

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

September 8, 2005
9:00 am
Veteran's Hall – Assembly Room
209 Surf St.
Morro Bay, CA 93442

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chair
Gary Hernandez (Public Member), Vice Chair
Ann Notthoff (Public Member)
Karen Scarborough (Designated Representative, Resources Agency)
Fred Klass (Designated Representative, Department of Finance)

OVERSIGHT LEGISLATORS PRESENT:

Reed Addis (designated representative for John Laird (District 27))

OTHERS PRESENT:

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

1. ROLL CALL

2. APPROVAL OF MINUTES:

The Minutes of the June 16, 2005 Public Meeting were approved without change.

3. Welcome: Morro Bay Mayor, Janice Peters

Presentation: Pismo Beach Mayor, Maryann Reese presented the board with a plaque with various photos of Vista Del Mar Dinosaur Park Promenade

4. CITY OF PACIFIC

Marina Cazorla of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation was: Jim Vreeland, Pacifica City Council

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) to the City of Pacifica for acquisition of property

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located at 400 Esplanade Drive, Pacifica, San Mateo County (Assessor Parcel No. 009-131-030), as more particularly described on Exhibits 1 and 2 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of funds, the City of Pacifica shall submit for the review and approval of the Executive Officer of the Conservancy all relevant acquisition documents, including but not limited to appraisals, agreement of purchase and sale, environmental assessments, escrow instructions, documents of title and the offer to dedicate an easement over the property for the California Coastal Trail.
2. The City of Pacifica shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer of the Conservancy.
3. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which shall be reviewed and approved by the Executive Officer.
4. The City of Pacifica shall permanently dedicate the property for the preservation of open space land, natural resource protection and public access in an instrument(s) approved by the Executive Officer, in accordance with Public Resources Code Section 31116(b). No use of the property inconsistent with these purposes is permitted, although the City of Pacifica may install underground utilities on the property if such installation is not inconsistent with the above-named purposes.
5. The City shall dedicate an easement over the property in favor of the Conservancy for the purposes of the California Coastal Trail.
6. If funding is obtained for trail construction, the City shall construct and maintain coastal public access trails on the property, including the California Coastal Trail. Any trails constructed on the property shall be designed and constructed consistent with the California Coastal Trail easement over the property, and with the Conservancy's "Standards and Recommendations for Design and Location of Accessways."

Findings:

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

1. The proposed project is consistent with Division 21 of the Public Resources Code, specifically Chapter 9 (31400-31400.3) regarding public 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 proposed project serves greater than local needs."

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

5. ISLA VISTA

Mary Travis of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation was: Deren Johnson, General Manager, Isla Vista Recreation and Park District

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred fifty thousand dollars (\$150,000.00) to the County of Santa Barbara to reconstruct three public beach accessways on Del Playa Drive in Isla Vista, as shown on 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 County of Santa Barbara shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. A work program, including final design plans and specifications, schedule, and budget for construction.
 - b. The names and qualifications of any contractors to be employed in carrying out the work.
 - c. Evidence that that all necessary permits and approvals have been obtained.
 - d. A signing plan for the project acknowledging Conservancy funding.
2. The County of Santa Barbara or its successor in interest shall manage and maintain the accessways for a period of not less than twenty years. Transfer of ownership of the accessways to the Isla Vista Recreation and Park District may require the Isla Vista Recreation and Park District to enter into a 31116(c) agreement with the Conservancy.”

Findings:

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

1. The proposed project is consistent with the purposes and criteria in Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31409) regarding public 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 proposed project will serve more than local public needs.”

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

6. CAYUCOS STAIRWAYS

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 one hundred fifty thousand dollars (\$150,000) to the County of San Luis Obispo (County) for reconstruction of several beach access stairways in the town of Cayucos subject to the following conditions:

1. Prior to the disbursement of funds for construction of each project, the County shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. Evidence that the County has obtained all necessary permits and approvals, and all other funds necessary to complete the project.
 - b. 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.
 - c. A signing plan for the project acknowledging Conservancy participation.
 - d. The projects shall be consistent with the Conservancy’s “Standards and Recommendations for Accessway Location and Development.”
2. The County shall manage and maintain the stairways for safe public access for a period of not less than 20 years.”

Findings:

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

1. The proposed projects are consistent with the purposes and objectives of Sections 31400 *et. seq.* of the Public Resources Code regarding coastal access.
2. The proposed projects are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed projects serve greater than local needs.”

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

7. SONOMA CREEK

Tom Gandesbery of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed seven hundred fifty seven thousand dollars (\$757,000) to the Southern Sonoma County Resource Conservation District in order to refine hydrologic modeling, analyze sediment transport, prepare NEPA/CEQA and conceptual design documents and facilitate public involvement related to the restoration of lower Sonoma Creek in Sonoma County.”

Findings:

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

1. The project area is located within the nine-county San Francisco Bay Area.
2. The proposed authorization is consistent with Public Resources Code Sections 31160 *et seq.* regarding the Conservancy’s mandate to address the resource goals of the San Francisco Bay Area, particularly, the goals of protecting, and restoring wetlands.
3. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

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

8. PLEASANTON RIDGE REGIONAL PARK

Brenda Buxton of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred thousand dollars (\$400,000) to the East Bay Regional Park District (the District) for acquisition of the Vinson property, Alameda County Assessor’s Parcel Nos. 085A-3275-001-01 (all 40 acres), 085A-3275-001-02 (40-acre portion), and 085A-3250-002 (26-acre portion), as shown on Exhibit 2 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to disbursement of any Conservancy funds for acquisition of the property, the District shall submit for the review and approval of the Executive Officer of the Conservancy (the Executive Officer) all relevant acquisition documents, including, but not limited to, an appraisal, agreement of purchase and sale, environmental assessments, escrow instructions and documents of title.
2. The District shall dedicate the property for natural resource protection, open space preservation and public access by an appropriate instrument approved by the Executive Officer.

3. The District shall pay no more than fair market value for the property, as established in an appraisal approved by the Conservancy's Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been reviewed and approved by the Executive Officer."

Findings:

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

1. The proposed project is consistent with Public Resources Code Sections 31160-31164 regarding the Conservancy's mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001."

Moved and seconded. Approved by a vote of 4-0. Ann Notthoff absent from vote.

9. MENDOCINO ACCESS IMPROVEMENTS

Joan Cardellino of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the staff recommendation was: Rixanne Wehren, Coastal Land Trust and James Bernard, Mendocino Land Trust

Resolution:

"The State Coastal Conservancy hereby authorizes a grant of two hundred forty thousand dollars (\$240,000) to the Mendocino Land Trust (MLT), for the purpose of undertaking a variety of site design and planning tasks for coastal access ways in Mendocino County and for continued management of three existing access ways in Mendocino County, subject to the condition that, prior to the disbursement of any funds, MLT shall submit for the review and approval of the Executive Officer of the Conservancy evidence that MLT holds all of the access easements that are the subject of this grant; 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 Public Resources Code Sections 31400-31409 regarding establishing a system of public coastal access ways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.3. The Mendocino Land Trust is a nonprofit organization, existing under the provisions of Section

501(c)(3) of the Internal Revenue Code, whose purposes, which include the preservation and restoration of land for public access and recreation, are consistent with Division 21 of the California Public Resources Code.”

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

10. CALIFORNIA AND THE WORLD OCEAN 2006

Neal Fishman of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred fifty thousand dollars (\$150,000) to the Coastal Conservancy Association to plan and sponsor *California and the World Ocean 2006*, subject to the condition that prior to disbursement of any funds, the California Ocean Protection Council finds that the proposed expenditure is a high priority.”

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 of Division 21 of the Public Resources Code, regarding undertaking plans and feasibility studies for ocean and marine resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Coastal Conservancy Association is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

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

11. CONSENT:

A. SOUTH SAN FRANCISCO BAY SALT POND

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to three million dollars (\$3,000,000) for technical studies, planning, data collection, and other work associated with the South San Francisco Bay Salt Pond restoration planning. The Executive Officer is further authorized to disburse up to one million dollars (\$1,000,000) of these funds to pay the Conservancy’s share of costs under the Feasibility Cost Share Agreement with the U.S. Army Corps of Engineers and Santa Clara Valley Water District for the South San Francisco Bay Shoreline Study, as authorized by the Conservancy on December 2, 2004; and to re-direct previously-authorized Wildlife Conservation Board funding identified for the Cost Share Agreement to the Salt Pond restoration planning.”

Findings:

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

1. The proposed authorization is consistent with Public Resources Code Sections 31160 *et seq.*, regarding the Conservancy’s mandate to address the resource and recreational goals of San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

B. GOLETA SLOUGH TIDAL RESTORATION

Resolution:

“The State Coastal Conservancy hereby amends its May 27, 2004 authorization to reduce the scope of the Goleta Slough Tidal Restoration Demonstration Project to construct and monitor only experimental basin F and its effects on restoring tidal circulation to the slough and on the bird air strike hazard at Santa Barbara Municipal Airport, subject to the conditions in its May 27, 2004 authorization.”

Findings:

“Based on the May 27, 2004 and the accompanying staff reports and attached exhibits, the State Coastal Conservancy hereby finds that the project, as amended, remains consistent with the findings in its May 27, 2004 authorization.”

C. KTEH-TV FOUNDATION

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to one hundred thousand dollars (\$100,000) to KTEH-TV Foundation for production of a four-hour documentary on the history and development of San Francisco Bay. Prior to the disbursement of funds to the KTEH-TV Foundation, the Foundation shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and a proposed acknowledgement of the Conservancy’s assistance in the television documentary.”

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 Public Resources Code Section 31400-31409, regarding public access to the

coast, and with Section 31119(a)(1) regarding granting funds to nonprofit organizations for educational programs.

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

3. KTEH-TV Foundation is a 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.”

D. CATALINA ISLAND HABITAT IMPROVEMENT

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to \$100,000 to the Catalina Island Conservancy to implement the Catalina Island Habitat Improvement and Restoration Program. Prior to the disbursement of any funds, the Catalina Island Conservancy shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, including scope of work, budget and schedule; the names of any contractors it intends to use to carry out the project; and a signing plan that acknowledges Conservancy funding.”

Findings:

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

1. The proposed project is consistent with the purposes and criteria of Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Catalina Island 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.”

Moved and seconded. The consent items were approved by a vote of 5-0.

12. EXECUTIVE OFFICERS REPORT:

Report on Access OTDs was presented by Joan Cardellino

Report on status of completing the California Coastal Trail was presented by Steve Horn and by representatives of Coastwalk, who described its work on the

Coastal Trail, including volunteer mapping, project development and website information

Legislative report was given by Neal Fishman with specific reference to three bills: AB 1524 Laird that would require the Conservancy to accept offers of open space easements; AB 1296 Hancock, that would establish the San Francisco Bay Water Trail; and SB 658 Kuehl that would authorize the Conservancy to establish a vehicle registration fee to mitigate the impacts of automobiles in coastal counties that had previously voted for such a fee.

13. DEPUTY ATTORNEY GENERAL'S REPORT

There was no Deputy Attorney General's report.

14. BOARD MEMBER COMMENTS

There were no Board Member comments

15. PUBLIC COMMENTS

Betty Winholtz, Morro Bay City Council member, spoke on San Luis Obispo access and Habitat Protection.

Ron Regan, Light House Keepers Board spoke on engineering funds for pier restoration.

16. CLOSED SESSION -

The Conservancy adjourned to closed session to confer with legal counsel regarding *California State Coastal Conservancy and California Coastal Commission v. City of Trinidad and John Frame*, Humboldt County Superior Court No. CV030643; *Frame v. Cit of Trinidad, et al.*, Humboldt County Superior Court No. DR980359; and *City of Malibu and David Geffen v. Access for All, California Coastal Commission, California Coastal Conservancy, et al.*, Los Angeles County Superior Court No. BC277034.

17. ADJOURNMENT

Meeting was adjourned at 12:45 p.m.