

PUBLIC MEETING MINUTES
September 24, 2009
State Coastal Conservancy, 11th Floor Conf room
Oakland, CA
10:00 am

MEMBERS PRESENT:

Doug Bosco, (Public Member), Chair
Ann Notthoff (Public Member), Vice Chair
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:

There were no oversight legislators present

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 June 4, 2009 public meeting, and the minutes of the July 30, 2009 teleconference meeting were approved without change by a 6-0 vote.

3. CONSENT

A. UPPER FILIORUM ACQUISITION

Resolution:

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“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$5,500,000 (five million five hundred thousand dollars) to the City of Rancho Palos Verdes to acquire approximately 160.5 acres of the Upper Filiorum Property known as the Filiorum Tract (consisting of Los Angeles County Assessor Parcel Number 7581-023-029 and a portion of APN 7581-023-034) on the Palos Verdes Peninsula in Los Angeles County to protect significant coastal resource areas. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for acquisition, the City of Rancho Palos Verdes (the City) 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.
2. The City shall pay no more than fair market value for the property.
3. The City shall permanently dedicate the property for habitat and resource protection, open space preservation, and public access (to the extent compatible with habitat and resource protection) in a manner acceptable to the Executive Officer.
4. The City shall acknowledge Conservancy funding by erecting and maintaining on the Filiorum Tract, or at another approved location, a sign that has been reviewed and approved by the Executive Officer.”

Findings:

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

1. The proposed authorization is consistent with the purposes and objectives of Chapter 8 of Division 21 of the Public Resources Code (Sections 31350-31356) regarding reservation of significant coastal resource areas.
2. The proposed authorization is consistent with the current Project Selection Criteria and Guidelines.”

B. ANCESTER CREEK FISH PASSAGE

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$192,769 (one hundred ninety-two thousand seven hundred sixty-nine dollars) in previously approved funds to augment a September 25, 2008 Conservancy authorization to the County of Trinity (subsequently assigned to the Northwest California Resource Conservation and Development Council), for the implementation of the Ancestor Creek Fish

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Passage Improvement Project in Mendocino County. This authorization is subject to the same conditions enumerated in the September 25, 2008 staff recommendation attached to the accompanying staff recommendation as Exhibit 1.”

Findings:

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

1. The proposed project is consistent with Chapters 5.5 and 6 of Division 21 of Division 21 of the California Public Code (pertaining to watershed enhancement and enhancement of coastal resources, respectively).
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on June 4, 2009.
3. The Northwest California Resource Conservation and Development Council is a nonprofit organization existing under Section 501(c)(3) of the Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
4. Except as provided below, the project remains consistent with the Conservancy’s q authorization and the staff discussion of September 25, 2008.”

C. EAST SHORE STATE PARK

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of \$100,000 (one hundred thousand dollars) to East Bay Regional Park District (“District”) to complete a feasibility study for the restoration of sand dunes and related improvements located at Albany Beach, Alameda County, subject to the following condition:

Prior to disbursement of any funds under this authorization, the District shall submit the following for the review and written approval of the Executive Officer of the Conservancy:

1. A detailed work plan for the project components, including a final budget and schedule.
2. The names and qualifications of any contractors to be retained to carry out the project components.
3. Evidence that all permits and approvals necessary to undertake the project have been obtained, if applicable.

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4. Evidence that the Bay Conservation and Development Commission has found that the project qualifies for funding from the Cal-Trans mitigation fund held by 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 Project Selection Criteria and Guidelines, last updated by the Conservancy on June 4, 2009.
2. The proposed authorization is consistent with the purposes and objectives of Sections 31111 and 31160-31165 of Division 21 of the Public Resources Code regarding the enhancement and restoration of wetlands and adjacent uplands in the San Francisco Bay Area.”

D. NAPA RIVER SALT MARSH RESTORATION PROJECT

Resolution:

“The State Coastal Conservancy hereby authorizes the acceptance of up to \$65,000 (sixty five thousand dollars) in San Francisco Foundation grant funds and the disbursement of up to that amount for monitoring and research activities associated with the Napa River Salt Marsh Restoration Project.”

Findings:

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

1. The proposed authorization is consistent with the current Project Selection Criteria and Guidelines last updated by the Conservancy on June 4, 2009.
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 recreation goals of the San Francisco Bay Area.”

E. ELLIS CREEK

Resolution:

“The State Coastal Conservancy hereby modifies its authorization of September 8, 2005 to redirect funds in the amount of two hundred twenty-two thousand eight hundred five dollars (\$222,805) for use by the Southern Sonoma County Resource Conservation District (“RCD”) to restore approximately 2,450 linear feet of Ellis Creek in the Petaluma River Watershed. Prior to disbursement of Conservancy funds, the RCD shall submit for review and written

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approval of the Executive Officer of the Conservancy a detailed revision of the work program, schedule, and budget; sign plan acknowledging the Conservancy; the names and qualifications of any contractors to be employed in carrying out this portion of the project; and proof that all funds necessary to complete this portion of the project are secured."

Findings:

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

1. The project remains within the nine-county San Francisco Bay Area.
2. The proposed amendment to the project is consistent with the Project Selection Criteria and Guidelines updated by the Conservancy on June 4, 2009.
3. The proposed amendment to the 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 31160-31165."

F. LOS CERRITOS WETLANDS AUTHORITY

Resolution:

"The State Coastal Conservancy hereby approves of an amendment of the Los Cerritos Wetlands Authority's Joint Exercise of Powers Agreement, in substantially the language provided in the accompanying staff recommendation and further approves the proposed Fiscal Year 09-10 budget for the Los Cerritos Wetlands Authority, attached as Exhibit 4 to the accompanying staff recommendation."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the Los Cerritos Wetlands Authority activities are consistent with and help to carry out the Los Cerritos Wetland Enhancement Plan approved by the Conservancy on June 25, 2001, and Chapters 6 and 8 of Division 21 of the Public Resources Code."

G. TIJUANA RIVER ESTUARY

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred ninety-five thousand dollars (\$195,000) to the Southwest Wetlands Interpretive Association to augment the project funding of its September 25, 2008 authorization for the Tijuana Estuary Sediment Fate and Transport Study at the Tijuana River National Estuarine Research Reserve. This authorization remains, subject to the conditions of the Conservancy's September 25, 2008 authorization, attached to the accompanying staff recommendation as Exhibit 2."

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Findings:

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

1. The proposed augmentation of funds remains consistent with the findings made under the Conservancy’s September 25, 2008 authorization. (See Exhibit 2).
2. The proposed project is consistent with the additional Project Selection Criteria adopted by the Conservancy on June 4, 2009.”

H. SOUTH SAN FRANCISCO BAY SALT POND

Resolution:

“The State Coastal Conservancy hereby modifies its authorization of November 6, 2008 so that the disbursement of up to \$1,550,000 (one million five hundred fifty thousand dollars) to the U.S. Fish and Wildlife Service for construction of habitat and public access facilities at Pond SF2 and Bedwell Bayfront Park in San Mateo County is re-directed to Ducks Unlimited, Inc. for the construction of a tidal wetland restoration project at Eden Landing Ponds E8A/9/8X in Alameda County, as part of the implementation of Phase I of the South San Francisco Bay Salt Pond Restoration Project. The Conservancy also hereby modifies its authorization of June 4, 2009 by authorizing the acceptance of a grant in the amount of up to \$1,000,000 (one million dollars) from the U. S. Fish and Wildlife Service, under its National Coastal Wetlands Conservation Grant Program, and the disbursement of up to the total amount of that grant to the County of Alameda for the tidal wetland restoration project at Eden Landing Ponds E8A/9/8X. The disbursement of funds under these modified authorizations shall be subject to the following conditions:

1. Prior to the disbursement of any funds for the project, the grantee 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 carrying out the project, the grantee shall 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.
3. The grantee shall comply with all terms and conditions imposed by any federal grant that is the source of funding for the grantee, which may, as applicable, include terms and conditions of:

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- a. The American Recovery and Reinvestment Act (ARRA) or that may be necessary to enable the Conservancy to comply with terms and conditions of the ARRA grant.
 - b. The U. S. Fish and Wildlife Service National Coastal Wetlands Conservation Grant Program or that may be necessary to enable the Conservancy to comply with terms and conditions of the National Coastal Wetlands Conservation Grant Program grant.
4. Prior to commencing project work, the grantee shall enter into and record an agreement, approved by the Conservancy's Executive Officer, that allows for access to undertake the project work and that is sufficient to protect the public interest and provide for maintenance of the project."

Board member Susan Hansch asked about the large amount of the authorization for item Upper Filiorum Property. Coastal Conservancy project staff, Bob Thiel, gave a quick overview of the Staff recommendation.

Consent items were moved and seconded. Approved by a vote of 6-0.

4. EXECUTIVE OFFICER REPORT

- a. The OPC met Sept. 17, coinciding with President Obama's Ocean Task Force in San Francisco; Marine Spatial Planning was a major discussion topic and, OPC awarded \$4.4 million to DFG for MLPA work.
- b. Sam thanked Abe Doherty for his work with Climate Change and help with carbon sequestration that affects tidal wetlands.
- c. Deborah Ruddock of the Coastal Conservancy gave the legislative report via phone conference and reviewed some of the bills.

5. FEDERAL GOVERNMENT LIAISON

Dick Wayman of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred eighty-five thousand dollars (\$285,000) to provide consulting services to assist with State Coastal Conservancy projects that receive federal funding and provide other consulting services. Assistance with the projects will include advocacy during federal appropriations and authorization processes and coordination with federal project partners."

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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 current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with Public Resources Code Sections 31103 and 31104, regarding the Executive Officer’s authority to carry out the purposes of Division 21 and the Conservancy’s ability to apply for and accept federal grants and receive other financial support from public sources.”

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

NORTH COAST

6. JENNER HEADLANDS PROPERTY

Deborah Hirst of the Coastal Conservancy presented the Staff Recommendation

Speaking in favor of the Staff Recommendation and giving a power point presentation was Amy Chesnut, Sonoma Land Trust. Misti Arias, Conservation Program Manager, Sonoma County Agricultural Preservation and Open Space District; Ralph Benson, Executive Director, Sonoma Land Trust and Brook Edwards, Jenner Headlands Project Manager of Sonoma Land Trust attended the meeting in support of the project.

Resolution:

“The State Coastal Conservancy hereby authorizes:

1. Acceptance of a grant in the amount of \$5,850,000 (five million eight hundred fifty thousand dollars) from the United States Department of Commerce, National Oceanic and Atmospheric Administration, (NOAA) Coastal Estuarine Land Conservation Program (CELCP) for the acquisition of the approximately 5,630-acre Jenner Headlands property, (Sonoma County Assessor Parcel Nos. 097-010-003, 105-270-002 to 105-270-005, 105-270-007, 097-010-002, 097-010-006 to 097-010-011, 099-010-002 and 099-010-003, 099-010-006, 099-010-009, 099-020-009, 099-020-014 to 099-020-019, 107-190-014, 099-030-026 and 099-030-027, 099-030-034, 099-131-032, 099-020-020, 099-030-023, 099-030-028 to 099-030-030, 099-020-012 and 099-020-013, 099-030-003, 099-030-020 and 099-030-021, and 099-030-031 and 099-030-032), as shown in Exhibit 1 to the accompanying staff recommendation.
2. Disbursement of up to the full amount of the NOAA CELCP grant to the Sonoma County Agricultural Preservation and Open Space District (“SCAPOS”) to be used by SCAPOS to acquire a conservation easement over the Jenner Headlands property, subject to the following conditions:

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- a. Prior to the disbursement of funds SCAPOSD shall submit for the review and approval of the Executive Office of the Conservancy (“the Executive Officer”) all relevant acquisition documents, including, but not limited to the conservation easement, appraisal, environmental assessment, agreement of purchase and sale, escrow instructions, and documents related to title.
 - b. SCAPOSD shall obtain an interest in the property, through a conservation easement, which will permanently dedicate the property to the purpose of protecting, restoring and enhancing wildlife habitat open space, and providing limited public access where appropriate, in a manner acceptable to the Executive Officer and NOAA.
3. Disbursement of up \$8,000,000 (eight million dollars) to the Sonoma Land Trust (“SLT”) to be used for the acquisition of the Jenner Headlands property, subject to the following conditions:
- a. Disbursement of funds is conditioned upon the availability of bond funds sufficient to award the funds to the grantee and expiration of the 30-day review by the Department of Finance and the Joint Legislative Budget Committee.
 - b. Prior to the disbursement of funds for acquisition of the real property, SLT shall submit for the review and approval of the Executive Office of the Conservancy (“the Executive Officer”):
 - i. All relevant acquisition documents, including, but not limited to, appraisal, environmental assessment, agreement of purchase and sale, escrow instructions, and documents related to title.
 - ii. Evidence that SLT has obtained all funds necessary to complete the acquisition
 - c. SLT shall pay no more than fair market value for the property as established in an appraisal approved by the Executive Officer.
 - d. SLT shall permanently dedicate the property for the purposes of protecting, restoring and enhancing habitat and open space, and providing limited public access where appropriate, pursuant to Public Resources Code Section 31116(b).
 - e. SLT shall acknowledge Conservancy funding by erecting and maintaining a sign on the property that has been reviewed and approved by the Executive Officer.”

Findings:

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

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1. The proposed authorization is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on June 4, 2009.
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 protection of natural habitats and resources of regional importance within the San Francisco Bay Area.
3. Sonoma Land Trust is a private nonprofit organization, existing under the provisions of 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.”

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

7. DEPUTY ATTORNEY GENERAL’S REPORT

No report was given

8. CONSERVANCY MEMBER COMMENTS

Mr. Cash informed the Conservancy that there will be a bond sale at the beginning of October.

9. PUBLIC COMMENT

Marina Fraser, Vice Mayor of the City of Half Moon Bay commented about the Conservancy’s seeming lack of communication regarding the Conservancy’s position on a legislative bill, AB 650, which would have affected both the city and the Conservancy. Executive Officer Sam Schuchat responded that he had communicated the Conservancy’s position several times to the city’s legislative liaison. The Conservancy noted the comment.

10. CLOSED SESSION

There was no closed session

11. ADJOURNMENT

Meeting was adjourned at 11:10 am