

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

January 18, 2007
9:00 am
Board Chambers
1600 Pacific Highway, Rm 310
San Diego, CA

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chair
Jeremy Hallisey (Public Member
Ann Notthoff (Public Member)
Karen Scarborough (Designated Representative, Resources Agency)
Patrick Kruer (Designated Representative, Coastal Commission)
Fred Klass (Designated Representative, Department of Finance)

OVERSIGHT LEGISLATORS PRESENT:

There were no Oversight members present

OTHERS PRESENT:

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

1. ROLL CALL

Chairman Bosco introduced Pat Kruer, Chair of the Coastal Commission attending his first Conservancy meeting. He also recognized the tragic loss of Elizabeth Brem, public member of the Conservancy, who had just begun her participation with the Conservancy in November, and of Project Staff member Mary Travis, after a long illness. There was a moment of silence in remembrance of these two dedicated members of the Conservancy family.

2. APPROVAL OF MINUTES:

The Minutes of the November 9, 2006 public meeting were approved without change.

3. LAGUNA COAST ACQUISITIONS

Deborah Ruddock of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million, three hundred two thousand dollars (\$1,302,000) to the City of Laguna Beach (“City”) as follows: (1) up to one million three hundred thousand dollars (\$1,300,000) for the acquisition of a property adjacent to Laguna Coast Wilderness Park (“LCWP”) commonly known as the Jaysu property, County of Orange Assessors Parcel Nos. 632-031-04, 632-041-03, 632-061-18, and up to two thousand dollars (\$2,000) to cover estimated closing costs for the transaction. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition of the property, 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 without limitation, an appraisal, purchase agreement, escrow instructions, environmental assessment, and title report.
 - b. Evidence that sufficient funds are available to complete the acquisition.
 - c. Evidence of commitment by the County of Orange to manage the property as part of the Laguna Coast Wilderness Park for public access and for wildlife habitat.
2. The City shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. The City shall permanently dedicate the property for open space, public access and habitat preservation, through an appropriate instrument approved by the Executive Officer.
4. The City shall acknowledge Conservancy and Proposition 12 funding by erecting and maintaining signs on the property, the design and location of which have 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 9 of Division 21 of the Public Resources Code (Sections 31400-31409) with respect to public access. The proposed acquisition will connect important coastal watershed and scenic areas in Laguna Coast Wilderness Park, part of a 20,000-acre regional wilderness park and preserves system.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 21, 2001.
3. The proposed project would serve a greater-than-local need.”

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

4. LOS CERRITOS WETLANDS

Mary Small of the Coastal Conservancy presented the Staff Recommendation.

Speaking in response to the Staff Recommendation: Melvin Nutter, representing Don May. It was moved and seconded that staff's recommendation be approved after modifying conditions #2 and #3 to the Resolution:

Resolution:

"The State Coastal Conservancy hereby reverses its April 2006 determination and now 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 (OTD), is suitable for the purpose of implementing a resource enhancement program at the Los Cerritos Wetlands and designates the Los Cerritos Wetlands Authority (LCWA), a joint powers authority, to accept this OTD. The State Coastal Conservancy further authorizes disbursement of an amount not to exceed thirty thousand dollars (\$30,000) to the LCWA to prepare a feasibility analysis of the use of the five-acre parcel for natural resource restoration purposes under the Los Cerritos Wetlands resource enhancement program. This authorization is subject to the following conditions:

1. Prior to the disbursement of any funds, the LCWA shall submit for the approval of the Conservancy's Executive Officer the work plan, budget schedule and any contractors to be used for the analysis.
2. Within two years of the acceptance of the OTD by the LCWA, the LCWA shall conduct the feasibility study and shall submit the feasibility study to the Conservancy for approval.
3. The Conservancy shall approve any transfer of the OTD property by the LCWA."

Findings:

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

1. The project is 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;
2. The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines."

Approved by a vote of 6-0.

5. SOUTHERN CALIFORNIA WETLANDS RECOVERY PROJECT

Karen Bane of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Shara Fitzler, Wetlands Recovery Assistant Program.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of up to six hundred fifty thousand dollars (\$650,000) to Environment Now to manage a wetlands restoration local assistance program as a component of the Southern California Wetlands Recovery Project, subject to the condition that prior to the disbursement of any Conservancy funds, Environment Now shall submit

for review and approval of the Executive Officer of the Conservancy a work program and budget, and the names and qualifications of any subcontractors that it intends to employ.”

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 of the Public Resources Code (31251-31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the guidelines and criteria set forth in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.
3. Environment Now is a nonprofit organization existing under Section 501(c)(3) of the United States 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.

6. SAN DIEGO COUNTY BEACH ACCESS PROGRAM

Prentiss Williams of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Wes Johnson, Accessible San Diego; Sean Covey, Coronado Beach Lifeguard, made a power point presentation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred thirteen hundred thousand dollars (\$313,000) to Accessible San Diego to provide equipment and management services to facilitate beach access for persons with disabilities on three public beaches in San Diego County, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the Executive Officer of the Conservancy shall approve in writing a work plan, budget and project schedule, and any contractors and subcontractors to be employed in the project.
2. The grantee shall provide a signing plan for the project, to include appropriate acknowledgement 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 the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Conservancy’s Project Guidelines and Selection Criteria adopted by the Conservancy on January 24, 2001.

3. Accessible San Diego is a nonprofit organization existing under Section 501 (c) (3) of the Internal Revenue Service Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

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

7. SAN DIEGO SEA URCHIN FISHERY

Rebecca Pollock of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Peter Halmay, Secretary, San Diego Waterman’s Association.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$114,120 from funds provided by the Resources Agency for ocean protection purposes to the San Diego Watermen’s Association to collect and synthesize scientific data on the San Diego Sea Urchin Fishery Project, as authorized by the California Ocean Protection Council and described in the accompanying staff recommendation, in order to promote stewardship by the San Diego sea urchin fishing community, and move the fishery toward long-term conservation and sustainability. Prior to the disbursement of these funds, the Executive Officer of the Conservancy shall review and approve a work program, budget and schedule for 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 3 (Section 31111) and Chapter 5.5 (Section 31220) of Division 21 of the Public Resources Code, regarding the protection and restoration of coastal, ocean and marine resources, and authorizing funding of plans and feasibility studies for these purposes.
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.

8. CARMEL RIVER PARKWAY

Trish Chapman of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Donna Meyer, Big Sur Land Trust.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three million five hundred thousand dollars (\$3,500,000) to the Big Sur Land Trust (BSLT) for the acquisition of the Quail property (Assessor Parcel Number 157-121-006) and all or a portion of the

Howe property (Assessor Parcel Number 015-021-005) for the Carmel River Parkway, as shown on Exhibit 2 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of funds for acquisition, BSLT shall submit for the review and approval of the Executive Officer of the Conservancy all relevant acquisition documents, including but not limited to the appraisals, environmental assessments, purchase agreements, escrow instructions, and documents of title necessary to the acquisition of the Howe and Quail properties.
2. BSLT shall dedicate the properties to habitat and resource protection, open space preservation, and public access in a manner acceptable to the Executive Officer.
3. BSLT shall pay no more than fair market value for the Howe and Quail properties, as established in an appraisal approved by the Executive Officer.
4. Within three years of the close of escrow, BSLT shall repay the Conservancy, at no interest, all Conservancy funds disbursed for property acquisitions in excess of one million dollars (\$1,000,000).
5. Within three years of the close of escrow, BSLT shall obtain permanent public access rights to the golf cart bridge over the Carmel River currently owned by the Rancho Cañada Golf Course on terms acceptable to the Executive Officer, or repay the Conservancy all funds disbursed for acquisition of the Howe property.
6. BSLT shall provide security for the repayment obligations contained in Conditions 4 and 5, in a form acceptable to the Executive Officer.
7. BSLT shall acknowledge Conservancy funding by erecting and maintaining on each property a sign that has been reviewed and approved by the Executive Officer.

The Conservancy authorizes its Executive Officer to extend the schedule for repayment of the reimbursable grant to BSLT and acquisition of public access rights to the Rancho Cañada Golf Course bridge upon objective demonstration of good faith efforts to comply with the terms of the grant agreement.”

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

9. PIGEON POINT HISTORIC LIGHT STATION

Tim Duff of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$305,000 to the State Department of Parks and Recreation (DPR) for construction of access improvements at the Pigeon Point Historic Light Station State Park located in San Mateo County, as shown on Exhibit 2 to the accompanying staff recommendation.

1. Prior to the disbursement of funds for construction, DPR shall submit for the review and approval of the Executive Officer of the Conservancy:

- a. Evidence that DPR has obtained all necessary permits and approvals, and all other funds necessary to complete the project.
 - b. A final work program, including final construction drawings, a final budget, schedule, and names of any contractors and subcontractors to be employed for these tasks.
 - c. A signing plan for the project acknowledging Conservancy participation, and the site's function as a segment of the California Coastal Trail.
2. The project shall be consistent with the Conservancy's 'Standards and Recommendations for Accessway Location and Development'.
 3. DPR shall manage and maintain the public access improvements for a period of not less than 20 years."

Findings:

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

1. The proposed project is consistent with the purposes and objectives of Sections 31400, *et. seq.* of Division 21 of the Public Resources Code regarding coastal access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring Program adopted by the County of San Mateo on December 13, 2006, under the California Environmental Quality Act ("CEQA"), and attached to the accompanying staff recommendation as Exhibit 3 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.
4. The proposed projects serve greater than local needs."

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

10. LAKE BERRYESSA SHORELINE TRAIL

Betsy Wilson of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred fifty thousand dollars (\$150,000) to Berryessa Trails and Conservation to design approximately 135 miles of the proposed 150-mile Lake Berryessa Shoreline Trail in the Lake District of eastern Napa County, subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing a final work plan, including a budget and schedule, and any contractors proposed to be used."

Findings:

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

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 of Division 21 of the California Public Code (Sections 31160-31164) regarding the Conservancy's mandate to address the resource and recreation goals of the San Francisco Bay area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Berryessa Trails and Conservation is a nonprofit organization existing under provisions of U.S. Internal Revenue Code Section 501(c)(3) whose purposes are consistent with Division 21 of the Public Resources Code."

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

11. LAGUNA DE SANTA ROSA

Maxene Spellman of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Maria Cipriani, Sonoma County Agricultural Preservation and Open Space District

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Sonoma County Agricultural Preservation and Open Space District (the "District") to construct 2.4 miles of trail, including a bridge, two staging areas, and an overlook with interpretive signage, subject to the following conditions:

1. Prior to the disbursement of funds, the District shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - a. A detailed work program, schedule, and budget and the names and qualifications of any contractors to be employed in carrying out the project.
 - b. A written agreement by the District to maintain the trail, creek crossing, staging areas and interpretive signage following the completion of construction for a reasonable life of the project but no less than twenty years.
 - c. Written evidence that all permits and approvals necessary to the completion of the project under applicable local, state and federal laws and regulations have been obtained.
2. In carrying out the project, the District shall comply with all applicable mitigation and monitoring measures that are identified in the Laguna de Santa Rosa Protected Lands and Trails Plan Mitigated Negative Declaration and Initial Study adopted by the District on December 5, 2006, attached to the accompanying staff recommendation as Exhibit 5 and that are required by any permit or approval for the project including those identified in the site-specific Biological Opinion.
3. For any project work that is on property that is not owned by the District, prior to commencement of project work on that property, the grantee shall provide documentation that it has authorization to undertake the activities on that property, including maintenance of 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 31160-31165.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Pursuant to its responsibilities under the California Environmental Quality Act (“CEQA”), the Conservancy has independently reviewed the Laguna de Santa Rosa Protected Lands and Trails Plan Mitigated Negative Declaration and Initial Study adopted by the District on December 5, 2006, attached to the accompanying staff recommendation as Exhibit 5, and finds that the portion of the project to be funded by the Conservancy, as mitigated, avoids, reduces or mitigates the possible significant environmental effects and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

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

12. SALMON CREEK FALLS ENVIRONMENTAL CENTER

Richard Retecki of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Victoria Johnston, Project Facilitator, Harmony Union School District.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed seven hundred fifty thousand dollars (\$750,000) to the Harmony Union School District (HUSD) to construct an environmental education center, subject to the following conditions:

1. Prior to the disbursement of funds, the grantee shall submit for the review of the Executive Officer of the Conservancy:
 - a. A work program, including a budget and project schedule.
 - b. Final design and construction drawings.
 - c. Documentation that HUSD has obtained all permits and approvals required for the project.
 - d. Any contractor to be retained by HUSD to undertake work on the project.
 - e. A sign plan for the project acknowledging Conservancy funding.
2. HUSD shall provide evidence that all additional funds necessary for the constructions of the environmental education center have been secured.”

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

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

13. OPC-DFG JOINT WORK PLAN

Christine Blackburn of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to four million two hundred fifteen thousand dollars (\$4,215,000) for data collection, data analysis, monitoring, and other actions to implement the Marine Life Protection Act and Marine Life Management Act as specified in the Ocean Protection Council–Department of Fish and Game joint work plan attached to the accompanying staff recommendation as Exhibit 1. A portion of these funds may be disbursed in the form of grants to the California Department of Fish and Game for the purpose of acquiring necessary research and monitoring equipment, the Pacific States Marine Fisheries Commission for the purpose of carrying out field surveys, and Marine Applied Research and Exploration for the purposes of conducting ROV surveys of marine species and habitats in the Channel Islands.”

Findings:

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

1. The proposed projects are 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 projects are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Marine Applied Research and Exploration (MARE) is a nonprofit organization existing under the provision of U.S. Internal Revenue Code section 501(c)(3), whose purposes are consistent with Division 21 of the Public Resources Code.”

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

14. CONSENT

A. SEASIDE BEACH

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the Coastal Land Trust (CoLT) of an amount not to exceed one hundred thirty five thousand dollars (\$135,000) to design public access improvements, implement resource protection measures and maintain property for

public use at Seaside Beach, as described in the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of any funds, CoLT shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. A work program, budget, schedule, and the names of any contractors to be employed in carrying out the project.
 - b. Evidence that all necessary permits and approvals have been obtained.
 - c. A signing plan for the project acknowledging Conservancy participation.
2. CoLT 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 for no less than twenty (20) years.”

Findings:

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

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 (§§31400-31409) 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 proposed project will serve greater than local needs.
4. The Coastal Land Trust is a private nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, and its purposes are consistent with Division 21 of the Public Resources Code.”

B. EEL RIVER SALMONID RESOURCES PROJECT

Resolution:

“The State Coastal Conservancy hereby authorizes the acceptance of one hundred thousand dollars (\$100,000) from the Sonoma County Water Agency (“SCWA”) and the disbursement of those funds to the Center for Ecosystem Management and Restoration in addition to the funds previously approved by the Conservancy for the Eel River Salmonid Resources Project, as described in the accompanying staff recommendation. Disbursement of the additional funds shall be subject to the same conditions specified for disbursement of the funds authorized for the project by the Conservancy on October 3, 2006 (see Exhibit 1 attached to the accompanying staff recommendation). “

Findings:

1. The proposed project remains 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 remains consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
3. The Center for Ecosystem Management and Restoration is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Service Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

C. MILLIKEN WATERSHED

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed sixty thousand dollars (\$60,000) to the County of Napa to prepare a feasibility study for the development of a 3.2-mile segment of the San Francisco Bay Area Ridge Trail, a connector trail, and a staging area on the City of Napa’s Milliken Watershed lands located in Napa County, subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing a final work plan, including a budget and schedule, and any contractors proposed to be used.”

Findings:

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

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 of Division 21 of the California Public Code (Sections 31160-31164) regarding the Conservancy’s mandate to address the resource and recreation goals of the San Francisco Bay area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

D. PORTOFINO COVE

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of twenty-five thousand dollars (\$25,000) to Orange County Coastkeeper (OCC) for the purpose of maintaining the public access easement at Portofino Cove currently held by the Conservancy. This authorization is subject to the condition that prior to the disbursement of any funds, OCC 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 establishing a system of public coastal accessways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Orange County Coastkeeper is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Service Code, whose purposes, which include the preservation and restoration of land for public access and recreation, are consistent with Division 21 of the Public Resources Code.”

E. MONTEREY BAY AQUARIUM RESEARCH INSTITUTE

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed ninety thousand dollars (\$90,000) to the Monterey Bay Aquarium Research Institute (MBARI) to carry out an economic study evaluating existing state expenditures and funding gaps for the protection and restoration of California coastal and ocean resources, subject to the condition that prior to the disbursement of any Conservancy funds, MBARI shall submit for review and approval of the Executive Officer of the Conservancy, a work program, budget, schedule, and any contractors and subcontractors to be employed to complete the study.”

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 (regarding coastal and marine resources protection) of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy of January 24, 2001.
3. MBARI is a private nonprofit organization existing under Section 501(c) (3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. All Consent items were approved by a vote of 6-0.

15. EXECUTIVE OFFICER’S REPORT

- a. Trish Chapman gave a presentation and update on the San Clemente Dam Removal Project.
- b. Michael Bowen gave a report and handout on the Klamath River Dam.
- c. Neal Fishman gave a report on the Long-term Financial Strategy.
- d. Nadine Hitchcock gave a report on the process for updating the Conservancy Strategic Plan.

The Conservancy agreed to consider the adoption of conservancy easement standards at the March 8 meeting.

16. DEPUTY ATTORNEY GENERAL'S REPORT

No was no report.

17. BOARD MEMBER COMMENTS

There were no board member comments.

18. PUBLIC COMMENTS

Ralph Benson, Executive Director, Sonoma Land Trust and Michael Senneff, representing Berg Holdings, and Port Sonoma Associates, each addressed the Conservancy with regard to *Sonoma Land Trust v. BBRRBR LLC, et al.*, Darla Guenzler, CA Council of Land Trusts also presented a letter (attached to the minutes) and addressed the Conservancy with regard to this matter

19. CLOSED SESSION

The Conservancy adjourned to closed session to confer with counsel regarding possible legal action with respect to *Sonoma Land Trust v. BBRRBR LLC et al.*, Sonoma County Superior Court Case No. SCV239392. Session was closed to the public pursuant to Government Code Section 11126(e). At the end of the closed session the Conservancy returned to the public meeting and Chairman Bosco reported that the Conservancy board had decided three things: first, that we will remain in the case and pursue it through our legal counsel; second, that we take very seriously all of the easements that we have created and that we have in one way or another given to others and will always defend those easements; and third, the we will use our best efforts to find some reasonable settlement of this matter.

20. ADJOURNMENT

Meeting was adjourned at 1:50 pm.

CALIFORNIA CONSERVATION COALITION

January 17, 2007

Chairman Douglas Bosco and Members of the Board of Directors
State Coastal Conservancy
State of California
1330 Broadway Avenue, 13th Floor
Oakland, CA 94612-2530

Dear Chairman Bosco and Board Members:

We are writing to respectfully encourage the Coastal Conservancy to support and participate in the defense of a Conservancy-funded project: the Lower Ranch Agricultural Conservation Easement in Sonoma County. This easement provides important public conservation benefits and is part of a large landscape in and around the San Pablo Bay that the Coastal Conservancy has played a pivotal role in conserving. The Conservancy's participation in this case will help ensure that the terms of the conservation easement are upheld.

Conservation lands and easements lands protected in perpetuity will face continuing legal challenges over the coming years. It is incumbent upon the organizations that hold the lands and easements to ensure that the property remains protected and that the conservation values and uses remain unchanged. However, it is also the responsibility of those public entities with a direct vested interest to support and defend the easements on behalf of the State of California

While the Conservancy does not hold most of the lands it has protected, the Conservancy has made a significant financial investment using public resources in this and other key San Pablo Bay projects. The Conservancy relies on the Sonoma Land Trust to uphold the easement just as the Land Trust depends on the Conservancy to remain a partner in the property's protection.

California taxpayers have invested billions of dollars in protecting important conservation values throughout the state through the purchase of land and conservation easements. As the years go by and development pressures intensify, California will be faced with two distinct scenarios. Will these protected properties still exist and provide Californians the legacy of natural landscapes they desire for themselves and future generations? Or, will that legacy be lost to political pressures that leave Californians surrounded by industrial and developed properties with no remnant of what California once was?

For these reasons, we respectfully encourage your active participation in defending the Lower Ranch Agricultural Conservation Easement held by the Sonoma Land Trust to help protect the public's investment in this important conservation property that contributes to the lasting legacy of our truly Golden State.

Sincerely,



Darla Guenzler
California Council of Land Trusts



Rachel Dinno
Trust for Public Land



Audrey Rust
Peninsula Open Space Trust

Robert Berner
Marin Agricultural Land Trust

Ron Brown
Save Mount Diablo

Chris Kelly
The Conservation Fund

Cheryl Belcher
Sierra-Cascade Land Trust
Council

Bettina Ring
Bay Area Open Space
Council

Craig Britton
Mid-peninsula Regional Open
Space District

Stephen Harris
Mountains Restoration Trust

Julie Bear
Eastern Sierra Land Trust

John Hoffnagle
Land Trust of Napa County

Brian Stark
Land Conservancy of San Luis Obispo

Harry Pollack
Conservation Partners, LLP

Terry Corwin
Land Trust of Santa Cruz County

Sharon Burnham
Tri-Valley Conservancy

Chuck Peck
Sierra Foothill Conservancy

Mark Silberstein
Elkhorn Slough Foundation

Barbara Dye
Palos Verdes Peninsula Land
Conservancy

Lois Lutz
Redwood Coast Land
Conservancy

Dave Koehler
San Joaquin River Parkway and
Conservation Trust

Brian Rianda
Monterey County Agricultural and
Historical Land Conservancy

Patricia Martz
California Cultural Resources
Preservation Alliance

Michael Feeny
Land Trust for Santa Barbara
County

Eric Goldsmith
Sanctuary Forest

Dan Macon
Nevada County Land Trust

Jim Petrucci
Northcoast Regional Land Trust

Perry Norris
Truckee Donner Land Trust

Susanne Sholz
Lake County Land Trust

Linus Eukel
Muir Heritage Land Trust

CALIFORNIA CONSERVATION COALITION

January 17, 2007

Chairman Douglas Bosco and Members of the Board of Directors
State Coastal Conservancy
State of California
1330 Broadway Avenue, 13th Floor
Oakland, CA 94612-2530

Dear Chairman Bosco and Board Members:

We are writing to respectfully encourage the Coastal Conservancy to support and participate in the defense of a Conservancy-funded project: the Lower Ranch Agricultural Conservation Easement in Sonoma County. This easement provides important public conservation benefits and is part of a large landscape in and around the San Pablo Bay that the Coastal Conservancy has played a pivotal role in conserving. The Conservancy's participation in this case will help ensure that the terms of the conservation easement are upheld.

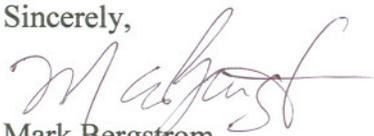
Conservation lands and easements lands protected in perpetuity will face continuing legal challenges over the coming years. It is incumbent upon the organizations that hold the lands and easements to ensure that the property remains protected and that the conservation values and uses remain unchanged. However, it is also the responsibility of those public entities with a direct vested interest to support and defend the easements on behalf of the State of California

While the Conservancy does not hold most of the lands it has protected, the Conservancy has made a significant financial investment using public resources in this and other key San Pablo Bay projects. The Conservancy relies on the Sonoma Land Trust to uphold the easement just as the Land Trust depends on the Conservancy to remain a partner in the property's protection.

California taxpayers have invested billions of dollars in protecting important conservation values throughout the state through the purchase of land and conservation easements. As the years go by and development pressures intensify, California will be faced with two distinct scenarios. Will these protected properties still exist and provide Californians the legacy of natural landscapes they desire for themselves and future generations? Or, will that legacy be lost to political pressures that leave Californians surrounded by industrial and developed properties with no remnant of what California once was?

For these reasons, we respectfully encourage your active participation in defending the Lower Ranch Agricultural Conservation Easement held by the Sonoma Land Trust to help protect the public's investment in this important conservation property that contributes to the lasting legacy of our truly Golden State.

Sincerely,



Mark Bergstrom

American Land Conservancy