

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

January 27, 2005

10:00 a.m.

San Diego Board of Supervisors Chambers
County Administration Building
1600 Pacific Highway
San Diego, CA 92101

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chair
Jeremy M. Hallisey (Public Member)
Fred Klass (Designated Representative, Department of Finance)
Meg Caldwell (Chair, California Coastal Commission)
Don Wallace (Designated Representative, Resources Agency)

OVERSIGHT LEGISLATORS PRESENT:

There were no oversight legislators present.

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General
Marcia Grimm, Senior Legal Counsel

2. APPROVAL OF MINUTES:

The Minutes of the December 2, 2004 Public Meeting were approved without change, with two members abstaining.

3. "TALL SHIPS" PRESENTATION BY RAY ASHLEY

4. ORMOND BEACH

Peter Brand of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: E.J. Remson, representing the Nature Conservancy; Gloria Roman, local resident; William "Bill" Terry, local resident; Jean Harris, representing the League of Women Voters.

Resolution:

"The State Coastal Conservancy authorizes disbursement of an amount not to exceed thirteen million two thousand dollars (\$13,002,000) to the Nature Conservancy for acquisition of 276 acres of property at Ormond Beach, as described in the accompanying staff recommendation, which is currently owned

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by the Metropolitan Water District of Southern California (“MWD”) and the City of Oxnard (“City”) as tenants-in-common. The grant is subject to the following conditions:

1. Prior to the disbursement of funds for the 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, environmental assessments, escrow instructions and documents of title pertaining to the acquisition.
2. The Nature Conservancy shall pay no more than fair market value for the property acquired pursuant to this authorization, as established by an appraisal approved by the Executive Officer.
3. All property interests acquired with these funds shall be permanently protected for open space and habitat preservation, wetland restoration and appropriate public access, in a manner acceptable to the Executive Officer and consistent with Public Resources Code Section 31116(b).
4. No Conservancy funds shall be disbursed unless and until the Executive Officer concurs with a determination by the Nature Conservancy that adequate measures have been taken to reasonably protect the Nature Conservancy and the Coastal Conservancy from liability for preexisting contamination on the MWD/City property.
5. The Nature Conservancy may continue to lease portions of the property for agricultural use pending completion and implementation of a wetland restoration plan, provided that all lease revenues are maintained in a segregated account dedicated to paying the costs of managing, preserving and restoring the property and subject to the approval of the Executive Officer.

The Conservancy further authorizes the Executive Officer to enter into agreements necessary to carry out the project as described in the accompanying staff recommendation, including but not limited to agreements with The Nature Conservancy and the Sellers to carry out the purchase and sale, and with the Wildlife Conservation Board to accept funds to defray or reimburse the Conservancy’s costs of acquisition.”

Findings:

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

1. The acquisition of additional properties at Ormond Beach for wetland and related habitat restoration remains consistent with the purposes and criteria of Chapter 6 of the Division 21 of the Public Resources Code (Sections 31251-31270) regarding enhancement of coastal resources, as determined by the Conservancy in its action authorizing reservation of funds for this acquisition on October 23, 2003.

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2. The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines.
3. The Nature Conservancy is a private, nonprofit organization existing under the provisions of Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 et sec of the Public Resources Code.
4. Acceptance of funds from the Wildlife Conservation Board or other sources is consistent with the authority of the Conservancy under Section 31104 of the Public Resources Code."

Motion passed by a vote of 5-0

5. SAN CLEMENTE COASTAL TRAIL

Prentiss Williams of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the City of San Clemente to assist the City in the construction of a segment of the California Coastal Trail, known as the San Clemente Rail Corridor Pedestrian Beach Trail, subject to the following conditions:

1. Prior to the disbursement of funds for construction, the City of San Clemente (the City) shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a) Evidence that the City has obtained all necessary permits and approvals and has conducted all necessary environmental review.
 - b) A final work plan (including the names of any subcontractors to be used in the completion of the project), and a project schedule and budget.
 - c) Evidence that the City has obtained rights from the Orange County Transportation Authority (OCTA) and other entities with jurisdiction over the railroad right-of-way sufficient to allow the City to build, operate and maintain the project for a period of no less than twenty years and which preserves the public's right to access the project area in perpetuity.
2. The City shall install and maintain sign(s) on the project site, the design, number and placement of which has been approved by the Executive Officer, acknowledging Conservancy funding participation and identifying the project as a segment of the California Coastal Trail.
3. The City shall implement, or shall cause to be implemented, the mitigation measures contained in the City's Mitigated Negative Declaration for the project."

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Findings:

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

1. The proposed project is consistent with 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 Coastal Conservancy and its staff have independently reviewed the City’s Mitigated Negative Declaration and Mitigation Monitoring Plan (attached to the accompanying staff recommendation as Exhibit 2) for the project and finds that the project avoids or mitigates any potential adverse effects on the environment, that there is no substantial evidence that the project may have a significant effect on the environment.”

Motion passed by a vote of 5-0

6. UPPER SULPHUR CREEK

Deborah Ruddock of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred eighty-seven thousand and two-hundred dollars (\$287,200) to assist with restoration and enhancement of approximately 7,900 feet of stream corridor along Upper Sulphur Creek in Orange County, subject to the following conditions:

1. Prior to disbursement of any funds, the City shall submit for review and approval of the Executive Officer of the Conservancy:
 - a) A detailed final work program, schedule and budget for the project covering construction, monitoring and maintenance;
 - b) Documentation that it has obtained all necessary permits and approvals;
 - c) Evidence acceptable to the Executive Officer of easement agreements with all of the property owners necessary to construct and maintain the project;
 - d) The names and qualifications of any contractors to be employed for plan implementation; and
 - e) A signage plan acknowledging Conservancy assistance with the project

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2. The City shall manage and operate the property for the lifetime of the improvements, but in no case less than a period of 20 years.

The City shall ensure that the mitigation measures identified in the MND are fully incorporated into the project, as identified in the Mitigation Monitoring Program attached as Exhibit 5.”

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 Section 31220, regarding the Conservancy’s authority to protect coastal and marine water quality and habitats, and Sections 31251-31270, regarding the Conservancy’s mandate to protect and enhance natural resources.
2. Implementation of the project is consistent with the Conservancy’s Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001;
3. The Conservancy has independently reviewed the Mitigated Negative Declaration prepared by and adopted by the City of Laguna Niguel on December 7, 2004, attached to the accompanying staff recommendation as Exhibit 4 and finds that there is no substantial evidence based upon the whole record that the project as mitigated will have a significant effect on the environment;
4. There is no substantial evidence before the Conservancy that the project will have a potentially adverse effect either individually or cumulatively, on wildlife resources as defined under California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2; and
5. The project serves greater than local needs.”

Motion passed by a vote of 5-0

7. BALLONA WETLANDS

Marc Beyeler of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) to the Southern California Coastal Water Research Project for scientific review of restoration alternatives, data collection, and monitoring program associated with planning the restoration and enhancement of the

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Ballona Wetlands, subject to the condition that prior to disbursement of any funds for any work, the Conservancy's Executive Officer shall approve the work plan, budget and any contractors to be hired for that work."

Findings:

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

1. The proposed project authorization is consistent with Public Resources Code Sections 31251-31270, regarding the Conservancy's mandate to protect and enhance 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 5-0

8. TOPANGA CREEK

Kara Kemmler of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred and eighty thousand dollars (\$180,000) for preparation of the Rodeo Grounds berm removal study and a hydrogeologic study of lower Topanga Creek to implement the Santa Monica Bay Restoration Plan, approved by the Conservancy in August 2001, subject to the condition that prior to disbursement of funds, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy a work plan, budget and the names of any contractors the grantee 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 proposed authorization is consistent with Division 21 of the Public Resources Code, specifically Chapter 6 (Sections 31251-31270) regarding enhancement of coastal resources;
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001."

Motion passed by a vote of 5-0

9. ISLA VISTA

Item was removed from agenda.

10. AÑO NUEVO MARINE EDUCATION CENTER

Marina Cazorla of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Barbara Hill, representing the California State Parks Foundation

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred fifty thousand dollars (\$350,000) to the California State Parks Foundation (Foundation) to be used for the construction of the Marine Education Center at Año Nuevo State Reserve, in San Mateo County, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, the Foundation 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.

The Foundation 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 Sections 31400-31409 of the Public Resources Code regarding public 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 California State Parks 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.

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4. The Conservancy has (1) independently reviewed and considered the project's record and the Mitigated Negative Declaration and concurs with the Final MND prepared and adopted by the Department of Parks and Recreation on June 1, 2004; (2) finds that there is no substantial evidence that the project, as fully mitigated, may have a significant adverse effect on the environment; and 3) finds that there is substantial evidence based on the administrative record before the Conservancy that the project will not have a potential for adverse effects on fish and wildlife resources as defined in California Fish and Game Code § 711.2 and 14 California Code of Regulations § 753.5(d)."

Motion passed by a vote of 5-0.

11. CITY OF PACIFICA

Tim Duff of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred fifty thousand dollars (\$350,000) to the City of Pacifica ("City") to design and reconstruct a vertical beach and lateral blufftop accessway on City of Pacifica Assessor Parcel Nos. 009-074-010, -020, -030, and to construct a blufftop trail and park on City of Pacifica Assessor Parcel Nos. 009-161-030, -040, -050, -060, -070, -080, -090, -010, -110, -120, -130, as shown in Exhibit 3 attached to this staff recommendation, subject to the following conditions:

1. Prior to the disbursement of funds for construction, the City shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. Evidence that the City has obtained all necessary permits and approvals necessary to complete the project.
 - b. Documentation that the owner of the private property on which the proposed vertical and lateral blufftop access improvements are to be constructed has granted in perpetuity and recorded a deed of easement for public access and passive recreation in favor of the City. The easement shall require that the property owner maintain in perpetuity all of the existing and the proposed new public access improvements constructed on the property.
 - c. A final work program, including final construction drawings, a final budget, schedule, and names of any contractors and subcontractors to be employed for these tasks. The work plan and final construction drawings for the proposed reconstruction of the vertical beach and lateral blufftop accessway improvements shall be consistent with the conditions imposed by the City of Pacifica Planning Division, commencing with Condition No. 11 as

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contained in Use Permit No. 453-83 and Site Development Permit No. 313-83 dated September 26, 1983, executed on December 6, 1983, and attached as Exhibit 4 to this staff recommendation.

- d. A signing plan for the project acknowledging Conservancy participation.
2. The design of the accessway improvements shall be consistent with the Conservancy's Standards and Recommendations for Accessway Location and Development.
3. The northern terminus of the proposed RV park blufftop trail and the southern terminus of the proposed new City park and trail shall be designed, constructed, and operated for continuous pedestrian access."

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 proposed project serves greater than local needs.
4. The Conservancy has independently reviewed and considered the Negative Declaration adopted by the City of Pacifica on February 2, 2004, attached to the accompanying staff recommendation as Exhibit 5 and finds that the project avoids or reduces 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.
5. There is no evidence before the Conservancy that the proposed will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.
6. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in California Code of Regulations 753.5(d) regarding potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2."

Motion passed by a vote of 5-0.

12. CALIFORNIA CURRENT MARINE CONSERVATION PROJECT

Item postponed until March 10, 2005 Board meeting.

13. CRESCENT CITY COASTAL TRAIL

Michael Bowen of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed eight hundred ninety-three thousand (\$893,000) to the City of Crescent City to implement the Harbor Trail North Segment of the Crescent City Coastal Trail, including the acquisition of the 1.16-acre Endert Property, Assessors Parcel Number 118-380-32, as shown on Exhibit 1 to the accompanying staff recommendation, and construction of the trail as shown in Exhibit 1 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the City shall:
 - a. Submit for review and approval by the Executive Officer of the Conservancy (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; and
 - b. Dedicate the property for open space, habitat conservation and public access in a manner acceptable to the Executive Officer.
2. Pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. Prior to the disbursement of Conservancy funds for trail construction, the City shall submit for the review and written approval of the Executive Officer:
 - a. A final work program, budget, and project schedule.
 - b. Any contractors that the City intends to employ to implement the project.
 - c. A signing plan acknowledging the Conservancy.
 - d. Written evidence 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.
4. The City shall implement its approved Mitigation Monitoring Program as part of trail construction.”

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 9 (Sections 31400-31409) of Division 21 of the Public Resources Code regarding the provision of a system of public accessways and will serve greater than local needs.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
3. The Conservancy has reviewed the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program attached to the accompanying staff recommendation as Exhibit 3, and finds, based on the State Coastal Conservancy’s independent judgment and analysis of the whole record before it, including the Initial Study and any comments received, 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 Harbor Trail North Segment Project may have a significant effect on the environment, as defined in 14 California Code Regulations Section 15382.”

Motion passed by a vote of 5-0.

14. FRESHWATER FARMS

Michael Bowen of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Maya Conrad, representing

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred thirty-eight thousand nine hundred fifty dollars (\$238,950) to the Northcoast Regional Land Trust (“NRLT”) to acquire the 54-acre Freshwater Farms property in Eureka, California, Humboldt County, Assessors Parcel Number 402-291-015, as shown on Exhibit 1 to the accompanying staff recommendation, and further authorizes the disbursement of sixteen thousand five hundred dollars (\$16,500) to develop a management plan and signage for the site, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, NRLT shall submit for review and approval by the Executive Officer:
 - a. All relevant acquisition documents, including, but not limited to, the appraisal, agreement(s) of purchase and sale, escrow instructions and documents of title, and an access agreement between the seller and buyer.
 - b. Evidence that sufficient funds are available to complete the acquisition.

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2. NRLT shall permanently dedicate the property for agricultural and open space preservation, habitat conservation and wetlands enhancement, and public access, in a manner acceptable to the Executive Officer, in accordance with Public Resources Code Section 31116(b).
3. NRLT shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property that has been reviewed and approved by the Executive Officer.
5. Prior to disbursement of any Conservancy funds for development of a management plan and signage, NRLT shall submit for the review and approval of the Executive Officer a detailed work program and the names and qualifications of any contractors to be employed 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 the purposes and criteria set forth in Chapter 4 of Division 21 of the Public Resources Code (Sections 31150-31156) regarding the preservation of agricultural land.
2. 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 the enhancement of coastal resources.
3. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
4. The Northcoast Regional Land NRLT is a non-profit organization existing under section 501(c)(3) of the Internal Revenue Service code whose purposes are consistent with Division 21 of the Public Resources Code.”

Motion passed by a vote of 5-0.

15. POOVEY PROPERTY

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred twenty-five thousand dollars (\$325,000) to the Friends of the Dunes Land Trust (FOD) for the acquisition of and associated acquisition costs for the Poovey property in the town of Manila, Humboldt County (Humboldt County Assessor’s

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Parcel Nos. 401-011-23, 401-021-18 401-011-020, 401-021-027, 401-021-028, 401-011-018, 401-011-012, 401-011-010, and 401-021-011), as depicted in Exhibit 1 to the accompanying staff recommendation. The Conservancy further authorizes the disbursement of an amount not to exceed fifteen thousand dollars (\$15,000) to prepare a plan for public access on the site and to connect the site to trail systems on adjacent public access lands. These authorizations are subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition, FOD shall submit for review and written approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition of the property.
 - b. Evidence that FOD has available all funds necessary to complete the transaction.
 - c. A signing plan for the project acknowledging Conservancy participation.
2. Prior to the disbursement of funds for access planning, FOD shall submit for review and approval of the Executive Officer:
 - a. A work plan, budget and schedule for the preparation of the access plan.
 - b. The names and qualifications of any contractors to be employed to carry out the work plan.
 - c. Evidence that FOD has taken title to the Poovey property.
3. FOD shall pay no more than fair market value for the Poovey property as established in an appraisal approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign or signs, the design and placement of which have been approved by the Executive Officer.
5. The Friends of the Dunes shall permanently dedicate the property for public access, open space, habitat conservation, and outdoor recreation, 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 objectives Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*) regarding access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.

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3. The Friends of the Dunes is a nonprofit organization existing under Internal Revenue Code 501(c)(3) whose purposes are consistent with Division 21 of the Public Resources Code.”

Motion passed by a vote of 5-0.

16. WILLOW CREEK

Richard Retecki of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) to LandPaths to operate and manage public access on the Willow Creek property in coastal Sonoma County, subject to the condition that, prior to the disbursement of any funds,

1. The Willow Creek property shall be acquired by the State Department of Parks and Recreation (DPR), and DPR and LandPaths shall enter into an agreement providing for management of the property for public use acceptable to the Executive Officer of the Conservancy.
2. LandPaths shall submit for review and approval of the Executive Officer a final work plan for yearly operation and maintenance; a yearly budget; and access permit guidelines.”

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 California Public Resources Code (Sections 31400 – 31408) regarding the provision of public access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. LandPaths is a nonprofit organization existing under Section 501(c) 3 of the Internal Revenue Service 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. ELEPHANT SEAL OVERLOOK TRAIL:

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed eighty-eight thousand dollars (\$88,000) to the Marin Conservation Corps to rehabilitate the Elephant Seal Overlook Trail located on Point Reyes, as depicted in Exhibit 1 to the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the MCC shall submit for review and written approval of the Executive Officer of the Conservancy (“Executive Officer”):
 - a. A work plan, budget and schedule.
 - b. A signing plan for the project acknowledging Conservancy participation.
 - c. The names and qualifications of any contractors to be employed to carry out the work plan.
 - d. An agreement between the Marin Conservation Corps, the National Park Service and the Conservancy sufficient to protect the public interest in the improvements consistent with Section 31116(c) of the Conservancy’s enabling legislation.
2. Conservancy funding shall be acknowledged by erecting and maintaining, on or along the trail, a sign or signs, the design and placement of which have been approved by the Executive Officer.”

Findings:

1. The proposed project is consistent with the purposes and objectives Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*) regarding access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Marin Conservation Corps is a nonprofit organization existing under the Section 501(c)(3) of the Internal Revenue Code whose purposes are consistent with Division 21 of the Public Resources Code.”

B. BEACH ACCESSIBILITY IMPROVEMENTS:

Resolution:

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“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the City of San Diego to implement a series of improvements, including the continuation of the “Power Beach Chairs” program and the expanded use of portable beach wheelchair ramps, necessary to increase and improve access to City beaches by persons with physical disabilities, subject to the following conditions:

1. Prior to the disbursement of funds, the City shall submit for the approval of the Executive Officer:
 - a. A signing plan for the project acknowledging Conservancy participation.
 - b. Written acknowledgment that the City will maintain the equipment for a period of no less than five years, or for the useful life of the equipment, whichever is greater.
 - c. Evidence that the City has obtained all necessary permits and approvals needed to install and operate the improvements.
2. The City shall be responsible for assembling, installing, maintaining and storing the equipment used in the program, for making it available for the public’s use, and for publicizing the availability of the equipment.”

Motion passed by a vote of 5-0.

18. EXECUTIVE OFFICER’S REPORT:

Mr. Schuchat suggested there should be revisions and updates made to the Strategic Plan in 2006 to reflect the Conservancy’s introduction to ocean-related issues affecting the coast.

19. DEPUTY ATTORNEY GENERAL’S REPORT:

[Marcia, would you add something here? I didn’t quite follow. Thanks]

20. BOARD MEMBER COMMENTS:

There were no Board Member comments.

21. PUBLIC COMMENTS:

There were no further public comments.

22. CLOSED SESSION:

The Board did not hold any closed session.

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23. ADJOURNMENT:

The meeting was adjourned at approximately 12:30 p.m.