

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

April 27, 2006
9:30 am
Ventura City Hall – Council Chambers
Ventura CA

MEMBERS PRESENT:

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

OVERSIGHT LEGISLATORS PRESENT:

Louise Rishoff, Representative for Assemblywoman Fran Pavley

OTHERS PRESENT:

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

2. APPROVAL OF MINUTES:

The Minutes of the March 2, 2006 public Meeting were approved without change.

3. LOS CERRITOS WETLANDS ACQUISITION PROJECT

Mary Small of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy approves acquisition of approximately 68 acres of property (portions of Los Angeles County Assessor Parcel Numbers 7237-020-006 and 7237-020-007), commonly known as the “Bryant Property”, and as more particularly described in the accompanying staff recommendation, to implement its June 25, 2001 authorization for the Los Cerritos Wetlands Acquisition Project, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the Executive Officer of the Conservancy (“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 property shall be acquired for no more than fair market value as established by an appraisal approved by the Executive Officer.

3. The property shall be permanently protected for public access, open space and habitat preservation and wetland restoration, in a manner acceptable to the Executive Officer and consistent with Public Resources Code Section 31116(b).

4. No Conservancy funds shall be disbursed for this acquisition unless and until the Executive Officer determines that Signal Hill Petroleum has agreed to indemnify the Conservancy and the Los Cerritos Wetlands Authority from liability for any existing or future contamination of the property from oil operations.

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 Trust for Public Land, Signal Hill Petroleum and the Sellers to carry out the purchase and sale of the property.”

Findings:

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

1. The acquisition of the Bryant property for the purposes of public access, open space and habitat preservation and wetland 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 in its June 25, 2001 authorization.
2. The proposed project remains consistent with the Conservancy’s Project Selection Criteria and Guidelines as determined in its June 25, 2001 authorization.

The proposed acquisition includes a 1:1 match of the Conservancy funds with non-state funds.”

Moved and seconded. Approved by a vote of 5-1. Chair, Doug Bosco voted no.

4. **SANTA MONICA BAY RESTORATION PLAN**

Marc Beyeler of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the following actions to implement the Santa Monica Bay Restoration Plan (the “Bay Plan”), approved by the Conservancy on August 2, 2001, as more specifically described in the accompanying staff recommendation:

For the Malibu Civic Stormwater Improvement Project, disburse an amount not to exceed one million dollars (\$1,000,000) to the City of Malibu; and

For the Kelp Restoration Project, disburse an amount not to exceed three hundred fifty thousand dollars (\$350,000) to Santa Monica Baykeeper.

These authorizations are subject to the condition that prior to disbursement of funds for any individual project, the grantee shall submit the following for review and written approval of the Executive Officer of the Conservancy: a final work program, schedule and budget for the project; all contractors to be employed for the project; evidence of all permits and approvals for the project; and only for the Malibu Civic Center Stormwater Project, a program for the installation of sign(s).”

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 guidelines and criteria set forth under Chapter 6 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources.
2. The proposed projects are consistent with the guidelines and criteria set forth in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.
3. The projects proposed for funding have been identified in the respective Local Coastal Plan as requiring action to resolve existing or potential resource protection problems, consistent with Public Resources Code Section 31252.
4. The Santa Monica Baykeeper 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 6-0.

5. LOS ANGELES RIVER AT RIO DE LOS ANGELES STATE PARK

Chris Kroll of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation were: Sara Feldman, California State Parks Foundation; Sean Woods, California State Parks.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred fifty thousand dollars (\$150,000) to the California State Parks Foundation to implement Phase II of habitat enhancement at a created wetland in Rio de Los Angeles State Park, subject to the following conditions:

1. Prior to disbursement of Conservancy funds, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - a. A final work program, a list of any contractors proposed to be used for the project, and a signing plan acknowledging the Conservancy’s funding of this project.
 - b. An agreement between the grantee and the California Department of Parks and Recreation providing access to the grantee for purposes of the project.
2. The grantee shall implement, or causes to be implemented, the mitigation measures relevant to the Conservancy-funded portion of the project and contained in the California Department of Parks and Recreation’s Mitigated Negative Declaration, Exhibit 5 to the accompanying staff recommendation.”

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 (Sections 31251-31270) of Division 21 of the Public Resources Code 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.
3. California State Parks Foundation is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.
4. The Coastal Conservancy has independently reviewed the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program adopted for the Taylor Yard Park Development project on June 28, 2004 (attached to the accompanying staff recommendation as Exhibit 4) and the mitigation monitoring plan also adopted by California State Parks at that time (attached to the accompanying staff recommendation as Exhibit 5) for the project pursuant to the California Environmental Quality Act, and finds that there is no substantial evidence that the Conservancy-funded portion of the project, as mitigated, may have a significant effect on the environment as defined in 14 Cal. Code of Regulations Section 15382.”

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

6. SANTA MONICA PIER AQUARIUM

Marc Beyeler and David Hayes of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation were: Vicki Wawerchak, Aquarium Director, Santa Monica Pier Aquarium; Madelyn Glickfeld, Board of Directors, Heal the Bay.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed six hundred fifty thousand dollars (\$650,000) to Heal the Bay to upgrade and expand the environmental education exhibits and to analyze possible future expansion of the Santa Monica Pier Aquarium, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, Heal the Bay shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. Evidence that Heal the Bay 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. Heal the Bay 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.”

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 Chapters 3 and 9 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 proposed project will serve greater than local needs; and
4. Heal the Bay 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 6-0.

7. URBAN WATERSHED GARDEN

Chris Kroll of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the staff Recommendation: Peter Massey and Ellen Wirth, TreePeople.

Resolution:

“The State Coastal Conservancy hereby authorizes a grant of up to three hundred thousand (\$300,000) dollars to TreePeople, a nonprofit organization, to assist in the development and construction of the Urban Watershed Garden, a new environmental education exhibit at the Center for Community Forestry. The State Coastal Conservancy also authorizes the Executive Officer to enter into a joint powers agreement with the Santa Monica Mountains Conservancy (SMMC) to further this purpose. This authorization is subject to the following conditions:

1. Prior to disbursement of Conservancy funds to TreePeople for this project, the Conservancy and SMMC shall have entered into a joint powers agreement.
2. Prior to disbursement of any funds, TreePeople shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. A work program, including schedule, budget and detailed site plans.
 - b. A sign plan to acknowledge Conservancy funding for the project.
 - c. The names and qualifications of any contractors to be employed on the project.
 - d. Documentation that all permits and approvals necessary to the completion of the project have been obtained.
3. TreePeople shall develop a monitoring and evaluation component for the project.
4. TreePeople shall enter and record 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 protection of coastal 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. TreePeople 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.

Board member Fred Klass left the room.

8. VALENCIA CREEK FISH PASSAGE IMPROVEMENT PROGRAM

Janet Diehl of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed six hundred thousand dollars (\$600,000) to the County of Santa Cruz to reconstruct a failed fish ladder and retrofit a culvert on Valencia Creek to implement the Valencia Creek Fish Passage Improvement Program subject to the following conditions:

1. Prior to the County’s commencement of work, the Executive Officer of the Conservancy shall approve in writing a work program, schedule of completion, project budget, any contractors to be employed and a signing plan acknowledging the Conservancy;
2. The County shall submit evidence that all necessary permits have been obtained;
3. The County shall implement post-project effectiveness monitoring for three years following construction according to a monitoring plan 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 projects are consistent with the purposes and criteria set forth in Chapter 5.5 of Division 21, section 31220 of the Public Resources Code regarding integrated coastal and marine resources protection.

2. The proposed projects are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed the mitigated Negative Declarations approved on June 2, 2005 and February 6, 2006 by the County of Santa Cruz 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.”

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

9. QUIOTA CREEK

Janet Diehl of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to three hundred seventy-one thousand eight hundred dollars (\$371,800) to the Cachuma Conservation Release Board (CCRB) for the implementation of habitat enhancement and fish passage improvement projects on Quiota Creek, subject to the following conditions:

1. Prior to disbursement of Conservancy funds, CCRB shall submit for the review and written approval of the Executive Officer of the Conservancy a final work program, including a budget and schedule, the names of any contractors and subcontractors to be employed for these tasks, and evidence that all permits and all other funds necessary to complete the project have been obtained.
2. Conservancy funding shall be acknowledged by signage at the project site that shall be subject to the review and approval of the Executive Officer.
3. CCRB shall implement, or shall cause to be implemented, the mitigation measures related to the project site contained in the Lower Santa Ynez River Fish Management Plan and Cachuma Project Biological Opinion for Southern Steelhead Trout EIR/EIS dated February 2004 (Exhibit 2).”

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 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 area has been identified in the certified Local Coastal Program of Santa Barbara County as requiring public action to resolve existing or potential resource protection problems.

4. The Conservancy has independently reviewed and considered the Environmental Impact Report/Environmental Impact Statement (Exhibit 2) and finds that the project as designed avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the project, as mitigated, may have a significant adverse effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.”

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

10. SANTA BARBARA SEAFLOOR MAPPING

Board member Fred Klass returned to the meeting.

Marina Cazorla of the Coastal Conservancy presented the Staff recommendation.

Speaking in favor of the Staff Recommendation was: Sam Johnson, US Geological Survey.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred thousand dollars (\$400,000) to the Foundation of California State University, Monterey Bay to fund data acquisition for substrate and marine habitat mapping of state waters of the Santa Barbara Channel and Ventura coast, as shown in Exhibit 1, subject to the following conditions:

1. Prior to disbursement of Conservancy funds, the Monterey Bay Sanctuary Foundation shall submit for the review and written approval of the Executive Officer of the Conservancy a project work program, budget and timeline, and the names of any contractors and subcontractors to be retained to carry out the project work.
2. Grant funds shall be used equally in 2006 and 2007 (i.e. \$200,000 during the 2006 field season and \$200,000 for the 2007 field season). Conservancy funds for the 2007 field season shall not be disbursed unless: the United States Geological Survey (USGS) provides a minimum of \$100,000 in matching funding; has committed to completion of data interpretation and mapping products for the 2007 mapping data at the same level they are providing for the 2006 field season; and all other funds necessary to complete the mapping in 2007 are secured.”

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) regarding integrated coastal and marine resource protection.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Foundation of California State University Monterey Bay (CSUMB) is a private nonprofit organization existing under Section 501(c)(3) of the United States 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.

11. WILDLAKE RANCH

Nadine Hicthcock of the Coastal Conservancy presented the Staff recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two million dollars (\$2,000,000) to the Land Trust of Napa County (“the Land Trust”) toward its acquisition of the approximately 3,045-acre Wildlake Ranch, Napa County Assessor Parcel Numbers 018-030-011; 018-040-004, -005, -007, -010 through -016, and -022; 018-060-002, -003, -006 through -008, -015, -027, -030, -034, -035, -049, and -064; and 021-010-008 (Exhibit 2). This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for acquisition, the Land Trust 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 the appraisal, environmental assessments, agreement of purchase and sale, escrow instructions, title reports, and documents of title necessary to the acquisition of the Wildlake Ranch property.
 - b. Any agreement that would allow the seller to use or maintain the property following its acquisition by the Land Trust.
 - c. A Wildlake Ranch Stewardship Plan, budget and schedule which shall describe the actions that the Land Trust shall take annually to monitor and maintain existing Wildlake Ranch natural resources and shall also describe any natural resource-compatible public access proposed for the property.
 - d. Evidence that sufficient funds other than Conservancy funds are available to complete the acquisition and provide stewardship.
2. The Land Trust shall dedicate a portion of the property proportionate to the Conservancy’s contribution and approved by the Executive Officer for habitat preservation and restoration, protection of natural areas, and public access and nature study compatible with those habitat and natural resource purposes, consistent with Public Resources Code Section 31116(b).
3. The Land Trust shall manage and maintain the property in accordance with a Wildlake Ranch Stewardship Plan reviewed and approved by the Executive Officer.
4. The Land Trust shall pay no more than fair market value for the property.
5. Any future transfer of this property or of any interest in the property shall be subject to the prior written approval of the Executive Officer. Any funds generated from such a transfer in excess of the grantee’s costs, up to the total amount disbursed pursuant to this authorization, shall be repaid to the Conservancy proportionately, based on all contributions to the acquisition.
6. The Land Trust shall acknowledge Conservancy funding by erecting and maintaining on the Wildlake Ranch 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 31160-31165.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Land Trust of Napa County is a nonprofit organization existing under provisions of U.S. Internal Revenue Code Section 501(c)(3), and whose purposes are consistent with Division 21 of the Public Resources Code.”

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

12. INVASIVE *SPARTINA* PROJECT CONTROL PROGRAM

Maxene Spellman of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the following: 1) acceptance of a grant of one million two hundred thirty-four thousand three hundred ninety-six dollars (\$1,234,396) from the California Bay-Delta Authority Ecosystem Restoration Program (ERP) to implement monitoring for the San Francisco Estuary Invasive *Spartina* Project (ISP) Control Program; 2) disbursement of up to one million two hundred thirty-four thousand three hundred ninety-six dollars (\$1,234,396) of the ERP funds for ISP Control Program monitoring, including ongoing and expanded *Spartina* mapping, monitoring and genetic analysis and monitoring of endangered species, and 3) disbursement of up to \$715,299 (seven hundred fifteen thousand two hundred ninety-nine dollars) of funds awarded to the Conservancy by the Wildlife Conservation Board (WCB) for invasive *Spartina* treatment and eradication projects under the ISP Control Program. The WCB funds may be used to supplement existing treatment and eradication grants to the Alameda County Flood Control District, the California Wildlife Foundation, Friends of Corte Madera Creek Watershed, California Department of Parks and Recreation, the East Bay Regional Park District, City of Alameda, City of San Leandro, City of Palo Alto, the San Mateo County Mosquito Abatement District, and USFWS Don Edwards San Francisco Bay National Wildlife Refuge. Any grant of additional funds for treatment and eradication shall be subject to the following conditions:

1. Prior to implementing any treatment and eradication project and prior to disbursement of any funds to the grantee, the grantee shall submit for review and approval of the Executive Officer an updated site-specific plan, based on the outcome and extent of the 2005 treatment, and including mitigation measures, and a work program for 2006 treatment, including a schedule and budget, and shall provide evidence that the grantee has obtained all necessary permits and approvals for the project.
2. In carrying out any treatment and eradication project, the grantee shall comply with all applicable mitigation and monitoring measures that are set forth in the approved site-specific plan, that are required by any permit or approval for the project, or that are identified in the “Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive

Spartina Project: *Spartina* Control Program” (FEIS/R), adopted by the Conservancy on September 25, 2003.”

Findings:

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

1. Disbursement of additional funds to continue and expand the ISP Control Program mapping and monitoring is consistent with the Conservancy authorization and findings adopted September 25, 2003, as shown in the staff recommendation attached as Exhibit 1 to this staff recommendation.
2. Disbursement of additional funds for the ISP Control Program treatment and eradication projects is consistent with Public Resources Code Sections 31160-31164 and with the resolutions, finding and discussion accompanying the Conservancy authorizations of September 25, 2003 and June 16, 2005 as shown in the staff recommendations attached as Exhibits 1 and 2 to this staff recommendation.
3. On June 16, 2005 the Conservancy authorized initial funding for the 2005 and 2006 ISP Control Program treatment and eradication projects and made appropriate findings under the California Environmental Quality Act (CEQA). This authorization provides for additional funding for those same projects. The nature, duration and extent of those projects, including environmental effects and proposed mitigation measures, was fully described and considered by the Conservancy in connection with the initial funding authorizations and have not changed. Disbursement of additional funds for these same treatment and eradication projects is, thus, consistent with the previous CEQA finding: that the environmental effects associated with the treatment and eradication under this authorization and the mitigation measures to reduce or avoid those effects were fully identified and considered in the FEIS/R adopted by the Conservancy September 25, 2003. (See Exhibits 1 and 2).
4. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
5. The California Wildlife Foundation and Friends of Corte Madera Creek Watershed are private nonprofit organizations existing under Section 501(c)(3) of the United States 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.

13. SEARS POINT PROPERTY

Tom Gandesbery of the Coastal Conservancy presented the Staff Recommendation

Speaking in favor of the Staff recommendation: John Broznan, Sonoma Land Trust.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million dollars (\$1,000,000) to the Sonoma Land Trust to undertake feasibility studies, prepare preliminary and final plans and designs, and permit applications for the restoration of tidal and non-tidal wetlands and upland coastal grasslands subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer has reviewed and approved in writing:

1. Any contractors to be hired; and
2. A final work program for the project, including a detailed schedule and budget.”

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 (Sections 31160-31164) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted 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.”

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

14. RUSH RANCH

Ann Buell of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Marilyn Farley, Solano Land Trust.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Solano Land Trust for the construction of a nature and education center at Rush Ranch in Solano County.

This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, Solano Land Trust shall submit for review and written approval of the Executive Officer a detailed work program, budget and schedule; and the names and qualifications of any contractors and subcontractors that it intends to employ.
2. The Solano Land Trust shall enter into an agreement consistent with Section 31116(c) of the Public Resources Code, with the Conservancy, to protect the public’s interest in the constructed improvements at the project site.
3. The Solano Land Trust shall provide evidence that it has an endowment and/or other funding sources sufficient to operate and maintain the Rush Ranch Nature and Education Center. ”

Findings:

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

1. The Rush Ranch Nature and Education Center project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31160-31165 regarding the Conservancy's mandate to address the resource and recreation goals of the San Francisco Bay Area.
2. The Rush Ranch Nature and Education Center project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Solano Land Trust is a nonprofit organization existing under Section 501(c)(3) of the United States 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.

15. EAST BAY GREENWAY

Maxene Spellman of the Coastal Conservancy presented the Staff Recommendation:

Speaking in favor of the Staff Recommendation: Donald Neuwirth, Urban Ecology

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to Urban Ecology to prepare a conceptual plan for the East Bay Greenway, an open space and public access corridor in Alameda County, subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer has reviewed and approved in writing:

1. Any contractors to be hired; and
2. A final work program for the project, including a detailed schedule and budget."

Findings:

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

1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Urban Ecology 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 6-0.

16. MILL CREEK

Maxene Spellman of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Lisa Micheli, Sonoma Ecology Center.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred seventy-three thousand seven hundred seven dollars (\$173,707) of funds awarded to the Conservancy by the Wildlife Conservation Board (“WCB”), to the Sonoma Ecology Center (“SEC”) to restore rearing and spawning habitat for steelhead and Chinook salmon by removing poorly placed road fill and restoring native vegetation and natural flow patterns of the headwaters of Mill Creek. Prior to the Conservancy’s disbursement of funds:

1. The Conservancy and WCB shall enter into a memorandum of understanding authorizing the Mill Creek Headwaters Restoration as an approved project under WCB Agreement Number WC-3032BT.
2. SEC 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.
3. The Sonoma Ecology Center and the California Department of Parks and Recreation shall enter into an agreement, consistent with Public Resources Code Section 31116(c), to protect the public interest and to provide the Sonoma Ecology Center with adequate access to the project site.”

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 Ecology Center 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 6-0.

17. FEDERAL GOVERNMENTAL LIAISON

Sam Schuchat of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) to provide for assistance with the State Coastal Conservancy’s

projects that have a federal component. Representation of projects will include advocacy during federal appropriations and authorization processes and with federal agency staff.”

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 31103 and 31104, regarding the Executive Officer’s authority to carry out the purposes of Division 21 and the Conservancy’s ability to apply for and accept federal grants and receive other financial support from public sources and 14 California Code of Regulations 13734 regarding the Executive Officer’s authority to administer the affairs of the Conservancy.
2. The 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.

18. CONSENT ITEMS:

A. BOLSA CHICA WETLANDS

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed ten million dollars (\$10,000,000) to the State Lands Commission for the restoration of approximately 566 acres of the Bolsa Chica lowlands subject to the following conditions:

1. Prior to the disbursement of any funds, the State Lands Commission shall submit for the review and approval of the Executive Officer of the Conservancy a work program for the design and construction of the restoration project;
2. The expenditure of Conservancy funds shall be limited to the design and construction costs of the restoration project and shall not be used for operation, maintenance and/or adaptive management of the restoration project.”

Findings:

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

1. The proposed project remains consistent with Public Resources Code Section 31220 regarding the Conservancy’s mandate to improve and protect coastal and marine water quality and habitats.
2. The proposed project remains consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project remains consistent with the purposes of the Integrated Watershed Management Program, as well as the Watershed Management Initiative for the Bolsa Chica Watershed Management Area and the Water Quality Control Plan, Santa Ana River Basin. The project includes a monitoring and evaluation component.”

B. SOUTH BAY SALT POND RESTORATION PROJECT

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of 1) up to \$261,000 (including \$17,620 from funds authorized on January 23, 2003 and \$182,380 from funds authorized on March 25, 2004 for the South Bay Salt Pond Restoration Planning; and \$61,000 from funds authorized on September 8, 2005 for the South San Francisco Shoreline Study) to the San Francisco Estuary Institute to manage a database and web site related to wetlands restoration work in the South San Francisco Bay including a web site for the South San Francisco Bay Shoreline Study; and 2) up to \$50,000 from funds authorized on September 8, 2005 to the Point Reyes Bird Observatory for additional habitat modeling required as part of 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 Public Resources Code Sections 31160 et seq., regarding the Conservancy’s mandate to address the resource goals of the San Francisco Bay Area, and with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001, as determined in the Conservancy funding authorizations of January 23, 2003, March 25, 2004, and September 8, 2005.
2. The San Francisco Estuary Institute and Point Reyes Bird Observatory, respectively, are nonprofit organizations 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. MARSH CREEK WATERSHED

Resolution:

“The State Coastal Conservancy hereby amends its December 11, 2003 authorization to add the disbursement of an amount not to exceed one hundred and sixteen thousand dollars (\$116,000) to the Natural Heritage Institute to implement the Marsh Creek public outreach program and plan the restoration of lower Marsh Creek in Contra Costa County, subject to the following conditions:

1. Prior to the disbursement of any funds, the Natural Heritage Institute shall submit for the review and approval of the Executive Officer of the Conservancy an amended work program, amended schedule, amended budget, and any contractors to be employed in implementation of the project.
2. Prior to the disbursement of the final \$36,000 in funds, the California Bay-Delta Authority and the State Coastal Conservancy shall enter into an amended Interagency Agreement which provides an additional \$46,200 in grant funds to the Conservancy for the Marsh Creek Watershed Outreach and Restoration 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 Public Resources Code Sections 31160–31164, regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Natural Heritage Institute is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

D. BALLONA WETLANDS

Speaking in favor of the Staff Recommendation: Amy Lethbridge, Mountains Recreation and Conservation Authority.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Mountains Recreation and Conservation Authority (MRCA) to implement interim stewardship activities to protect and enhance the Ballona Wetlands, subject to the condition that prior to disbursement of funds, the Conservancy’s Executive Officer shall approve MRCA’s work plan and budget for that work.”

Findings:

1. The proposed project authorization is consistent with Public Resources Code Sections 31251-31270, Coastal Resource Enhancement Projects.
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 greater than local need.”

E. PIEDRAS BLANCAS

Resolution:

“The State Coastal Conservancy hereby amends its May 18, 2005, authorization to disbursement an additional amount not to exceed one hundred thousand dollars (\$100,000) to the Trust for Public Land (“TPL”) for management and operation of public access to and along the ocean shoreline, as more particularly described in Exhibit 3 to the accompanying staff recommendation, subject to the conditions contained in its May 18, 2005, authorization.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed project remains consistent with its May 18, 2005, authorization regarding

consistency with its enabling legislation, project selection criteria and guidelines, strategic plan and goals, the local coastal plan, and CEQA.”

F. LOWER VENTURA RIVER WATERSHED

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to Santa Barbara Channelkeeper to undertake water quality monitoring and identify habitat restoration opportunities in the Lower Ventura River watershed, subject to the following condition: Prior to the disbursement of any funds, Santa Barbara Channelkeeper shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, budget, and schedule; the names of any contractors to be employed in carrying out the work; and written evidence of each landowner’s permission to enter the project site for purposes 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 in Chapter 6 of Division 21 of the 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. The project area has been identified in the certified Local Coastal Program of Ventura County as requiring public action to resolve existing or potential resource protection problems.
4. Santa Barbara Channelkeeper 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.”

G. SOLSTICE CREEK FISH PASSAGE RESTORATION

Resolution:

“The State Coastal Conservancy hereby amends its May 18, 2005 authorization to further authorize the disbursement of an additional amount not to exceed sixty thousand dollars (\$60,000) to the National Park Service (NPS) for restoration of habitat to facilitate passage for southern steelhead trout in Solstice Creek watershed, Santa Monica Mountains, subject to the May 18, 2005 conditions for use of the Conservancy funds.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed project remains consistent with the Conservancy’s May 18, 2005 findings regarding the Conservancy’s enabling legislation; Project Selection and Criteria Guidelines; Strategic

Plan Goals and Objectives; Coastal Act and Local Coastal Program Policies; and the California Environmental Quality Act.”

H. SAN FRANCISCO BAY TRAIL

Resolution:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (ABAG) to disburse an amount not to exceed one hundred sixty-three thousand five hundred eighty-eight dollars (\$163,588) of the total Conservancy funds authorized on September 15, 2004, to the East Bay Regional Park District (EBRPD) to construct 2.94 miles of Bay Trail along the Eden Landing Ecological Preserve as described in the accompanying staff recommendation.

This authorization is subject to the condition that:

Prior to the disbursement of funds, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, a signage plan, and an agreement between ABAG and the East Bay Regional Park District for construction of the project.”

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 authorization is consistent with the purposes and objectives of Public Resources Code Sections 31160-31164, regarding the San Francisco Bay Area Conservancy Program, with Sections 31400-31409, regarding public access to the coast, and with the Conservancy’s September 15, 2004 action regarding implementation of the San Francisco Bay Trail.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed authorization will serve greater than local needs for public access to the shoreline.
4. The Conservancy has independently reviewed the Final Environmental Impact Report Eden Landing Ecological Reserve Restoration and Management Plan, adopted by the Department of Fish and Game, acting as lead agency, on April 20, 2000, attached to the accompanying staff recommendation as Exhibit 2; and finds that there is no substantial evidence that the Conservancy-funded public trail, parking lot and viewing platform will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

I. LOS CERRITOS WETLANDS

Resolution:

“The State Coastal Conservancy hereby determines that the five acre parcel which is the subject of the Irrevocable Offer to Dedicate Fee Title, recorded as No. 01-2260417 of Los Angeles County Official Records, is unsuitable for the purpose of implementing a resource enhancement program at the Los Cerritos Wetlands.”

J. TALL SHIPS EXPOSITION FESTIVALS

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Maritime Museum of San Diego to plan Tall Ships Exposition festivals at various California ports to be held during the summer of 2008, including but not limited to the sponsorship of visits by historic tall sailing ships, international maritime training vessels, and other unique craft, and the development of related activities which will promote access to urban waterfronts. Prior to the disbursement of any Conservancy funds, the Maritime Museum of San Diego shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, including scope of work, budget and schedule, and the names of any contractors it intends to use to carry out 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 objectives of Chapter 7 of Division 21 of the Public Resources Code, regarding urban waterfront restoration.
- 2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
- 3. The Maritime Museum of San Diego 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. All Consent items were approved by a vote of 6-0.

19. EXECUTIVE OFFICER REPORT

- a. Legislative Report was distributed to board members (attached to minutes)
- b. Board approved the adoption of Resolution in Appreciation of Richard Nichols

20. DEPUTY ATTORNEY GENERAL REPORT

No report

21. BOARD MEMBER COMMENTS

There were no board member comments

22. PUBLIC COMMENT

Alan Sanders, representing the Sierra Club addressed the Conservancy. He requests clarification on the role of the Conservancy on the Ormond Beach Task Force. The Conservancy members asked staff to address Mr. Sanders concerns directly.

23. CLOSED SESSION

There was no closed session

24. ADJOURNMENT Meeting was adjourned at 1:10 pm.

**April 27, 2006 Legislative Report
Prepared for Coastal Conservancy Board**

ASM

AB 1940(Koretz) Environment: marine debris. (A-03/20/2006 [html](#) [pdf](#))

Introduced: 02/01/2006

Last Amend: 03/20/2006

Status: 04/24/2006-From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (April 17).

Is Fiscal: Y

Is Urgency: N

Location: 04/24/2006-A APPR.

Calendar: 04/27/06 10 ASM SECOND READING FILE

Summary: Existing law, the California Coastal Act of 1976, provides for the maintenance, enhancement, or restoration of the marine environment, where feasible. This bill would require the State Coastal Commission, to the extent feasible and within its existing resources to: (1) convene a multi-agency task force, consisting of specified representatives from the Department of Conservation, the State Water Resources Control Board, the California Integrated Waste Management Board, the Department of Boating and Waterways, the State Coastal Conservancy, and the San Francisco Bay Conservation and Development Commission, for the purpose of implementing a statewide marine debris reduction effort ; and (2) undertake certain action, as specified. The bill would also make various legislative findings regarding marine debris.

AB 2134(Harman) Natural resources: funding: coastal wetlands maintenance. (A-03/27/2006 [html](#) [pdf](#))

Introduced: 02/21/2006

Last Amend: 03/27/2006

Status: 04/17/2006-In committee: Set, first hearing. Hearing canceled at the request of author.

Is Fiscal: Y

Is Urgency: Y

Location: 03/28/2006-A NAT. RES.

Summary: Existing law, until July 1, 2006, requires the State Lands Commission to deposit specified money in the State Treasury, and the money to be applied to specified obligations in a certain priority. Existing law requires the Controller to transfer in each fiscal year the remainder of that money, after it is used to meet specified obligations, to the Resources Trust Fund. Existing law requires the Controller to annually transfer specified amounts from the fund to the Salmon and Steelhead Restoration Account, the Marine Life and Marine Reserve Management Account, the State Parks System Deferred Maintenance Account, and the Natural Resources Infrastructure Fund, in order of priority, for specified uses upon appropriation by the Legislature. This bill would repeal the provisions that were to become operative on and after July 1, 2006, and would continue the operation of the provisions that were to remain operative only until July 1, 2006. The bill would require, as a matter of second priority, \$5,000,000 annually, through and including the 10th year after the effective date of this act, be transferred from the fund to the Coastal Wetlands Account, which the bill would create in the fund and which would be an interest-bearing account administered by the Treasurer. The bill would continuously appropriate interest earned by the Coastal Wetlands Account to the Department of Fish and Game for expenditure in the form of grants for maintenance needs of coastal wetlands property owned by the state , owned by a

conservancy of the state , or owned and managed by a nonprofit tax exempt organization , as specified, thereby making an appropriation. The bill would prohibit the principal of the Coastal Wetlands Account from being expended, and require it to be maintained, so that the interest earned on the account will provide a continuous source of funding for wetlands maintenance. The bill would authorize the department to accept contributions of private funds to the Coastal Wetlands Account, as specified, and would require the department to adopt regulations establishing terms and conditions for making grants from the Coastal Wetlands Account. The bill would require grants to be used only for coastal wetlands that are located south of the northern boundary of Santa Barbara County. This bill contains other related provisions and other existing laws.

[AB 2479\(Cogdill\)](#) Noxious and invasive weeds. (A-04/06/2006 [html](#) [pdf](#))

Introduced: 02/23/2006

Last Amend: 04/06/2006

Status: 04/17/2006-Re-referred to Com. on AGRI.

Is Fiscal: Y

Is Urgency: N

Location: 04/17/2006-A AGRI.

Calendar: 04/26/06 1:30 p.m. - Room 126 ASM AGRICULTURE

Summary: Existing law provides that within the Department of Food and Agriculture Fund there is the Noxious Weed Management Account, the funds in which are made available to eligible weed management areas or county agricultural commissioners for the control and abatement of noxious weeds according to an approved integrated weed management plan. Existing law provides that only 5% of the funds in the account shall be made available to the Department of Food and Agriculture for carrying out provisions relating to management of noxious and invasive weeds , developing noxious weed strategies, seeking new biological control agents, conducting workshops, and appointing a noxious weed coordinator and weed mapping specialist. This bill would make various findings and declarations regarding the impact of noxious and invasive weeds on California. This bill would increase the percentage of Noxious Weed Management Account funds that shall be made available to the department to 10%. This bill would also appropriate \$2,500,000 annually from the General Fund to be deposited into the Noxious Weed Management Account.

[AB 2485\(Jones\)](#) Fish and game: sea otters. (A-04/24/2006 [html](#) [pdf](#))

Introduced: 02/23/2006

Last Amend: 04/24/2006

Status: 04/20/2006-From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (April 17).

Is Fiscal: Y

Is Urgency: N

Location: 04/20/2006-A APPR.

Summary: Existing law prohibits the taking of any marine mammal, including any sea otter, whale, dolphin, porpoise, seal, and sea lion, except in accordance with the federal Marine Mammal Protection Act of 1972 and specified federal regulations. Existing law prohibits the taking or possession of any fully protected mammal, including any southern sea otter. Existing law imposes a specified misdemeanor fine or imprisonment for these regulations. This bill would state the Legislature's intent to enact legislation to establish a research program focused on reducing sea otter mortality from non-point source pollution, and developing treatment technologies for pathogens affecting sea otter mortality, contingent upon appropriations administered through the California Coastal Conservancy. The bill would modify the fines and penalties for a violation of the above described existing laws relating to marine mammals and fully protected mammals to provide for the imposition of a fine of up to \$25,000 for each unlawful taking in violation, of those

provisions. The bill would also make Legislative findings and declarations relating to cat feces and sea otter mortality, and would require any cat litter offered for sale in the state to contain a statement to discourage the flushing of cat litter in toilets, or disposing of it outdoors in gutters or storm drains, for the purposes of promoting better water quality. Because a violation of this requirement would be a crime under other, existing provisions that generally make violations of the Fish and Game Code a crime, the bill would create a state-mandated local program by creating a new crime. This bill contains other related provisions and other existing laws.

[AB 2641\(Coto\)](#) Native American burial grounds. (A-04/20/2006 [html](#) [pdf](#))

Introduced: 02/24/2006

Last Amend: 04/20/2006

Status: 04/24/2006-Re-referred to Com. on L. GOV.

Is Fiscal: Y

Is Urgency: N

Location: 04/24/2006-A L. GOV.

Calendar: 04/26/06 1:30 p.m. - Room 447 ASM LOCAL GOVERNMENT

Summary: Existing law establishes the Native American Heritage Commission ("commission") and authorizes the commission to bring an action to prevent damage to Native American burial grounds or places of worship. Existing law, the California Native American Grave Protection and Repatriation Act of 2001, requires all state agencies and all museums that receive state funding to inventory Native American human remains and cultural items in their possession for return to the appropriate tribes. This bill would require a landowner to consult with the most likely descendants, as determined by the commission, regarding the preservation of any Native American burial ground, as defined, discovered on the property owner's land and would require the landowner to ensure that a site is not further disturbed until prescribed conditions are met. This bill contains other related provisions.

[AB 2746\(Blakeslee\)](#) Natural resources: mitigation for adverse impacts. (A-04/17/2006 [html](#) [pdf](#))

Introduced: 02/24/2006

Last Amend: 04/17/2006

Status: 04/20/2006-Joint Rule 62(a), file notice waived.

Is Fiscal: Y

Is Urgency: N

Location: 04/18/2006-A W.,P. & W.

Calendar: 04/25/06 9 a.m. - Room 437 ASM WATER, PARKS AND WILDLIFE
04/26/06 1:30 p.m. - Room 447 ASM LOCAL GOVERNMENT

Summary: Existing law authorizes, under various provisions of law, certain state agencies or entities to acquire fee title in land or conservation or open-space easements from property owners to mitigate any adverse impact resulting from the development of a project or facility. This bill would, notwithstanding any other provision of law, allow a state or local public agency to authorize a nonprofit organization to hold title to and manage an interest in real property that the state or local public agency requires a property owner to deed to the agency to mitigate any adverse impact upon natural resources caused by permitting the development of a project or facility, provided the nonprofit organization meets certain requirements.

[AB 2838\(Pavley\)](#) Coastal Environment Motor Vehicle Mitigation Program. (A-04/17/2006 [html](#) [pdf](#))

Introduced: 02/24/2006

Last Amend: 04/17/2006

Status: 04/19/2006-In committee: Hearing postponed by committee. (Refers to 4/18/2006

hearing)

Is Fiscal: Y

Is Urgency: N

Location: 04/17/2006-A TRANS.

Summary: Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing a program of agricultural land protection, area restoration, and resource enhancement within the coastal zone, as defined. Under existing law, the conservancy is authorized to provide grants to local public agencies and nonprofit organizations. Existing law authorizes the Department of Motor Vehicles, if requested by a county air pollution control district, air quality management district, or unified regional air pollution control district to collect specified fees upon the registration or renewal of registration of any motor vehicle registered in the district, except as provided, to be used for the reduction of air pollution from motor vehicles, as specified. This bill would establish the Coastal Environment Motor Vehicle Mitigation Program, which, until January 1, 2020, would authorize the conservancy to request that the Department of Motor Vehicles collect a fee of up to \$6, upon the registration or renewal of registration of every motor vehicle registered in an eligible county that elects to participate in the program, as provided. The bill would create the Coastal Environment Motor Vehicle Mitigation Account in the State Coastal Conservancy Fund of 1984, for the purpose of receiving and disbursing funds derived from those fees collected by the Department of Motor Vehicles. The bill would require that all appropriations of funds deposited in the account only be used for specified program purposes, and be included in a section of the annual Budget Act for each fiscal year for consideration by the Legislature. The bill would prohibit the expenditure of funds derived from the account unless the appropriation is contained in that section of the Budget Act, except for funds continuously appropriated to the Controller for administrative costs. This bill contains other related provisions.

[AB 2930\(Laird\)](#) Coastal resources: property dedications: conservation and open-space easements. (A-04/06/2006 [html](#) [pdf](#))

Introduced: 02/24/2006

Last Amend: 04/06/2006

Status: 04/17/2006-Re-referred to Com. on NAT. RES.

Is Fiscal: Y

Is Urgency: N

Location: 04/17/2006-A NAT. RES.

Summary: Existing law requires that, unless the Legislature specifically provides that approval is not required, every gift or dedication to the state of personal property, or every gift to the state of real property in fee or in a lesser estate or interest, be approved by the Director of Finance, and every contract for the acquisition or hiring of real property in fee or in a lesser estate or interest, entered into by or on behalf of the state, be approved by the Director of General Services. However, existing law exempts from those requirements, among other things, the acceptance by the State Coastal Conservancy of offers to dedicate public access ways made pursuant to specified provisions of the California Coastal Act of 1976. This bill would additionally exempt from those requirements the acceptance by the conservancy of a conservation easement or an open-space easement made pursuant to the act. This bill contains other related provisions and other existing laws.

[AB 3028\(Laird\)](#) California Coastal Trail. (A-04/06/2006 [html](#) [pdf](#))

Introduced: 02/24/2006

Last Amend: 04/06/2006

Status: 04/17/2006-Re-referred to Com. on W.,P. & W. Re-referred to Com. on NAT. RES. by unanimous consent.

Is Fiscal: Y

Is Urgency: N

Location: 04/17/2006-A NAT. RES.

Summary: Existing law requires the State Coastal Conservancy, in consultation with the Department of Parks and Recreation and the California Coastal Commission, to coordinate the development of the California Coastal Trail. Existing law requires each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas, to the extent feasible, and consistent with their individual mandate, to cooperate with the conservancy with respect to planning and making lands available for completion of the trail. This bill would authorize a state agency providing funding for or issuing a permit for a development project undertaken by a public agency that is located near the California Coastal Trail, as specified, to condition the funding or the issuance of the permit upon the public agency accommodating development of the California Coastal Trail or providing public access from the trail to the coast.

SEN

[SB 1125\(Chesbro\)](#) Natural resources: funding. (A-03/20/2006 [html](#) [pdf](#))

Introduced: 01/09/2006

Last Amend: 03/20/2006

Status: 04/24/2006-Set, first hearing. Hearing cancelled at request of author. (Refers to 4/21/2006 hearing)

Is Fiscal: Y

Is Urgency: N

Location: 03/20/2006-S APPR.

Summary: Existing law, until July 1, 2006, requires the State Lands Commission to deposit specified money in the State Treasury, and the money to be applied to specified obligations in a certain priority. Existing law requires the Controller to transfer in each fiscal year the remainder of that money, after it is used to meet the specified obligations, to the Resources Trust Fund. Existing law requires the Controller to annually transfer specified amounts from the Resources Trust Fund to the Salmon and Steelhead Restoration Account, the Marine Life and Marine Reserve Management Account, the State Parks System Deferred Maintenance Account, and the Natural Resources Infrastructure Fund, in order of priority, for specified uses upon appropriation by the Legislature. This bill would repeal those provisions operative on and after July 1, 2006, and delete the repeal date of those provisions that are operative only until July 1, 2006. The bill, instead of requiring the Controller to annually transfer the amounts specified in existing law from the Resources Trust Fund to those accounts and fund, would require the Controller to annually transfer \$12,000,000 from the Resources Trust Fund to the Salmon and Steelhead Restoration Account, to the Marine Life Management Account, which the bill would create in the Resources Trust Fund, and to the Nongame Fish and Wildlife Program Account, which the bill would create in the Resources Trust Fund, in order of priority, for specified uses, upon appropriation in the annual Budget Act. This bill contains other related provisions and other existing laws.

[SB 1360\(Kehoe\)](#) County records: conservation easement registry. (A-04/04/2006 [html](#) [pdf](#))

Introduced: 02/21/2006

Last Amend: 04/04/2006

Status: 04/24/2006-Set, first hearing. Failed passage in Committee. Reconsideration granted.

Is Fiscal: Y

Is Urgency: N

Location: 04/04/2006-S APPR.

Summary: Existing law requires the county recorder in each county to develop and maintain, within the existing indexing system, a comprehensive index of conservation easements on land in that county. Existing law also requires the county recorder, with respect to conservation easements affecting property within the county, recorded on or after January 1, 2002, to include the conservation easement in the index, if the document is properly labeled, or if a Notice of Conservation Easement is also recorded. Existing law authorizes specified parties to conservation easements to fill out and record a Notice of Conservation Easement for conservation easements recorded prior to January 1, 2002. The Notice of Conservation Easement states that no fee is required for recording the document pursuant to a provision exempting state and local officials from such fees. This bill would delete from the Notice of Conservation Easement that statement that no fee is required by that provision. This bill contains other related provisions and other existing laws.

[SB 1434\(Kuehl\)](#) Natural resources: ocean protection: consultants. (A-03/27/2006 [html](#) [pdf](#))

Introduced: 02/22/2006

Last Amend: 03/27/2006

Status: 04/24/2006-SEN. APPR. Vote

Is Fiscal: Y

Is Urgency: N

Location: 03/28/2006-S APPR.

Summary: The California Ocean Protection Act establishes the Ocean Protection Council to coordinate activities of state agencies that are related to, among other things, protection and conservation of coastal waters and ocean ecosystems. This bill would authorize the council to hire a science advisor and an executive policy officer.

[SB 1556\(Torlakson\)](#) Parks: The Great California Delta Trail System. (A-03/27/2006 [html](#) [pdf](#))

Introduced: 02/23/2006

Last Amend: 03/27/2006

Status: 04/24/2006-SEN. APPR. Vote

Is Fiscal: Y

Is Urgency: Y

Location: 03/28/2006-S APPR.

Summary: Existing law establishes the Delta Protection Commission to preserve, protect, maintain, and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitats, open spaces, outdoor recreational activities, public access, and use of public lands. This bill would additionally require the Delta Protection Commission to establish a continuous recreation corridor, including a bicycle and hiking trail, around the perimeter of the Delta, as defined. This bill contains other related provisions and other existing laws.

[SB 1846\(Committee on Natural Resources and Water\)](#) Public resources: Underwater salvage operation. (A-04/17/2006 [html](#) [pdf](#))

Introduced: 03/07/2006

Last Amend: 04/17/2006

Status: 04/20/2006-Set for hearing April 25.

Is Fiscal: Y

Is Urgency: N

Location: 04/17/2006-S N.R. & W.

Calendar: 04/25/06 9:30 a.m. - Room 112 SEN NATURAL RESOURCES AND WATER

Summary: Under existing law, the State Lands Commission administers the Shipwreck and Historic Maritime Resources Program, as defined, regulating salvage operations over and upon all tide and submerged lands of the state. Existing law requires a person conducting a salvage operation, as defined, on tide and submerged lands to obtain a permit from the commission, and authorizes the commission to designate persons, paid for by the permit holder, to observe all salvage operations. Existing law authorizes the commission to revoke the permit, after notice to the permit holder, if the commission finds that the permit holder failed to comply with the terms of the permit or other applicable provision of law. This bill would, in addition, authorize the commission to issue a permit for the search, exploration, or recovery of non-historic vessels, aircraft, or submerged objects, and for the search, archaeological investigation, and recovery of historic vessels, aircraft, or other submerged historic resources, as defined, on tide and submerged lands. The bill would require the commission to issue a permit based on the commission's evaluation of the project and its probable impact on the site or objective, and the impact on the state submerged lands. The bill would authorize the commission to require the permit holder to provide a reliable communication system for the observer to communicate with the commission. The bill would authorize the executive officer of the commission, after notice to the permit holder and time to correct, to issue a stop work order if the observer determines that activities conducted on the project are not within the terms of the permit. The bill requires the executive officer to hold a hearing within 3 business days of the issuance of a written notice of the stop work order. This bill contains other related provisions and other existing laws.

[SCA 31\(Simitian\)](#) Clean Drinking Water, Water Supply Security, and Environmental Improvement Bond Act of 2006. (I-04/06/2006 [html](#) [pdf](#))

Introduced: 04/06/2006

Last Amend:

Status: 04/07/2006-From print. May be acted upon on or after May 7.

Is Fiscal: N

Is Urgency: N

Location: 04/06/2006-S PRINT

Summary: Existing provisions of the California Constitution prohibit the creation by the Legislature of debts in excess of \$300,000 except for a single object or work specified in a law creating the debt, which is approved by the people by a majority of the votes cast in a general or direct primary election. This measure would establish requirements for the amendment or repeal of a bond measure designated as the "Clean Drinking Water, Water Supply Security, and Environmental Improvement Bond Act of 2006" to be submitted to the voters at the November 7, 2006, statewide general election. This bill contains other related provisions.

[SCR 62\(Torlakson\)](#) California Delta Trail. (I-09/01/2005 [html](#) [pdf](#))

Introduced: 09/01/2005

Last Amend:

Status: 01/05/2006-Re-referred to Com. on N.R. & W.

Is Fiscal: N

Is Urgency: N

Location: 01/05/2006-S N.R. & W.

Summary: This measure would express the Legislature's support for the creation of a California Delta Trail which would link the San Francisco Bay Trail system to present and future trails in the Counties of Contra Costa, San Joaquin, Solano, Sacramento, and Yolo.

[SR 20\(Florez\)](#) Relative to tribal gaming. (A-01/30/2006 [html](#) [pdf](#))

Introduced: 01/04/2006

Last Amend: 01/30/2006

Status: 03/27/2006-Withdrawn from committee. Re-referred to Com. on RLS.
Is Fiscal: N
Is Urgency: N
Location: 03/27/2006-S RLS.

Summary: Relative to tribal gaming.