

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

November 9, 2007
1:30 pm
Rush Ranch Nature and Education Center
Suisun City, CA

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chair
Jeremy Hallisey (Public Member)
Marisa Moret (Public Member)
Ann Notthoff (Public Member)
Karen Finn (Designated Representative, Department of Finance)
Bryan Cash (Designated Representative, Resources Agency)

OVERSIGHT LEGISLATORS PRESENT:

Annette Porini (Designated representative for Senator Joe Simitian)
Diana Bautista (Designated representative for Senator Maldonado)
Dan Chia (Designated representative for Assemblywoman Hancock)
Kate Williams (Designated representative for Assemblyman Laird)

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General
Glenn Alex, Staff Counsel

1. ROLL CALL

2. APPROVAL OF MINUTES

Moved and seconded: the minutes of the September 25, 2007 public meeting were approved without change, 5-0. Ms. Notthoff, abstained, as she was not in attendance.

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Chairman Bosco introduced Bob Berman, President of the Solano Land Trust – Board of Directors welcomed the board to the new Rush Ranch Nature and Education Center. The official Grand Opening will be December 14 and hopes members of the board will be able to attend.

Marilyn Farley, Executive Director of the Solano Land Trust gave a presentation on Rush Ranch and its programs. She was pleased to announce they were running on 100% solar power.

3. ROCHE RANCH AQUISITION

Maxene Spellman of the State Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: John Brosnan, Sonoma Land Trust
Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three million dollars (\$3,000,000) to the Sonoma Land Trust (“Land Trust”) for the purpose of acquiring Sonoma County Assessor Parcel Nos. 068-080-002; 068-080-003; 068-090-001; 068-090-022; and 068-090-023, known as the Roche Ranch, consisting of approximately 1,657 acres, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the Land Trust shall submit for the review and approval of the Executive Officer of the Conservancy:
 - (a) All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and title report.
 - (b) Evidence that sufficient funds are available to complete the acquisition.
2. The Land Trust shall pay no more than fair market value for the property, as approved by the Department of General Services, based on an appraisal of the property.
3. The Land Trust shall permanently dedicate the property for habitat preservation, open space protection and public access, through an irrevocable offer to dedicate an interest in the property or other instrument approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been approved by the Executive Officer.”

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Findings:

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

1. The proposed project is consistent with the purposes and objectives of 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 September 20, 2007.
3. The Sonoma Land Trust is a non-profit organization existing under 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 6-0 vote.

4. RUSH RANCH

Melanie Denninger of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred thirty-five thousand dollars (\$435,000) to the Solano Land Trust (SLT) for the following with respect to Rush Ranch in Solano County: update and refine the 1990 and 1993 marsh and upland restoration and management plans, prepare detailed conceptual restoration designs for at least four priority projects areas, and prepare environmental review documents. Prior to the commencement of work and the disbursement of funds, SLT shall submit for the review and written approval of the Executive Officer of the Conservancy a detailed work program, schedule and budget and the names and qualifications of any contractors to be employed in carrying out the project.”

Findings:

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

1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.

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3. The Solano Land Trust 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 California Public Resources Code.”

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

5. SANTA CRUZ SMALL CRAFT HARBOR

Laura Engeman of the State Coastal Conservancy presented the Staff Recommendation.

Annette Porini, representing Senator Simitian, gave strong support to this Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) to the Santa Cruz Port District to reconstruct West Jetty public access and construct associated access facilities, subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer has reviewed and approved in writing:

1. A detailed work program, schedule, and budget and the names and qualifications of any contractors to be employed in carrying out the project.
2. Evidence that all permits and approvals required to carry out the project have been obtained.
3. A signing plan for the project acknowledging the Conservancy’s participation in this project and identifying the existing California Coastal Trail within the District’s jurisdiction.”

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 regarding public access.
2. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
3. The proposed project is consistent with the Conservancy’s Standards and Recommendations for Accessway Location and Development.
4. The project will serve greater than local needs.”

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

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6. MITSUUCHI PROPERTY

Deborah Ruddock of the State Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Fred Sandquist, President Batiquitos Foundation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million and seven hundred thousand dollars (\$1,700,000) to the California Department of Fish and Game to assist with acquisition of the “Mitsuuchi Property”, San Diego County Assessor’s Parcel No. 216-121-17, adjacent to the Batiquitos Lagoon, for open space; natural resource and wildlife habitat protection; restoration; and public access purposes.

1. Prior to the disbursement of any Conservancy funds for the acquisition, the California Department of Fish and Game (“Department”) 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 matching funds are available to complete the acquisition.
 - c. Evidence of commitment to manage the property for open space, wildlife habitat and public access.
2. The Department shall pay no more than fair market value for the property, as established in an appraisal approved by the Department of General Services.
3. The Department shall permanently dedicate the property for open space, public access and habitat preservation, through an appropriate instrument approved by the Executive Officer.
4. The Department shall acknowledge Conservancy funding by erecting and maintaining on the property signs, the design and location of which have been approved by the Executive Officer.”

Findings:

1. The proposed project is consistent with Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270), with respect to coastal resource enhancement, and Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31409), with respect to public access.

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2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 21, 2001 and September 20, 2007.
3. The proposed project serves greater than local need.”

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

7. BROOKHURST MARSH

Greg Gauthier of the State Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Gary Gorman, Huntington Beach Wetlands Conservancy.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed eight hundred sixty thousand dollars (\$860,000) to the Huntington Beach Wetlands Conservancy (HBWC) to acquire the 16.6 acre University of California, Riverside property at Brookhurst Marsh in Huntington Beach (Orange County Tax Assessor’s Parcel Nos. 114-160-78, 114-160-79, 114-160-80, 114-160-81, and 114-160-82) for the purposes of coastal resource enhancement and public access.

1. Prior to the disbursement of funds for acquisition, HBWC shall submit for the review and approval of the Executive Officer of the Conservancy all relevant acquisition documents, including but not limited to the appraisal, environmental assessments, agreement of purchase and sale, escrow instructions, and documents of title necessary to the acquisition of the Brookhurst Marsh property.
2. HBWC shall pay no more than fair market value for the Brookhurst Marsh property as established in an appraisal approved by the Executive Officer.
3. HBWC shall permanently dedicate the Brookhurst Marsh property for habitat and resource protection, open space preservation, and public access, in a manner acceptable to the Executive Officer.
4. HBWC shall acknowledge Conservancy funding by erecting and maintaining on the Brookhurst Marsh property, or at another approved location, a sign that has been reviewed and approved by the Executive Officer.”

Findings:

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“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 6 and 9 of Division 21 of the Public Resources Code (Sections 31251-31270 and 31400-31409) regarding resource enhancement and public access.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines as last updated by the Conservancy on on September 20, 2007.
3. The proposed project area is identified in the City of Huntington Beach Local Coastal Program (LCP), as requiring public action to correct existing resource protection problems.
4. The Huntington Beach Wetlands Conservancy 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.

Chairman Bosco left the meeting. Ann Notthoff, Vice Chair, chaired the remainder of the meeting.

8. TOMALES FARM AND DAIRY

Su Corbaley of the State Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Jeff Stump, Marin Agricultural Land Trust.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed seven hundred fifty thousand dollars (\$750,000) to the Marin Agricultural Land Trust for the acquisition of an agricultural conservation easement over 243 acres of the Tomales Farm and Dairy property (Marin County Assessors Parcel Nos. 102-090-16, 100-090-13 (portion), 102-100-06 (portion), and 102-100-07), subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the Marin Agricultural Land Trust shall:
 - a. Submit for review and approval of the Executive Officer of the Conservancy (the “Executive Officer”), all relevant acquisition documents, including, without limitation, appraisals, purchase agreements, conservation easements, escrow instructions and documents of title;
 - b. Submit for review and approval of the Executive Officer a Baseline Conditions Report certified by the grantor and a Monitoring and Reporting

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Plan; and

- c. Provide written evidence to the Executive Officer that all other funds necessary to the acquisition have been obtained.
2. The purchase price of the conservation easement shall not exceed fair market value, as established in an appraisal approved by the Executive Officer of the Conservancy.
3. The easement interest acquired under this authorization shall be managed and operated in a manner consistent with the purpose of agricultural conservation, open space preservation and natural resource protection. The property interests acquired under this authorization shall be permanently dedicated to those purposes in accordance with Public Resources Code Section 31116(b).
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign, the design and placement of which has been reviewed and approved by the Executive Officer.”

Findings:

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

1. The proposed authorization is consistent with Chapter 4 of Division 21 of the Public Resources Code (Sections 31150 et seq.), regarding the Conservancy’s mandate to address the preservation of agricultural lands.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
3. The Marin Agricultural Land Trust is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes, which include the preservation of land for agricultural and open space opportunities, are consistent with Division 21 of the Public Resources Code.”

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

9. CONSENT

A. CONSERVANCY PUBLICATIONS

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred sixty-six thousand dollars (\$366,000) for the production of *California Coast & Ocean* and other publications related to Conservancy programs. Of that total authorized amount, the Conservancy further authorizes the disbursement of up to \$298,000 as a grant to the Coastal Conservancy Association (CCA) to enable CCA to assist the Conservancy, subject to the condition that, prior to the

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disbursement of funds to CCA, the Executive Officer shall review and approve specific work programs for the publications program and any contractors to be employed to carry out the work.”

Findings:

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

B. HUMBOLDT BOTANICAL GARDENS

Resolution:

The State Coastal Conservancy hereby authorizes the disbursement of additional funds in an amount not to exceed forty thousand dollars (\$40,000) to augment the August 8, 2002 authorization to the Humboldt Botanical Gardens Foundation to complete the access improvements within the Natural Riparian Area of the Humboldt Botanical Gardens. Prior to the disbursement of any additional Conservancy funds, the Humboldt Botanical Gardens Foundation shall submit for review and written approval of the Executive Officer of the Conservancy a revised work plan, budget and schedule including the names and qualifications of any contractors to be employed to carry out the work plan.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed project remains consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*) regarding access to the coast, and with the current Project Selection Criteria and Guidelines adopted by the Conservancy. Except for the new activities described in the accompanying staff recommendation, the project remains consistent with the findings and discussion in the August 8, 2002 authorization and staff recommendation.”

C. MALIBU ACCESS IMPROVEMENTS

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement to Access For All (AFA) of up to the total amount (including accrued interest) in the Conservancy Coastal Trust Fund, Malibu Access Sub-Account dedicated to the Geffen easement (currently \$125,000) for the purpose of operating and maintaining its public beach access easements located at 22126-22132 Pacific Coast Highway subject to the following conditions:

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1. Prior to the disbursement of any Conservancy funds, AFA shall submit for the review and approval of the Conservancy's Executive Officer a work program, including schedule and budget, and the names of any contractors it intends to use to complete the project.
2. In the event Mr. Geffen transfers ownership of the property on which the easements are located, at the request of the Conservancy AFA shall utilize up to the then-remaining balance of grant funds to replace the existing gates on the vertical accessway with gates that provide visual access to the coast and that have an automatic, timed locking mechanism and any subsequently remaining grant funds shall be repaid to Mr. Geffen."

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 Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding establishing a system of public coastal access ways.
3. Access For All is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, whose purposes, which include the preservation and restoration of land for public access and recreation, are consistent with Division 21 of the California Public Resources Code."

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

10. 2008 CONSERVANCY MEETING SCHEDULE

Executive Officer Sam Schuchat proposed the following schedule for 2008 public meetings of the Conservancy: [2008 SCC meeting Schedule](#)

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

11. EXECUTIVE OFFICER REPORT

The Conservancy heard the items in the follow order:

- 11c.** Ocean Protection Council (OPC) Report. Mr. Schuchat described recent activities of the OPC and distributed printed information to the Conservancy [summarizing OPC projects and funding sources.](#)

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- 11d.** Conservancy staff member, Deborah Ruddock provided a legislative report reviewing recently enacted laws and newly proposed legislation of interest to the agency.
- 11a.** Staff member Ann Buell and Steve Ritchie gave a “Power Point” presentation and update on the South Bay Salt Pond Restoration Project in San Francisco Bay.
- 11b.** San Francisco Bay Conservancy Program Manager, Amy Hutzel provided copies of *Greening the Bay: Financing Wetland Restoration in San Francisco Bay* and asked for the Conservancy to consider concurring with supporting the goals included in the report by Save the Bay.

Speaking in favor of the consideration was: David Lewis, Executive Director, Save the Bay.

Resolution:

“The State Coastal Conservancy hereby supports the goals noted in Save The Bay’s 2007 report, *Greening the Bay: Financing Wetland Restoration in San Francisco Bay*: specifically, examining the potential for establishing a regional special district to oversee Bay wetland restoration funding; obtaining additional public funds for Bay restoration; and informing the San Francisco Bay Area congressional delegation of the need for additional funds for the San Francisco Bay National Wildlife Refuge Complex.”

Findings:

“Based on the accompanying memorandum and attached exhibit, the State Coastal Conservancy hereby finds that this resolution is consistent with and will support implementation of the Conservancy’s statutory responsibilities under Chapter 4.5 of Division 21 of the California Public Resources Code.”

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

12. DEPUTY ATTORNEY GENERAL’S REPORT

No report was given

13. BOARD MEMBER COMMENTS

There were no comments

14. PUBLIC COMMENT

There were no public comments

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15. CLOSED SESSION

There was no closed session

16. ADJOURNMENT

The meeting adjourned at 4:00 pm