 1 by a nonprofit organization and the State, through a tax credit program or otherwise. Without limitation, these funds may be used to reimburse the source of any tax credits authorized under the California Natural Heritage Preservation Tax Credit Act of 2000 for acquisition of interests in the Hearst Ranch.

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Disbursement of these Conservancy funds is subject to the following conditions:

1. Prior to disbursement:
  - a. WCB shall review and approve all title and acquisition documents pertaining to acquisition of the east-side conservation easement, including, without limitation, appraisals, preliminary title reports, agreements for purchase and sale, escrow instructions, instruments of conveyance, a baseline-conditions report for the property, a property-monitoring protocol, and a policy for independent auditing of property monitoring. Upon request of the Executive Officer, WCB shall provide any of these documents to the Conservancy for its review and approval.
  - b. WCB shall provide evidence that all funds necessary to complete acquisition of the east-side conservation easement are available.
  - c. WCB shall inform the Conservancy's Executive Officer in writing that the conditions imposed at WCB's August 12, 2004 meeting for funding the east-side conservation easement have been met. Those conditions are:
    - 1) WCB staff and the Department of Fish and Game shall review and approve a Baseline Conditions Report and Monitoring Protocol.
    - 2) The following areas of concern shall be resolved to the satisfaction of WCB staff:
      - a) Application of viewshed protection standards for structures, (i.e. buildings of sufficient size) that could impair the viewshed as seen from Highway 1 or Hearst-San Simeon State Historical Monument (Hearst Castle).
      - b) Clarification that Highway 1 viewshed protection standards apply to the alignment of Highway 1 as it exists at the time of establishing each owner homesite parcel.
      - c) Provision in the east-side conservation easement that the Management Plan shall prescribe actions consistent with sustaining a combination of agricultural operations, natural resources and habitats with the portions of the easement area used for range, cropland or other agriculture operations.
      - d) Incorporation of standards into the Monitoring Protocol and east-side conservation easement to guide the conservation-easement holder's determination regarding when there has been "impairment" of Conservation Values as defined in the east-side easement.
2. The purchase price of the east-side conservation easement shall not exceed fair market value as established in an appraisal and approved by the Department of General Services.
3. WCB shall require the entity that acquires the east-side conservation easement to permanently dedicate the interest for natural resource protection and open space preservation, through the east-side conservation easement itself or through another appropriate instrument approved by the Executive Officer.

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4. The east-side conservation easement shall provide that it may not be conveyed or assigned in whole or in part without written concurrence by WCB confirming that the grantee or assignee meets all qualifications required by law and by the east-side conservation easement.
5. WCB's grant agreement with the nonprofit organizations(s) providing for acquisition of the east-side conservation easement shall provide that the east-side conservation easement may not be amended or terminated without the written consent of WCB.
6. All other interests and rights in the Hearst Ranch to be acquired by the State or nonprofit organizations, as indicated in Exhibit 2 to the accompanying staff recommendation, shall be acquired in a manner acceptable to the Executive Officer concurrently with or prior to acquisition of the east-side conservation easement, except:
  - a. As provided below regarding the Junge Ranch.
  - b. The Caltrans realignment transactions.
  - c. As the Executive Officer otherwise agrees in writing.
7. Disbursement of Conservancy funds toward acquisition of the east Junge conservation easement is subject to the same conditions as is disbursement of the funds for the east-side conservation easement, as provided above. Additionally:
  - a. The portion of the Junge Ranch east of Highway 1 may be incorporated into the east-side conservation easement, or may be encumbered by a separate east Junge conservation easement that incorporates all applicable terms from the east-side conservation easement.
  - b. Acquisition of the east-side conservation easement must precede or occur simultaneously with acquisition of the east Junge conservation easement.
8. Conservancy funding shall be acknowledged by erecting and maintaining signs on the Hearst Ranch, the design and location of which has been reviewed and approved by the Executive Officer; and the terms of the transaction documents shall not prohibit this.
9. Public access opportunities on the west-side properties with respect to hours of use for the State Parks Fee Area and numbers of visitors at San Simeon Point, Ragged Point and Pico Cove shall be increased beyond the limits indicated in the July 12, 2004 draft transaction documents to the level indicated in Exhibit 10, attached to the accompanying staff recommendation and incorporated by reference.
10. The California Department of Parks and Recreation shall have the authority to provide necessary parking, restrooms and trash/recycling facilities on State-owned fee property west of Highway 1.
11. The timeframe for acquisition of interests in the Junge Ranch shall be extended to provide sufficient time for legislative approval of the tax credit.

## MINUTES OF CONSERVANCY MEETING: SEPTEMBER 15, 2004

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 8 of Division 21 of the Public Resources Code (Sections 31350 to 31356) regarding reservation of significant coastal resource areas.
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 the use of funds appropriated to the Conservancy from the following funding sources:
  - a. The Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (Proposition 50), which may be used for the acquisition of land and water resources to protect coastal watersheds pursuant to Division 21 of the Public Resources Code (Water Code §79570).
  - b. The Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40), which may be used in accordance with the Conservancy's enabling legislation (Division 21 of the Public Resources Code) for the acquisition and protection of land and water resources (Public Resources Code §5096.650(b)(1)).
  - c. The Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12), which may be used pursuant to Division 21 of the Public Resources Code for the acquisition of interests in real property in coastal areas and watersheds that benefit fish and wildlife (Public Resources Code §5096.352(d)), protect coastal resources in San Luis Obispo County (Public Resources Code §5096.352(c)(3), and help to complete the coastal trail (Public Resources Code §5096.352(c)(4)).
  - d. The California Wildlife Protection Law of 1990, which created the Habitat Conservation Fund to be used for the acquisition of habitat, including native oak woodlands, to protect deer and mountain lions (Fish & Game Code §2785(a)) and to protect rare, endangered, threatened or full protected species (Fish & Game Code §2785(b)).”

Moved by Ms. Scarborough and seconded by Mr. Riley.

Roll call vote: Hernandez—yes, Riley—yes, Hallisey—yes, Scarborough—yes, Kemp—yes, Bosco—yes. Motion passed 6-0.

## MINUTES OF CONSERVANCY MEETING: SEPTEMBER 15, 2004

### Minutes of the September 15, 2004 Public Meeting of the State Coastal Conservancy

#### Appendix 1

#### Item 20: Hearst Ranch Acquisition

### **Exhibit 10 to the Staff Recommendation, referenced in the resolution:**

Following are changes to the proposed West Side public access parameters:

1. Increase hours of use for State Parks Fee and Easement Areas. Eliminate the ½ hour after sunrise and ½ hour before sunset use limitation and allow hours of operation to be consistent with State Parks' practice as determined during the public planning process, limited to daytime use only.
2. Increase public access to San Simeon Point, Ragged Point, and Pico Cove easement areas. The Access Parameters (Exhibit D to the State Parks Public Access Easement, public posting tab 4C) would be expanded to address the following:
  - a. San Simeon Point: Guests at the OSSV inn and other guests of Hearst will be in addition to the 100 public visitors per day (they won't take general public spots). Eliminate the "up to" language from the Access Parameters so that the access plan will allow the easement holder to accommodate the full 100 public visitors per day. In addition, two guided tours of 20 people each could be scheduled through the State Parks Hearst Castle reservation system for Saturdays and Sundays (for 80 additional people each weekend) during the periods each year that public access is allowed under the Public Access Easement.
  - b. Ragged Point/Pico Cove: Increase to monthly (from quarterly) the frequency of the authorized guided tours.

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Minutes of the September 15, 2004 Public Meeting of the State Coastal Conservancy

Appendix 2

Item 20: Hearst Ranch Acquisition

Alphabetical list of public speakers who addressed the Conservancy

Allen	Bill	North Coast Alliance
Arnold	Debbie	<i>For</i> San Luis Obispo County Board of Supervisor, Mike Ryan
Auletta	Louis A.	Public
Bailey	Owen	Sierra Club
Barr	Chris	Public
Bettencourt	Greg	Hearst Ranch Conservation Now
Bettencourt	Mary	Public
Bianchi	Shirley	San Luis Obispo County Board of Supervisors
Bianchi	Bill	Rocky Butte Association
Blakeslee	Kara	American Land Conservancy
Burgess	Harriet	American Land Conservancy
Cady	Jim	Hearst – R.B.A. (?)
Carter	Joan	San Luis Obispo Environmental Center
Christie	Andrew	Sierra Club
Clarke	Anthony	Hearst Ranch Conservation Now
Cody	Donna	Hearst/R.B.A. Association (?)
Collins	Tarren	Sierra Club/San Luis Obispo Coast Alliance
Crowther	Jan	Public
Crowther	Dave	Public
Dabritz	David	Public
Devencenzi	Steve	San Luis Obispo Council of Governments
Dunlap	Dawn	Hearst Ranch Conservation Now
Endicott	Michael	CA State Legislature consultant
Felsman	Gary	Hearst Ranch Conservation Now
Fiscalini	Betty	Public
Fitzhugh	Walter	Public
Fitzhugh	Joy	Ranching/Farm Bureau

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Foster	Will	Self
Friend	Sally	Public
Garth	Dave	Hearst Ranch Conservation Now/San Luis Obispo Chamber of Commerce
Giacomini	Gary	American Land Conservancy
Gibson	Bruce	Hearst Ranch Conservation Now
Goldstein	Elizabeth	CA State Parks Foundation
Graham	Scott	Hearst Ranch Conservation Now
Graham	Elizabeth	Hearst Ranch Conservation Now
Groot	Henriette	Public
Gurnee	T. Keith	Public
Hanes	Linda	Coastwalk
Harvey	Susan	Pasowatch
Heatherington	Pamela	Environmental Center of San Luis Obispo
Henderson	Jim	Public
Henderson	Diane	Public
Hogan	Tom	Public
Hunsinger	Ron	Bureau of Land Management
Jordan	Susan	California Coastal Protection Network
Kaberline	Darlene	Public
Keeley	Susan	Public
Kortum	Bill	Public
Krop	Linda	Public
Krupnick	Wendy	Public
Lambeth	Terry	San Simeon Community Director
Langford	Jennifer	Public
Lester	Charles	CA Coastal Commission
Lindsay	Ken	Public
Linn	John	Public
Loftus	Kathy	Public
Lowry	Carol	Hearst Ranch Conservation Now
Mann	Darlene	Cayucos Land Conservancy
Massara	Mark	Sierra Club
May	Helen	Public
McCloskey	Helen	American Land Conservancy
McCloskey	Pete	Public
McDonald	Bob	Public
McDonald	Steve	California Rangeland Trust
McDonald	Susan	Public
McPherson	Bruce	Senator
Mitchell	Tom	Public
Mullen	Susan	Hearst Ranch Conservation Now
Notthoff	Anne	National Resources Defense Council

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Pavley	Fran	Assemblymember
Payne	Bill	Hearst Ranch Conservation Now
Payne	Linda	Hearst Ranch Conservation Now
Pethoe	Peter	H1-USA – Central CA Council
Reid	Lew	Public
Rhinehart	Charles H.	Californians Organized to Acquire Access to State Tidelands (COAAST)
Robinson	Arley	Public
Ryburn	Wayne	North Coast Alliance
Salter	Tina	Public
Sewell	Marjorie R.	Hearst Ranch Conservation Now
Shane	Helen	Coastwalk
Sinton	Steve	California Rangeland Trust
Sweet	Darrel	California Cattleman's Association
Tyler	John	Sierra Club
Tyler	John	Surfrider Foundation
Vanons	Johanna	Public
Varian	Jack	Hearst Ranch Conservation Now
Veesart	Pat	Sierra Club
Vellutini	Carol	Sierra Club
Whiteford	Mike	<i>For</i> Congressman Bill Thomas
Whitney	C.Z.	Public
Wiley	Patricia	Public
Wilmore	Patricia	San Luis Obispo Chamber of Commerce
Wind	Charles	Cayucos Citizens Advisory Council
Wolf	Laurie	Public
Woren	Leonard	Public
Zichella	Carl	Sierra Club