

PUBLIC MEETING MINUTES

June 4, 2009

State Capitol, Hearing Room 126

Sacramento, CA

10:00 am

MEMBERS PRESENT:

Doug Bosco, (Public Member), Chair
Ann Notthoff (Public Member), Vice Chair
Marisa Moret (Public Member)
Jack Baylis (Public Member)
Susan Hansch (Designated Representative, Coastal Commission)
Bryan Cash (Designated Representative, Resources Agency)
Karen Finn (Designated Representative, Department of Finance)

OVERSIGHT LEGISLATORS PRESENT:

Senator Joe Simitian and Annette Porini
Bethany Westfall, representing, Assembly Member William Monning
Lucy Camarillo-Krohn, representing Senator Lori Saldaña

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General
Jack Judkins, Staff Counsel

1. ROLL CALL

2. APPROVAL OF MINUTES

Moved and seconded, the April Minutes were approved without change by a 6-0 vote.

3. CONSENT

A. HUMBOLDT BAY NATURAL AREAS ACCESS ENHANCEMENT

Resolution:

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“The State Coastal Conservancy hereby authorizes disbursement of up to twenty thousand dollars (\$20,000) to the North Coast Resource Center, a nonprofit organization, to conduct cleanups of homeless encampments in natural and public access areas around Humboldt Bay and to simultaneously reduce the long-term homeless encampment problem in these areas by connecting individuals residing in these encampments with available social services. Prior to disbursement of any funds, the Executive Officer of the Conservancy shall approve in writing a work plan, budget and schedule, and any contractors to be employed in these tasks, and the grantee shall provide signed access agreements from the owners of the natural areas where cleanups will occur.”

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 current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
3. The North Coast Resource 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.”

B. MALIBU ACCESS PUBLIC OUTREACH

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to twenty-five thousand dollars (\$25,000) to Los Angeles Forum for the purpose of conducting public access educational tours in Malibu, subject to the condition that prior to the disbursement of any funds, Los Angeles Forum 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 current Project Selection Criteria and Guidelines.

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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 accessways.
3. Los Angeles Forum 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.”

C. FORT MASON CENTER PIER 2 IMPROVEMENT PLAN

Resolution:

“The State Coastal Conservancy hereby modifies its authorization of November 9, 2006 to redirect funds in the amount of twenty-five thousand dollars for use by the Fort Mason Foundation for plans to restore Pier 2 at the Fort Mason Center, including the facility known as the Cowell Theater, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the Fort Mason Foundation shall submit for review and approval of the Executive Officer of the Conservancy (“Executive Officer”), a budget, schedule, and work program.
2. The Fort Mason Foundation shall identify the Coastal Conservancy as a sponsor of the improvements to Pier 2 at the Fort Mason Center in a manner 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 amended project is consistent with the purposes and objectives of Chapter 7 (regarding urban waterfronts) of Division 21 of the Public Resources Code.
2. The proposed amended project is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
3. The Fort Mason Foundation 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. CONFLICT OF INTEREST (THIS ITEM WAS REMOVED FROM THE AGENDA)

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E. CONSERVANCY PROGRAM PUBLICATIONS

Resolution:

“The State Coastal Conservancy hereby authorizes the redirection of up to thirty-six thousand dollars (\$36,000) of the three hundred sixty-six thousand dollars (\$366,000) previously authorized on November 8, 2007 for Conservancy-related publications. These redirected funds may be added to the allocation in the 2007 authorization to the Coastal Conservancy Association, Inc. (CCA) for the production of *California Coast & Ocean* and other publications related to Conservancy programs. The Conservancy further authorizes an additional augmentation of that grant by sixteen thousand dollars (\$16,000), for a total augmentation of fifty-two thousand dollars (\$52,000). Prior to the 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.*)”

Conservancy member Jack Baylis arrived before the vote. Moved and seconded. All consent items were approved by a vote of 7-0.

4. EXECUTIVE OFFICERS REPORT

- A. Ocean Protection Council Update - Announced the July OPC meeting was cancelled due to no projects.
- B. Tom Gandesbery and Amy Hutzal of the Conservancy presented a Power point presentation and update on Hamilton Wetland Restoration Project.
- C. Joan Cardellino of the Conservancy presented a power point presentation and update on Malibu Public Access projects.
- D. Deborah Ruddock of the Conservancy presented the Legislative Report. (included in these minutes). In regards to AB650, the board moved and 2nd the adoption of working with the author/funder of this bill. The vote was 5-2, abstaining were Ms. Finn and Mr. Cash.

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NORTH COAST

5. RYAN CREEK (THIS ITEM WAS REMOVED FROM THE AGENDA)

SAN FRANCISCO BAY AREA

6. SOUTH BAY SALT PONDS RESTORATION – PHASE I IMPLEMENTATION

Brenda Buxton of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“If the State Coastal Conservancy is awarded grant funds by the National Oceanic and Atmospheric Administration (NOAA) under the American Recovery and Reinvestment Act of 2009 (the “ARRA grant funds”), the Conservancy hereby authorizes the acceptance of up to \$5,898,862 (five million eight hundred ninety eight thousand eight hundred sixty two dollars) in ARRA grant funds and the disbursement of up to \$5,825,214 (five million eight hundred twenty five thousand two hundred fourteen dollars) of those funds for the project management and construction of one or more (depending on the amount of the ARRA grant funds) of the following three Phase I projects under the South Bay Salt Ponds Restoration Project, as follows:

1. Disbursement of up to \$1,611,350 (one million, six hundred eleven thousand three hundred fifty dollars) to Ducks Unlimited for construction of the Pond A6 tidal restoration project in the Alviso Pond Complex.
2. Disbursement of up to \$976,000 (nine hundred seventy six thousand dollars) to the Santa Clara Valley Water District for the construction of a notch at Pond A8 to allow controlled tidal restoration in the Alviso Pond Complex.
3. Disbursement of up to \$3,165,864 (three million one hundred sixty five thousand eight hundred sixty four dollars) to Alameda County for the construction of the Ponds E8A, E9, and E8X tidal restoration project in the Eden Landing Complex.
4. Disbursement of up to \$72,000 (seventy two thousand dollars) for project management services to oversee and coordinate implementation of these construction projects.

If the ARRA grant funds awarded by NOAA are less than \$5,898,862 (five million eight hundred ninety eight thousand eight hundred sixty two dollars), the Conservancy delegates to the Executive Officer the authority to determine the allocation of the ARRA grant funds to one or more of the three projects, consistent with the terms of the ARRA grant and applicable law.

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The disbursement of the funds shall be subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for each project, the grantee for that project shall submit for the review and approval of the Conservancy's Executive Officer a work program for the project, including schedule and budget, and the names of any contractors it intends to use to complete the project.
2. In carrying out the project, each grantee shall:
 - a. Comply with all applicable mitigation and monitoring measures that are identified in the South Bay Salt Pond Restoration Project Environmental Impact Statement and Environmental Impact Report (EIS/R) that was certified with findings by the California Department of Fish and Game on March 11, 2008.
 - b. Comply with all applicable terms and conditions that may be required by the NOAA grant to the Conservancy, that may be imposed under the ARRA or that may be necessary to enable the Conservancy to comply with terms and conditions of the ARRA grant.
3. Prior to commencing its project, Ducks Unlimited shall enter into 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:

1. The proposed project is consistent with the current 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 4.5 of Division 21 of the Public Resources Code, regarding the Conservancy's mandate to address the resource and recreational goals of San Francisco Bay Area.
3. The Conservancy has independently reviewed and considered the information contained in the South Bay Salt Pond Restoration Project Environmental Impact Statement and Environmental Impact Report (EIS/R) that was certified with findings by the California Department of Fish and Game on March 11, 2008 in order to comply with the California Environmental Quality Act ("CEQA").
4. The EIS/R identifies potential significant effects from implementation of Phase I projects of the South Bay Salt Pond Restoration Project, including the projects proposed in this authorization, in the areas of Water Quality, Cultural, Traffic, Noise, Air Quality and Cumulative Impacts. With regard to these impacts, the Conservancy finds that the Ponds A6, A8, E8A/9/8X projects, as modified by incorporation of the mitigation measures identified in the EIS/R, avoids, reduces or mitigates all of the possible significant

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environmental effects of the project, except for the Cumulative Impacts identified in finding 5, below.

5. Construction of the Ponds A6, A8, E8A/9/8X projects may result in “significant and unavoidable” Cumulative Impacts in the areas of Water Quality, Biological Resources, Cultural Resources, Socioeconomics and Environmental Justice, Traffic, Noise, and Air Quality. Specific environmental and other benefits of the project described in the accompanying staff recommendation and detailed in the EIS/R outweigh and render acceptable these unavoidable adverse environmental effects because the project will result in the long-term environmental benefits of restoring native habitat for the endangered salt marsh harvest mouse and California clapper rail, threatened steelhead trout and for other plant and animal species that otherwise would be threatened by loss of critical habitat in addition to the other benefits of tidal restoration.
6. Alternatives to the Ponds A6, A8, E8A/9/8X projects analyzed in the EIS/R are infeasible in that they do not achieve the project objectives of habitat restoration, wildlife-oriented public access, and flood protection and will result in the same or greater environmental impact and will not produce the same environmental benefit as the proposed project.
7. Ducks Unlimited is a nonprofit organization 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.”

Moved and seconded. Approved by a vote of 7-0.

7. INVASIVE SPARTINA PROJECT CONTROL PROGRAM

Maxene Spellman of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“If the State Coastal Conservancy is awarded grant funds by the National Oceanic and Atmospheric Administration under the American Recovery and Reinvestment Act of 2009 (the “ARRA grant funds”), the State Coastal Conservancy hereby authorizes the following:

1. Acceptance of up to \$1,734,522 (one million seven hundred thirty-four thousand five hundred twenty-two dollars) in ARRA grant funds to implement management and monitoring, and treatment and eradication projects for the Invasive *Spartina* Project (ISP) Control Program.
2. Disbursement of up to \$500,000 (five hundred thousand dollars) of the ARRA grant funds for ongoing invasive *Spartina* treatment and eradication projects through 2010 (or

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subsequent), The ARRA grant funds for treatment and eradication projects may be used to augment existing grants to the California Wildlife Foundation, Friends of Corte Madera Creek Watershed, the East Bay Regional Park District, City of Alameda, City of San Leandro, the City of Palo Alto, the San Mateo County Mosquito Abatement and Vector Control District, the Alameda County Flood Control and Water Conservation District, the California Department of Parks and Recreation. Any grant of funds for treatment and eradication shall be subject to the following conditions:

- a. 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 a plan detailing the site-specific work for 2009 and 2010, based on the outcome and extent of the 2009 treatment, and including a list of identified mitigation measures, a work program for 2009 and 2010 treatment and 2011 activities, if applicable, including a schedule and budget, and evidence that the grantee has obtained all necessary permits and approvals for the project.
 - b. 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, the amended Biological Opinion or approval for the project, and 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.
 - c. The grantee shall comply with all requirements, conditions and terms related to the receipt and expenditure of ARRA grant funds.
3. Disbursement of up to \$1,093,197 (one million ninety-three thousand one hundred ninety-seven dollars) for planning and management for the ISP Control Program.

If the ARRA grant funds awarded by NOAA are less than \$1,734,522 (one million seven hundred thirty-four thousand five hundred twenty-two dollars), the Conservancy delegates to the Executive Officer the authority to determine the allocation of the ARRA grant funds, consistent with the terms of the ARRA grant and applicable law.”

Findings:

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

1. Disbursement of additional funds for the ISP Control Program treatment and eradication projects, and planning and management, remains consistent with Public Resources Code

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Sections 31160-31165 and with the resolutions, finding and discussion accompanying the Conservancy authorizations of September 25, 2003, June 16, 2005, April 24, 2008, and April 2, 2009 as shown in the staff recommendations attached as Exhibits 1 through 4 of the accompanying staff recommendation.

2. The proposed authorization remains consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
3. The California Wildlife Foundation and Friends of Corte Madera Creek Watershed are 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.”

Chairman Bosco left the meeting and Ann Notthoff chaired the vote. Moved and seconded and approved by a vote of 6-0.

Chairman Bosco returned to meeting before the South Coast items began.

SOUTHERN CALIFORNIA

8a. SOUTH SAN DIEGO BAY MARINE DEBRIS REMOVAL AND WETLAND ENHANCEMENT PROJECT

Megan Johnson of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the San Diego Unified Port District of up to one hundred fifty thousand dollars (\$150,000) in funds already awarded to the Conservancy by the U.S. Fish and Wildlife Service, to fund marine debris removal and wetland enhancement in South San Diego Bay; and up to an additional six hundred forty-three thousand two hundred dollars (\$643,200) if the National Oceanic and Atmospheric Administration awards funds to the Conservancy for the project. Prior to the disbursement of funds, the San Diego Unified Port District shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, including budget and schedule, and any contractors to be engaged for these tasks.”

Findings:

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“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 6 of Division 21 of the Public Resources Code regarding the enhancement of coastal resources.
3. The proposed project serves a greater-than-local need. ”

Moved and seconded. Approved by a vote of 7-0.

8b. SAN DIEGO WETLANDS RESTORATION PROJECT

Megan Johnson of the State Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the Southwest Wetlands Interpretive Association of up to one hundred fifty six thousand dollars (\$156,000) in funds already awarded to the Conservancy by the U.S. Fish and Wildlife Service, to fund the South San Diego Bay Wetlands Restoration Project; and up to an additional four hundred forty thousand dollars (\$440,000) if the National Oceanic and Atmospheric Administration awards funds to the Conservancy for the project. Prior to the disbursement of funds, the Southwest Wetlands Interpretive Association shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, including budget and schedule, and any contractors to be employed for these tasks.”

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 6 of Division 21 of the Public Resources Code regarding the enhancement of coastal resources.
3. The proposed project serves a greater-than-local need.

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4. The Southwest Wetlands Interpretive Association is a nonprofit organization 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.”

Moved and seconded. Approved by a vote of 7-0.

9. **MALIBU ROAD BEACH ACCESS STAIRWAY**

Joan Cardellino of the Coastal Conservancy presented the Staff Recommendation.

Speaking in opposition to the Staff Recommendation: James Huston, Resident of Malibu

Resolution:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31107 and 31400 - 31410 of the Public Resources Code:

“The State Coastal Conservancy hereby:

1. Authorizes disbursement of up to \$25,000 (twenty-five thousand dollars) to the Mountains Recreation and Conservation Authority (MRCA) for pre-construction activities, including finalization of bid documents and preparation of any additional required environmental documentation for the Malibu Road beach access stairway construction project. This authorization is subject to the condition that prior to disbursement of any funds, MRCA 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. Approves the Implementation Plan for the transfer to MRCA of the Malibu Road Beach Access stairway property (the real property), located at 24038 Malibu Road, City of Malibu (County of Los Angeles Assessor’s Parcel No. 4458-009-900), acquired by the Conservancy through acceptance of an Offer to Dedicate.
3. Directs the Executive Officer to request that the Director of General Services initiate transfer of ownership of the real property to MRCA pursuant to the Implementation Plan for permanent public access purposes and authorizes the Executive Officer to take all actions necessary to accomplish the transfer of the real property. The recordation of the instrument by which the real property is transferred to MRCA shall occur only after MRCA has agreed to undertake construction and maintenance of the public access stairway on the real property.”

Findings:

Staff further recommends that the Conservancy adopt the following findings:

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

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access.”

Moved and seconded. Approved by a 7-0 vote.

10. **TRANSFER OF PUBLIC ACCESS EASEMENTS**

Joan Cardellino of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby:

1. Directs the Executive Officer to transfer ownership of the each of the easements described below to the Orange County Coastkeeper for permanent public access purposes. Any transfer pursuant to this authorization will comply with the requirements of Public Resources Code Section 31402.3 and the Executive Officer is authorized to take all actions necessary to accomplish the transfer. The easements subject to this resolution are located within Huntington Harbor and are described as follows:
 - a. A lateral access easement at Portofino Cove, accepted by the Conservancy though a certificate of acceptance recorded in the Official Records of Orange County as instrument No. 2006000138219, on 03/01/06, and located at the terminus of Countess Drive in the City of Huntington Beach, Orange County Tract No. 11716, Book 537, pages 17 to 19, as shown in Exhibit 2;
 - b. A lateral access easement at Piedmont Cove, accepted by the Conservancy though a certificate of acceptances recorded in the Official Records of Orange County as document number 2006000633224, on 9/22/06, and located at 16212-16246 Piedmont Circle, City of Huntington beach, Orange County Assessor’s Parcel Number 028-143-34, as shown in Exhibit 3.
2. Delegates to its Executive Officer the authority to take the following actions, and directs the Executive Officer to exercise the delegated authority consistent with applicable law and the policies of the Conservancy, without further, specific Conservancy authorization:

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- a. Transfer to an appropriate public agency or nonprofit organization any public access easement or other less-than-fee interest in property (“accessway”) which was acquired by the Conservancy through the acceptance of an offer to dedicate an interest in real property that was recorded pursuant to the Coastal Act (Division 20 of the Public Resources Code) in order to provide public access or to protect open space. In connection with any such transfer, the transfer instrument or another concurrently recorded instrument shall reserve to the Conservancy a future contingent interest by which all right, title and interest in the accessway will revert to the Conservancy in the event that the public agency or nonprofit organization ceases to exist or is no longer able to or fails to maintain the accessway for the purposes specified in the original offer to dedicate.

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 current Project Selection Criteria and Guidelines.
2. The proposed authorizations are consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding establishing a system of public coastal accessways and will assist the Conservancy in carrying out its responsibilities thereunder.
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.”

Ms. Hansch stepped away from the meeting

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

STATEWIDE

11. **CALIFORNIA’S MARINE DEBRIS FOOTPRINT PROJECT**
(ITEM WAS REMOVED FROM THE AGENDA)

Ms. Hansch returned to the meeting.

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12. **CLIMATE CHANGE POLICY AND PROJECT-SELECTION CRITERIA**

Abe Doherty of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby adopts: 1) the *Coastal Conservancy Climate Change Policy*, attached as Exhibit 1 to the accompanying memorandum, and 2) revised *Conservancy Project Selection Criteria*, attached as Exhibit 2 to the accompanying memorandum, to address greenhouse gas emissions and vulnerability to sea level rise and other climate change impacts.”

Findings:

“Based on the accompanying staff memorandum and its attached exhibits, the Conservancy hereby finds that:

1. The *Coastal Conservancy Climate Change Policy* and the revisions to the Conservancy’s *Project Selection Criteria and Guidelines* are consistent with and will support implementation of the Conservancy’s statutory responsibilities under Division 21 of the California Public Resources Code.
2. The *Coastal Conservancy Climate Change Policy* and the revisions to the Conservancy’s *Project Selection Criteria and Guidelines* are intended to provide a policy reference, a strategy to address climate change while conserving California’s coastal and ocean resources, ensuring public access to and along the coast, and providing a broad context for evaluating new opportunities and allocating resources.”

Ms. Hansch motioned to approve with a return to update the board in two years. Moved and 2nd and approved by a vote of 7-0.

13. **DEPUTY ATTORNEY GENERAL’S REPORT**

No report was given.

14. **CONSERVANCY MEMBER COMMENTS**

Clarification was made that Propositions 13, 12 and 40 were approved for payment. Propositions 84 and 50 to follow.

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15. **PUBLIC COMMENT**

There was no public comment

16. **CLOSED SESSION**

There was no closed session

17. **ADJOURNMENT**

Adjournment was at 1:00 p.m.

SCC Legislative Report
June 2009
(www.leginfo.ca.gov)

ACTIVE BILLS

Bond Freeze

AB 1364 (Evans) Public contracts: state bonds: grant agreements

Status: 5/28/2009 In Senate. To Com. on RLS. for assignment.

Existing law permits the modification of contracts by state agencies in specified instances. This bill would provide that any state agency that has entered into a grant agreement for the expenditure of state bond funds, where the state agency or grant recipient has or may be unable to comply with the terms of that agreement because of the suspension of programs by the Pooled Money Investment Board as described in California Department of Finance Budget Letter 08-33, shall , with the consent of the grant recipient, have the authority to either (1) renegotiate the deadlines and timetables for deliverables or (2) invalidate the agreement. Urgency statute. Co-sponsored by CCLT, Planning & Conservation League, California State Parks Foundation, and the Sonoma County Agricultural Preservation and Open Space District.

Half Moon Bay Bills

AB 650 (Hill) Real Property: City of Half Moon Bay

Status: 6/3/2009 Re-referred to Appropriations Cmte pursuant to Asm Rule 77.2.

This bill would require the state to make interest-free loans totaling \$10,000,000 -- \$2,500,000 from the Regional Planning, Housing, and Infill Incentive Account within the Housing and Emergency Shelter Trust Fund of 2006, \$2,500,000 from the Habitat Conservation Fund, \$2,500,000 from the State Coastal Conservancy Fund, and \$2,500,000 from the San Francisco Bay Area Conservancy Program Account within the State Coastal Conservancy Fund -- to the City of Half Moon Bay to purchase the Beachwood Property. The loans would pay much of the \$18 million negotiated settlement between the city and Beachwood property owner and Palo Alto developer Chop Keenan following a judge's November 2007 ruling that the city owed Keenan \$41 million for creating wetlands on the property. The Legislature considered various bills to assist Half Moon Bay last year, but none was successful. The Coastal Conservancy Fund is a repository for proceeds of property sales and other cash received by the Conservancy, used almost exclusively by the legislature for Conservancy support. The bill would result in a shortage of support dollars, requiring additional bond funding to meet the Conservancy's support budget or staffing cuts. The current balance of the San Francisco Bay Conservancy Program account of the Coastal Conservancy Fund is only about 20% of the \$2.5 million targeted by the bill.

SB 650 (Yee) Real property: City of Half Moon Bay

Status: 5/12/09 Hearing cancelled at the request of author.

This bill would require the Bergeson-Peace Infrastructure and Economic Development Bank to loan \$10,000,000 to the City of Half Moon Bay to purchase the Beachwood

Property. This bill is expected to morph substantially as a result of problems with the use of this funding source.

Climate Change

AB 1091 (Ruskin) Natural resources: climate change

Status: 5/28/2009 In committee: Set, second hearing. Held under submission.

This bill would authorize the Natural Resources Agency to develop and amend as necessary a climate change adaptation strategy to assess the state's vulnerability to impacts of climate change, including the impacts of projected sea-level rise, on the state's physical and natural infrastructure. The agency would be permitted to develop or augment the strategy by region.

Coastal Commission

AB 226 (Ruskin) Coastal resources: California Coastal Act of 1976: enforcement

Status: 6/2/2009 In Senate, to Cmte on Rules for assignment.

Enables the Commission, upon a majority vote at a public meeting, to impose administrative civil penalties, of no less than \$5000 and no more than \$50,000, for Coastal Act violations.

AB 291 (Saldana) Coastal resources: coastal development permits: penalties

Status: 5/28/2009 In Senate, to Cmte on Rules for assignment.

Prohibits the commission from filing as complete or acting upon an application for a coastal development permit for development on any property that is subject to, or is in common and contiguous ownership with any property that is subject to an existing violation case for which a violation notification letter has been sent, or a cease and desist order, restoration order, or notice of violation has been issued or recorded until the violation has been resolved. The bill would also provide that this requirement would not apply if the executive director of the commission determines that the application includes a provision that would fully resolve the violation consistent with the act.

Land Acquisition/Management, Parks and Recreation Bills

SB 4 (Oropeza) Public resources: state beaches and parks: smoking ban

Status: 5/26/2009 Senate Government Organization and Water Parks and Wildlife Cmtes.

Makes it an infraction for a person to smoke on a state coastal beach or in a unit of the state park system.

SB 211 (Simitian) Park district formation: County of Santa Cruz

Status: 6/17/09 Asm Local Government Cmte.

Authorizes the formation of a Santa Cruz County park district.

SB 555 (Kehoe) Eminent domain law: conservation easement

Status: 6/2/2009 In Assembly waiting for cmte assignment.

Sponsored by the CA Council of Land Trusts (CCLT), provides some protection for public investments in conservation easements by requiring condemning agencies to communicate their intent to condemn to the easement holder and demonstrate that the public value of their project warrants the condemnation.

SB 679 (Wolk) State parks: acquired land: limits on disposition or use

Status: 6/1/2009 In Assembly.

Requires that lands used as state parks cannot be used for non-park purposes without an act of the Legislature and the provision of substitute lands of equal environmental and fair market value.

AB 94 (Evans) Natural Heritage Preservation Tax Credit Act of 2000

Status: 6/2/2009 In Senate, to Cmte on Rules for assignment.

Trust for Public Land-sponsored legislation that will bring back the Natural Heritage Preservation Tax Credit Program. The program limits the total amount of tax credits to \$100,000,000 and prohibits tax credits from being awarded after the 2007-08 fiscal year without further statutory authorization. This bill instead, would prohibit tax credits from being awarded after the 2018-19 fiscal year without further statutory authorization, and would delete the monetary limit on the award of tax credits pursuant to the act.

AB 521 (De La Torre) Utility Property: leases for park purposes

Status: 6/16/2009 Senate Energy Utilities and Communications Cmte.

Authorizes a public utility to lease real property acquired for purposes of obtaining a utility right-of-way, to a governmental entity for purposes of maintaining a public park, with the utility retaining a right-of-way easement.

AB 1115 (Fuentes) Natural resources: outdoor recreation

Status: 6/3/2009 Passed to Senate.

Existing law provides that of the annual apportionment of federal Land and Water Conservation funds received by the State Parks director, 60% shall be allocated for local governmental agency projects and 40% for state agency projects. Existing law requires that the 40% share allocated for state agency projects be divided among the Department of Parks and Recreation, the Wildlife Conservation Board or the Department of Fish and Game, the Department of Water Resources, and the Department of Boating and Waterways. Existing law provides that the State Coastal Conservancy is eligible to compete for grants of funds for projects of an outdoor recreational nature from a 6% contingency fund established pursuant to the California Outdoor Recreation Resources Plan Act. This bill would require, instead, that the 40% share allocated for state agency projects be made available through a competitive grant program. The bill would require the DPR to expend moneys from the program on department projects, projects of the Wildlife Conservation Board or the Department of Fish and Game, projects of the Department of Water Resources, and state conservancy projects.

Administrative

AB 480 (Tran) Bond acts: auditing

Status: In Senate waiting for cmte assignment.

Requires any state bond measure approved by voters on or after 1/1/10 to include auditing provisions with respect to the use of any bond monies.

AB 756 (Eng) Public contracts: reports
Status: 6/3/2009 Asm third reading file.

Requires state agencies to prepare an annual report, available on each agency's internet Web site, identifying personal and consulting services contracts entered into by agency, and to electronically transmit report to DOF and to Legislature.

Dead/2-yr Bills

SB 553 (Wiggins) Payment of state claims: grants: nonprofit public benefit corporations
Allows for late-payment penalties under the Prompt Payment Act for specified non-profits. This bill will impact when non-profits get reimbursed once the bond freeze is lifted.

SB 333 (Hancock) Volunteer Greenhouse Gas Emission Offset Program Fund
Creates the Voluntary Greenhouse Gas Emission Offset Program Fund to receive funds received by the state on a voluntary basis from the federal government, individuals, businesses, organizations, industry or other sources for mitigation of climate change impacts related to ghg emissions. Upon appropriation the Resources Agency may expend the funds for specified projects, including projects to protect public trust resources and natural systems from unavoidable impacts of climate change and urban greening projects. Requires projects to involve collaboration with Conservation Corps and non-profit organizations and have an education and skills development component.

AB 1189 (Skinner) Fish passages
Status: Requires Caltrans to undertake additional tasks with respect to the agency's mandate to locate, assess and remediate barriers to fish passage.

AB 1279 (Monning) Salmon restoration projects: funding
Declares the intent of the legislature to enact legislation that would fund salmon restoration projects.

AB 449 (Berryhill) Advertising: prohibition
Prohibits the state from expending any state funds for any form of advertising, notice, or publication in a newspaper or other medium.

AB 817 (Nestande) Government liability: special districts: indemnification
Requires the state to indemnify, and the AG to defend, a special district and its officers, employees, agents and subcontractors against any claim for damages arising from any authorized sue of public lands of the special district.

AB 1520 (Evans) Statewide Watershed Program
Establishes the Statewide Watershed Program as a voluntary and non-regulatory program to provide assistance and funds to local community-based efforts in the conservation, protection, and restoration of the state's watersheds and to promote coordinated

management of watersheds under the authority of the Secretary of the Natural Resources Agency and the Department of Conservation.

****All water bond bills in both houses are 2-year bills.**

2009 Legislative Calendar

June 1 - June 5: Floor Session only. No committee may meet for any purpose (J.R. 61(a)(7)).

June 5: Last day for bills to be passed out of the house of origin (J.R.61(a)(8)).

June 8: Committee meetings may resume (J.R. 61(a)(9)).

June 15: Budget must be passed by midnight (Art. IV, Sec. 12(3)).

July 10: Last day for policy committees to meet and report bills (J.R. 61(a)(10)).

July 17: Summer Recess begins at the end of this day's session, provided Budget has been enacted (J.R. 51(a)(3)).

Aug. 17: Legislature reconvenes from Summer Recess (J.R. 51(a)(3)).

Aug. 28: Last day for fiscal committees to meet and report bills to Floor (J.R. 61(a)(11)).

Aug. 31 - Sept. 11: Floor Session only. No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(a)(12)).

Sept. 4: Last day to amend bills on the Floor (J.R. 61(a)(13)).

Sept. 11: Last day for each house to pass bills (J.R. 61(a)(14)). Interim Study Recess begins at end of this day's session (J.R. 51(a)(4)).

Oct. 11: Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 11 and in the Governor's possession after Sept. 11 (Art. IV, Sec. 10(b)(1)).