

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

October 27, 2005
10:00 am
Honda Theater – Aquarium of the Pacific
100 Aquarium Way
Long Beach, CA 90802

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chair
Gary Hernandez (Public Member), Vice Chair
Jeremy M. Hallisey (Public Member)
Ann Notthoff (Public Member)
Karen Scarborough (Designated Representative, Resources Agency)
Meg Caldwell (California Coastal Commission Chair)

OVERSIGHT LEGISLATORS PRESENT:

There were no Oversight legislators present

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General
Elena Eger, Legal Counsel

2. APPROVAL OF MINUTES:

The Minutes of the September 8, 2005 Public Meeting were approved without change.

**3. RANCHO PALOS VERDES NATURAL COMMUNITIES CONSERVATION
PLANNING**

Deborah Ruddock of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Jim Knight, Point Bend Nature Preserve;
Henry Jurgens, Palos Verdes Peninsula Land Conservancy; Joel Rojas, City of Rancho Palos
Verdes.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million five hundred and fifty thousand dollars (\$1,550,000) to the City of Rancho Palos Verdes (“the City”) for acquisition of two properties commonly known as the Portuguese Bend and Agua Amarga Canyon properties to protect threatened and endangered coastal habitat on the

Palos Verdes Peninsula in Los Angeles County, (Assessor's Parcels Nos. 7572-001-001, 002, 003, 004, 006, and 007; 7581-023-011; 7564-005-001 (Portugese Bend) and 7583-022-011, 7583-024-005 and 019; 7586-001-002 and 003 (Agua Amarga Canyon), consisting of approximately 424 and 39 acres, respectively, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition of the properties, the City shall submit for the review and approval of the Executive Officer of the Conservancy ("the Executive Officer"):
 - a. All relevant acquisition documents, including but not limited to, an appraisal, purchase agreement, escrow instructions, environmental assessment, and title report;
 - b. Evidence that the City has sufficient funds available to complete the acquisition;
 - c. Evidence of commitment by the Palos Verdes Peninsula Land Conservancy to manage the properties for public access and for wildlife habitat; and
 - d. A signing plan acknowledging the Conservancy's funding assistance.
2. The City shall pay no more than fair market value for each property, as established in an appraisal approved by the Executive Officer.
3. The City shall permanently dedicate the properties for open space, public access, and habitat preservation, through an appropriate instrument approved by the Executive Officer.
4. The City shall acknowledge Conservancy funding by erecting and maintaining signs on the properties, the design and location of which has been approved by the Executive Officer."

Findings:

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

1. The proposed project is consistent with Chapter 6 of Division 21 of the California Public Resources Code (Sections 31251-31270) with respect to coastal resource enhancement;
2. The City, as the local public agency having jurisdiction over the project area, requests Conservancy assistance consistent with Public Resources Code Section 31251.2(a).
3. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 21, 2001, and
4. The proposed project would serve a greater-than-local need."

Moved and seconded. Approved by a vote of 6-0.

4. MATILJA DAM ECOSYSTEM RESTORATION PROGRAM

Neal Fishman of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Steve Bennett, Ventura County Board of Supervisors; Jeff Pratt, Watershed Protection District; Sue Hughes, Ventura County.

Resolution:

“The State Coastal Conservancy hereby (1) adopts the Mitigation Monitoring Program attached to the accompanying staff recommendation as Exhibit 4b, Appendix A, and (2) authorizes disbursement of an amount not to exceed one million dollars (\$1,000,000) for preparation of detailed engineering designs and specifications, and for related activities to implement the Matilija Dam Ecosystem Restoration Program, including but not limited to disbursement to the Ventura County Watershed Protection District (District), as a portion of the non-federal share of the project. This authorization is subject to the conditions:

1. That prior to the disbursement of any funds to the District, it shall submit for review and approval of the Executive Officer of the Conservancy: A detailed work program, budget, and schedule, and the names and qualifications of any contractors or subcontractors that the District intends to employ to implement the project.
2. That the mitigation measures identified in the mitigation and monitoring plan are integrated into the design of the project.”

Findings:

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

1. The proposed project is consistent with Chapter 6 of Division 21 (Sections 31251-31270) regarding enhancement of coastal resources, and Chapter 5.5 (Section 31220) regarding coastal and marine resource protection, of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed and considered the information contained in the EIS/EIR pursuant to its responsibilities under California Code of Regulations Sections 15090, 15162, and 15221. The EIS/EIR identifies potential significant impacts from the project in the areas of earth resources, hydrological and water resources, biological resources, cultural resources, aesthetics, air quality, noise, socioeconomics, transportation, land use, and recreation. With regard to these impacts, the Conservancy finds as follows:

- a. Based upon substantial evidence in the record, changes have been made to the proposed project to avoid, reduce or mitigate the above possible significant environmental effects to a level of insignificance;
 - b. Such changes have been adopted by the United States Army Corps of Engineers, are within the responsibility and jurisdiction of the Corps of Engineers and should be implemented as part of the projects and its Mitigation Monitoring Program, Appendix A to the Exhibit 4b attached to this staff recommendations
4. The EIS/EIR identifies potentially significant impacts in the areas of biological, aesthetics, air quality, noise, transportation, and recreation for which no mitigation may be feasible, due to specific economic, technological or other considerations, as detailed in the attached staff recommendation and the EIR/EIS. However, the Conservancy finds that the environmental benefits of the Matilija Ecosystem Restoration Program as described in the accompanying staff recommendation and EIS/EIR outweigh and render acceptable these unavoidable adverse economic impacts. The Conservancy concurs and adopts Ventura County’s statement of overriding considerations, exhibit 7, attachment 3 attached to this staff recommendation.”

Moved and seconded. Approved by a vote of 6-0.

5. AQUARIUM OF THE PACIFIC

Chris Kroll of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Dr. Jerry Schubel and Barbara Long, Aquarium of the Pacific, which also included a slide show presentation.

Resolution:

“The State Coastal Conservancy hereby authorizes a grant of up to eighty thousand (\$80,000) dollars to the Aquarium of the Pacific (the aquarium) to assist in the development and construction of the Watershed Project, a new multi-part, environmental education exhibit at the aquarium, subject to the following conditions:

1. Prior to disbursement of any funds, the aquarium shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. a work program and detailed site plans
 - b. a sign plan to acknowledge Conservancy funding for the project, and
 - c. the names and qualifications of any contractors to be employed on the project;
2. The aquarium shall provide written evidence to the Conservancy that all permits and approvals necessary to the completion of the project have been obtained; and
3. The aquarium shall enter into an agreement pursuant to Public Resources Code Section 31116(c) sufficient to protect the public interest and provide for maintenance of the

project.”

Findings:

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

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 5.5 of the Public Resources Code (Section 31220) 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 Aquarium of the Pacific is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. Approved by a vote of 6-0.

6. CHULA VISTA NATURE CENTER

Prentiss Williams of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Dan Beintema, Director, Chula Vista Nature Center.

Resolutions:

“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 Chula Vista to upgrade and expand the environmental education exhibits at the Chula Vista Nature Center, including the installation of a new exhibit that will display and interpret the life cycle of the green sea turtle (*Chelonia mydas*), subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, the City of Chula Vista (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.
 - b. A final work plan (including the names of any contractors to be used in the completion of the project), and a project schedule and budget.
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.”

Moved and seconded. Approved by a vote of 6-0.

7. MONTGOMERY WOODS STATE RESERVE

Michael Bowen of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Peter Colby, Land Acquisitions Program Director, Save-the-Redwoods League.

Resolutions:

“The State Coastal Conservancy hereby authorizes disbursement of up to five hundred thousand dollars (\$500,000) to Save-the-Redwoods-League to help acquire the Ross property in the upper watershed of Big River (Mendocino County APNs 148-270-03, 148-280-02, 148-200-04, 148-240-03, 148-240-04, 149-210-03, 148-270-02, 148-280-03, 148-280-04, 149-250-02, 149-250-09, 149-260-06, 149-260-07, 149-220-05) for the purposes of salmon habitat protection and expansion of Montgomery Woods State Reserve, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the Save-the-Redwoods League shall:
 - a. Submit for review and approval by the Executive Officer all relevant acquisition documents including but not limited to, the appraisal, agreement(s) of purchase and sale, escrow instructions and documents of title;
 - b. Permanently dedicate the property for open space, habitat conservation, public access, and as a wildlife corridor, in a manner acceptable to the Executive Officer, in accordance with Public Resources Code 31116(b); and
 - c. Obtain all other necessary funds to complete the acquisition of the Ross and adjacent Cook properties.
2. The Save-the-Redwoods League shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property that has been reviewed and approved by the Executive Officer.
4. Save-the-Redwoods League may transfer its interests in the Ross and Cook properties to a public entity or nonprofit organization only with the approval of the Executive Officer of the Conservancy, provided the public agency or nonprofit organization agrees to hold, manage and operate these interests in the manner set forth in condition number 1(b), above.”

Findings:

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

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

enhancement of coastal resources;

2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001; and,
3. The Save-the-Redwoods League 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.”

Moved and seconded. Approved by a vote of 6-0

Chairperson Bosco announced that he had a conflict of interest and left the meeting. Gary Hernandez acted as chairperson in Mr. Bosco’s absence.

8. HUMBOLDT BAY WATERSHED FAY SLOUGH AND TRIBUTARIES

Jim King of the Coastal Conservancy presented the Staff Recommendation.

Sam Schuchat, Executive Officer, announced Jim’s retirement with the Coastal Conservancy after 17 years of service.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$245,000 to the Redwood Community Action Agency for preparation of final designs and environmental review documents, permits and other work prerequisite to construction of estuary enhancement, fish passage and riparian enhancement projects at Redmond and Cochrane Creeks in the area bounded by Freshwater, Eureka and Fay Sloughs in the northern Humboldt Bay region subject to the following conditions:

Prior to disbursement of Conservancy funds, Redwood Community Action Agency shall submit for the written approval of the Conservancy’s Executive Officer a work program, budget, names of contractors it intends to engage for the project and a signing plan acknowledging the Conservancy and Proposition 12 funding.”

Findings:

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

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Redwood Community Action Agency is a private nonprofit organization existing under Section 501(c)(3) of the Internal Revenue Service Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

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

Chairperson Bosco returned to the meeting and resumed acting as chairperson.

9. OCEAN PROTECTION COUNCIL AND CALIFORNIA SEA GRANT PARTNERSHIP

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 million dollars (\$1,000,000) to the California Sea Grant College Program and University of Southern California Sea Grant Program to solicit, review, and disburse for scientific research grants.”

Findings:

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

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 3 (Section 31111) and Chapter 5.5 (Section 31220) of Division 21 of the Public Resources Code, regarding undertaking plans and feasibility studies for the protection, study, and enhancement of coastal, 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.”

Moved and seconded. Approved by a vote of 6-0.

Karen Scarborough left the meeting

10. SUSTAINABLE FISHERIES REVOLVING LOAN FUND

Marina Cazorla of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred one thousand three hundred dollars (\$101,300) to Environmental Defense for conceptual and business planning for a statewide Sustainable Fisheries Revolving Loan Fund, subject to the condition that prior to disbursement of Conservancy funds, Environmental Defense shall submit for the review and written approval of the Executive Officer of the Conservancy: a detailed work program, schedule, and budget; the name and qualifications of any contractors to be employed in carrying out the project; and evidence that all other funds necessary to complete the project have been obtained.”

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 Public Resources Code (Section 31220).
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Environmental Defense 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. Approved by a vote of 5-0.

11. CALIFORNIA COASTAL TRAIL

Steve Horn of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Larry Hand, California Conservation Corps and Stuart Hong, California State Parks.

Resolutions:

“The State Coastal Conservancy hereby:

1. Authorizes the Executive Officer to enter into a Memorandum of Agreement with the California Department of Parks and Recreation and the California Conservation Corps, substantially in the form of the attached Exhibit 1, providing for the Conservancy to work in cooperation with the other parties to develop the California Coastal Trail within units of the State Parks system using the services of the Conservation Corps.

2. Authorizes the disbursement of \$1,000,000 (one million dollars) to the Department of Parks and Recreation to develop improvements to the Coastal Trail within units of the State Parks system using the services of the California Conservation Corps, subject to the following condition:

If the Department of Parks and Recreation, as the lead agency, or the Executive Officer of the Conservancy determines that any project to be funded pursuant to this authorization is not exempt from review under the California Environmental Quality Act (CEQA), then Conservancy funds shall not be used for that project until the Conservancy has made the findings required under CEQA.”

Findings:

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

1. The Conservancy is authorized to grant funds to the Department of Parks and Recreation to develop lands for public access purposes, including the Coastal Trail, by Public Resources Code Sections 31400.1, 31400.2, 31400.3 and 31409.
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 5-0.

Gary Hernandez announced that he had a conflict of interest on the Malibu project and that he would be leaving for the rest of the meeting.

12. CONSENT - Item E Accessways in Malibu was removed from the Consent Agenda

A. SAN FRANCISCO BAY TRAIL ACCESS PROJECT

Resolution:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (ABAG) to disburse an amount not to exceed three hundred ninety-two thousand eight hundred thirty-seven dollars (\$392,837) of the total Conservancy funds authorized on September 15, 2004, for two San Francisco Bay Trail projects, as follows:

\$250,000 to the Port of San Francisco for construction of pedestrian and bicycle improvements on the Illinois Street Bridge.

\$142,837 to the City of San Mateo for construction of a boardwalk spur trail located between Seal Point and Tidelands Park.

This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for each project, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and an agreement between ABAG and the project proponent.
2. Posted signs resulting from these projects shall, where deemed appropriate by the Executive Officer, recognize the contribution of the Conservancy and display its logo.
3. ABAG shall require the City of San Mateo to assure implementation of the relevant mitigation measures and the relevant portion of the mitigation monitoring and reporting program contained in the Mitigated Negative Declaration (attached as Exhibit 1 to the accompanying staff recommendation) for the Bay Marshes Trail, adopted by the City of San Mateo on November 20, 2000 pursuant to the California Environmental Quality Act (“CEQA”).”

Findings:

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

1. The proposed San Francisco Bay Trail project authorizations are consistent with the purposes and objectives of Public Resources Code Section 31400-31409, regarding public access to the coast.
2. The proposed authorizations are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Each of the proposed authorizations will serve greater than local needs for public access to the shoreline.
4. The Conservancy has independently reviewed the Final Supplemental EIR for the Southern Waterfront (including the Illinois Street Bridge), adopted by the City and County of San Francisco on February 15, 2001; and the Addendum to the Final Supplemental EIR adopted on December 10, 2002 by the Planning Department of the City and County of San Francisco; collectively attached to the accompanying staff recommendation as Exhibit 2; and finds that there is no substantial evidence that the Conservancy-funded public bicycle and pedestrian access project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
5. The Conservancy has independently reviewed the Shoreline Parks Master Plan and Mitigated Negative Declaration adopted on November 20, 2000 by the City of San Mateo, attached to the accompanying staff recommendation as Exhibit 1, and finds that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

B. CONSERVANCY PROGRAM PUBLICATIONS

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred nine thousand dollars (\$309,000) for the production of *California Coast & Ocean* and other publications related to Conservancy programs. Of that total authorized amount, the Conservancy further authorizes the disbursement of up to \$259,000 as a grant to the Coastal Conservancy Association (CCA) to enable CCA to assist the Conservancy, subject to the condition that, prior to the disbursement of funds to CCA, the Executive Officer shall review and approve specific work programs for the publications program and any subcontractors to be employed to carry out the work.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed publications program is consistent with the purposes and objectives of Division 21 of the Public Resources Code (Sections 31000 *et seq.*)”

C. GUALALA BLUFFTOP TRAIL

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an additional amount not to exceed one hundred five thousand dollars (\$105,000) to the Redwood Coast Land Conservancy (RCLC) to construct the second phase of the Gualala Blufftop Trail on easements held by the RCLC west of Highway 1 and north of the Gualala River, in the town of Gualala, Mendocino County. These funds shall be used together with funding authorized on August 14, 2003, for a total amount not to exceed one hundred forty-three thousand, five hundred dollars (\$143,500), subject to all of the conditions of the Conservancy’s August 14, 2003 authorization for this project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed Gualala Blufftop Trail project remains consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code, and with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

D. GARRAPATA CREEK WATERSHED

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Garrapata Creek Watershed Council (GCWC) for construction of a fish passage project in the Garrapata Creek watershed in Big Sur, subject to the following conditions:

1. Prior to commencement of construction and to disbursement of any Conservancy funds for construction, GCWC shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - a. A detailed work program, project budget and timeline.
 - b. The names and qualifications of any contractors or subcontractors that GCWC intends to employ to construct the project.
 - c. Evidence that all applicable permits and approvals for the project have been obtained.
 - d. An executed and recorded agreement consistent with Public Resources Code Section 31116(c) to protect the public investment in the project.
2. The GCWC shall implement the mitigation measures applicable to its project and as found in the Department of Fish and Game’s Mitigation Monitoring and Reporting

Program, Appendix B of Exhibit 4 attached to the accompanying staff recommendation.

3. Conservancy funding shall be acknowledged by erecting and maintaining a sign in the project area, which has been reviewed and approved by the Executive Officer of the Conservancy.”

Findings:

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

1. The proposed project is consistent with Public Resources Code 31220 regarding watershed restoration.
2. The proposed project is consistent with County of Monterey’s Local Coastal Program (LCP) which calls for the protection and enhancement of environmentally sensitive habitats, including riparian corridors.
3. The Conservancy has independently reviewed the Negative Declaration prepared and adopted on June 16, 2004 by the Department of Fish and Game, attached as Exhibit 2, and finds that there is no substantial evidence that the projects will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. There is no evidence before the Conservancy that the project will have a potentially adverse effect either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.
5. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in 14 California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.
6. The proposed project is consistent with the guidelines and criteria in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.
7. The Garrapata Creek Watershed Council is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

F. INDIAN ISLAND - TULUWAT SITE HABITAT ENHANCEMENT

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed sixty one thousand dollars (\$61,000) to the Table Bluff Reservation – Wiyot Tribe

(“Tribe”) to establish native saltmarsh and upland vegetation at the Tuluwat village site on Indian Island in Humboldt Bay for the purposes of creating habitat and enhancing scenic values, subject to the following conditions:

1. Prior to disbursement of funds, the Tribe shall submit for the written approval of the Conservancy’s Executive Officer a work program, budget, and the names of contractors that it intends to employ for the project.
2. The Tribe shall ensure that signs acknowledging Conservancy and Proposition 12 funding are installed at the project site in the manner approved by the Conservancy’s Executive Officer.
3. The Tribe shall ensure that all permits and approvals applicable to the project are obtained prior to construction, and that construction is conducted according to the permits.
4. The Tribe shall ensure that all materials and debris originating from the project shall be stored and/or contained in a manner to preclude damage to adjacent wetlands or waterways.”

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 Chapter 6 of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

G. INVASIVE PLANT MANAGEMENT PROGRAM

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed fifty thousand dollars (\$50,000) to the Sonoma Land Trust (SLT) for the development of an invasive plant management program for the protection of native plant and animal species, habitat restoration and agricultural preservation on approximately 3,775 acres of open space and agricultural lands owned by SLT in Sonoma County, subject to the condition that prior to disbursement of Conservancy funds, SLT shall submit for the review and written approval of the Executive Officer of the Conservancy a detailed work program, schedule, and budget and the names and qualifications of any contractors to be employed in carrying out 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 the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Sonoma Land Trust is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

H. COASTAL AND ESTUARINE LANDS CONSERVATION PROGRAM

Resolution:

“The State Coastal Conservancy hereby:

1. Authorizes transmittal of the report *California CELCP Conservation Plan* to the U.S. National Oceanic and Atmospheric Administration (NOAA) for review pursuant to the federal Coastal and Estuarine Lands Conservation Program (CELCP).
2. Authorizes the Executive Officer to take all further steps necessary to complete the process of qualifying California to solicit and receive grants for public land acquisition pursuant to CELCP.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that Conservancy participation in the federal CELCP is consistent with the purposes and objectives of Division 21 of the Public Resources Code (Sections 31000 *et seq.*)”

Moved and seconded. Approved by a vote of 4-0.

E. ACCESS IN MALIBU

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to seventy thousand dollars (\$70,000) to Access For All (AFA), for the purpose of undertaking a variety of site management and design tasks, and installation of accessory structures for coastal access ways in Malibu on easements held by AFA, subject to the condition that prior to the disbursement of any funds, AFA shall submit for the review and approval of the Executive Officer of the Conservancy 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 the 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. Access For All 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 4-0.

12. EXECUTIVE OFFICER’S REPORT

2006 Board meeting schedule approved by a vote of 4-0

Coastal Trail Insignia Design Alternatives presented by Marina Cazorla of the Coastal Conservancy, Clark Kellog and Marianne Beucho. Presentation of recommendations will be made at the Dec. 8 board meeting.

Los Cerritos update given by Mary Small of the Coastal Conservancy and Don May of Los Cerritos Wetland Land Trust

Legislative Report – given by Deborah Ruddock, who will be taking over this responsibility for the Conservancy. Report is linked to the minutes.

13. DEPUTY ATTORNEY GENERAL’S REPORT

Deputy Pat Peterson reported on recent cases relating to development at the Santa Barbara airport and to the legal standards for inverse condemnation.

14. BOARD MEMBER COMMENTS

There were no board member comments

15. PUBLIC COMMENT:

Shari Sant Plummer, Rick Davis, Bert Boeckmann, Cathleen Summers, representing the Malibu Encinal Homeowners Association gave comments regarding MRCA management of Lechuza Beach. The Conservancy asked its staff for a report on this matter at its regularly scheduled meeting in February 2006 in Orange County.

Alan Sanders of the Sierra Club commented about Ormond Beach. The Conservancy asked its staff for a report on this matter at its regularly scheduled meeting in February 2006 in Orange County.

16. CLOSED SESSION:

A closed session was held to discuss *Colony Beach Preservation Assn. v. California Coastal Commission*, Los Angeles Superior Court Case No. BS 083683. Counsel presented information to the Conservancy for its consideration regarding settlement of the Colony Beach litigation. However, absent a quorum of members, the Conservancy set this matter for a teleconference closed session in November 2005.

17. ADJOURNMENT:

The meeting adjourned at 2:30 pm