

*STATE COASTAL CONSERVANCY
TELECONFERENCE MEETING MINUTES*

Thursday, April 1, 2010

10:00 am

LOCATIONS:

State Coastal Conservancy
1330 Broadway
11th Floor Conference Room
Oakland, CA

City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA

Department of Finance
915 L Street
9th Floor Conference Room
Sacramento, CA

37 Old Courthouse Square, Ste 200
Santa Rosa, CA

2222 Midvale Avenue
Los Angeles, CA

3114 Parkdale Ln.
Cameron Park, CA

MEMBERS PRESENT BY TELECONFERENCE:

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

OVERSIGHT MEMBERS PRESENT BY TELECONFERENCE:

Annette Porini representing Senator Joseph Simitian

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Carmen Estrada-Polley, Executive Assistant
Pat Peterson, Deputy Attorney General
Elena Eger, Legal Counsel
And other Coastal Conservancy Staff

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1. ROLL CALL

Ms. Moret, (San Francisco, Present), Ms. Finn (Sacramento, Present), Chair Bosco (Santa Rosa, Present) Mr. Cash (Sacramento, Present), Ms. Hansch (Oakland, Present), Ms. Notthoff (Oakland, Present), Jack Baylis (Los Angeles, Present)

2. APPROVAL OF MINUTES

Moved and seconded. The minutes of the Conservancy February meeting were approved without change on a roll call vote of 7-0: Ms. Moret- Yes, Ms. Finn- Yes, Mr. Cash- Yes, Ms. Hansch, Mr. Baylis- Yes, Ms. Notthoff - Yes, Chair Bosco – Yes.

3. EXECUTIVE OFFICER REPORT

- a. Ocean Protection Council (OPC). At the March 3 OPC meeting in Sacramento, Secretary Lester Snow was elected Chair of the Council. OPC will establish an Advisory Panel for input and evaluate work on Seafloor Mapping, Climate Change, Seafood Eco-labeling, and a new Strategic Plan. The CA World Ocean Conference scheduled for September 7-10, 2010 will be in San Francisco. OPC Staff: Cina Loarie has left the Conservancy to pursue a nursing degree at John Hopkins. Christina Cairns also left the Conservancy to work with NOAA. New Ocean Science Trust Executive Director is Skylii McAfee. And New Sea Grant Fellow for OPC is Pam Rittelmeyer. Terri Nevins of the Coastal Conservancy will be retiring end of April.
- b. Mr. Schuchat reviewed several Assembly legislative bills with the Conservancy. The legislative report is attached at the end of the minutes.
- c. Tom Gandesbery of the Conservancy gave an update on the Hamilton Wetlands project in Marin County.

4. PARADISE BEACH PROPERTY

Rachel Couch of the Conservancy presented the Staff Recommendation.

“The State Coastal Conservancy hereby authorizes disbursement to the County of Santa Barbara (“the County”) of an amount of up to one million two hundred thousand dollars (\$1,200,000) from the United States Department of Commerce, National Oceanic and Atmospheric Administration, (“NOAA”) Coastal Estuarine Land Conservation Program (“CELCP”) and an additional amount of up to one million one hundred thirty-six thousand dollars (\$1,136,000) for the acquisition of the 172-acre Paradise Beach II property, (Santa Barbara County Assessors Parcel Number 113-160-004), as shown in Exhibit 2 to the

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accompanying staff recommendation. This authorization is subject to the following conditions.

1. Prior to the disbursement of any Conservancy funds for acquisition, the County shall submit for review and approval by the Executive Officer of the Conservancy (“the Executive Officer”) all relevant acquisition documents, including, but not limited to the appraisal, agreement of purchase and sale, escrow instructions, and documents of title, and a signing plan.
2. The County shall pay no more than fair market value for the Paradise Beach Property, as established in an appraisal approved by the Executive Officer.
3. The County shall acknowledge Conservancy funding by erecting and maintaining signs on the property that have been reviewed and approved by the Executive Officer.
4. The County shall permanently dedicate the property for the purpose of protecting, restoring and enhancing habitat and open space, and providing public access where appropriate, pursuant to Public Resources Code Section 31116(b).
5. The County shall manage the property as part of its Point Sal Reserve Management Area and consistent with the Point Sal Reserve Management Plan (as amended and updated), and coordinate management of the property with The Dunes Collaborative ensuring that management of the property is consistent with management of the greater Nipomo-Guadalupe Dunes public landholdings.
6. The County and its successors-in-interest shall participate in the development of the California Coastal Trail on the property and, through an instrument acceptable to the Executive Officer, shall permanently dedicate the necessary portion of the property for such use, after which the County shall install and maintain signs identifying the California Coastal Trail, which design, number, and placement of the signs shall be 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 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 6 of Division 21 of the Public Resources Code, regarding the enhancement of coastal resources.
3. The area in which the Paradise Beach II Property is located has been identified in the certified local coastal program for Santa Barbara County as requiring public action to resolve existing or potential resource protection problems.”

Moved and seconded. Ms. Moret- Yes, Ms. Finn- Yes, Mr. Cash- Yes, Ms. Hansch, Mr. Baylis- Yes, Ms. Notthoff - Yes, Chair Bosco – Yes. Approved by a vote of 7-0:

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5. FRANKLIN CANYON PROPERTY

Amy Hutzel of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million dollars (\$1,000,000) to the Muir Heritage Land Trust (“MHLT”) to acquire the approximately 483-acre Franklin Canyon property Assessor’s Parcel Numbers 362-020-017, 362-020-019, and 362-020-022 (the “property”) for open space, wildlife and habitat preservation, watershed protection, public access, and limited agricultural uses and to conduct planning for stewardship and management and a resource assessment of the property. This authorization is subject to the following conditions:

1. Award of the grant funds is conditioned upon the availability of bond funds sufficient to disburse the funds to the grantee.
2. Prior to disbursement of any Conservancy funds for the acquisition, MHLT shall submit for review and approval of the Executive Officer of the Conservancy:
 - a. All relevant acquisition documents, including but not limited to the appraisal, environmental assessments, escrow instructions, title reports and documents of title necessary to the purchase of the property.
 - b. Evidence that sufficient funds other than the Conservancy funds are available to complete the acquisition.
3. MHLT shall pay no more than fair market value for the property acquired, as established in an appraisal approved by the Executive Officer.
4. MHLT shall permanently dedicate the property for open space, wildlife, habitat preservation, watershed protection, public access and limited agricultural uses by recording an offer to dedicate (“OTD”) or other instrument acceptable to the Executive Officer.
5. MHLT shall develop a signage plan acknowledging Conservancy funding of the project, the design and placement of which is approved by the Executive Officer.
6. MHLT shall develop a resource assessment and property management plan within five years of acquiring the property. Prior to the disbursement of funds to the MHLT for planning and resource assessment, the Executive Officer shall approve in writing a work plan, including budget and schedule, and any contractors proposed to be used.
7. Upon request of the Executive Officer, the grantee and its successors-in-interest shall permit alignment and development of a segment of the Bay Area Ridge Trail (“Ridge Trail”) through this property, should such a segment be determined feasible and

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compatible with the other acquisition purposes. The grantee shall also provide, install and maintain, or permit the placement of, signs identifying the property as a segment of the Ridge Trail, if it is developed on the property. The design, number, and placement of the signs shall be 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 the current Project Selection Criteria and Guidelines.
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 San Francisco Bay Area Conservancy Program.
3. The project is a high priority in that it offers significant public benefits and provides an opportunity for significant third-party matching funds that might otherwise be lost without project approval.
4. The Muir Heritage Land Trust is a nonprofit organization existing under the provisions of section 501(c) (3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Ms. Moret- Yes, Ms. Finn- Yes, Mr. Cash- Yes, Ms. Hansch, Mr. Baylis- Yes, Ms. Notthoff - Yes, Chair Bosco – Yes. Approved by a vote of 7-0.

6. DEPUTY ATTORNEY GENERAL’S REPORT

No report given

7. CONSERVANCY MEMBER COMMENTS

No comments

8. PUBLIC COMMENTS

Phillip Heller of Greenburg Taurig was in attendance at 2222 Midvale Ave. Los Angeles, however, he left before the Public Comment.

There were no comments

9. CLOSED SESSION

No closed session

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10. **ADJOURNMENT** - Meeting was adjourned at 11:25 a.m.

April 2010 Legislative Report

3/29/2010

ASM

[AB 1818](#) ([Blumenfield](#)) **Santa Monica Mountains Conservancy: Upper Los Angeles River and Watershed Protection Program.**

Current Text: Amended: 3/16/2010 [pdf](#) [html](#)

Introduced: 2/11/2010

Last Amend: 3/16/2010

Status: 3/22/2010-Do pass as amended and be re-referred to the Committee on Water, Parks and Wildlife.

Location: 3/22/2010-A. W.,P. & W.

Summary: Existing law establishes the Santa Monica Mountains Conservancy within the Natural Resources Agency and prescribes its functions with respect to the Santa Monica Mountains Zone, as defined. This bill would establish the Upper Los Angeles River and Watershed Protection Program. The program would be administered by the Santa Monica Mountains Conservancy to address the resource protection, public recreation, water conservation, and water quality goals of the Upper Los Angeles River watershed in a coordinated, comprehensive, and effective way. This bill contains other related provisions and other existing laws.

[AB 1958](#) ([Caballero](#)) **State government.**

Current Text: Introduced: 2/17/2010 [pdf](#) [html](#)

Introduced: 2/17/2010

Status: 2/18/2010-From printer. May be heard in committee March 20.

Location: 2/17/2010-A. PRINT

Summary: Existing law establishes various departments in state government with specified duties. This bill would state the intent of the Legislature to enact legislation to require each department in state government to make recommendations on reducing its costs by 5%, and to use those cost savings to fund preapproved infrastructure projects not funded by existing bond funding.

[AB 2074](#) ([Monning](#)) **Natural resources: Andrew Molera State Wilderness.**

Current Text: Introduced: 2/18/2010 [pdf](#) [html](#)

Introduced: 2/18/2010

Status: 3/4/2010-Referred to Com. on W.,P. & W.

Location: 3/4/2010-A. W.,P. & W.

Calendar: 4/13/2010 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS AND WILDLIFE, HUFFMAN, Chair

Summary: The California Wilderness Act establishes the California wilderness preservation system, which is composed of state-owned areas designated by the Legislature as "wilderness areas" and units of the state park system classified as "state wildernesses" by the State Park and Recreation Commission. The act designates various areas as components of the California wilderness preservation system. This bill would designate the Andrew Molera State Wilderness as a component of the California wilderness preservation system. The bill also would authorize the California Coastal Trail to be located, designed, constructed, or operated within the Andrew Molera State Wilderness.

[AB 2103](#) (Hill) San Francisco Bay Restoration Authority.

Current Text: Introduced: 2/18/2010 [pdf](#) [html](#)

Introduced: 2/18/2010

Status: 3/11/2010-Referred to Com. on L. GOV.

Location: 3/11/2010-A. L. GOV.

Summary: Existing law authorizes the San Francisco Bay Restoration Authority to levy a benefit assessment, special tax, or property-related fee consistent with Articles XIII C and XIII D of the California Constitution, as specified. This bill would require the board of supervisors of each affected county, when the authority proposes a measure to levy a benefit assessment, special tax, or property related fee for submission to the voters, to call a special election on the measure and place the measure on the ballot of the next regularly scheduled election and would require the county clerk of each county to report the results of the special election to the authority.

[AB 2181](#) (Hagman) State Contract Act: contracting by state agencies.

Current Text: Introduced: 2/18/2010 [pdf](#) [html](#)

Introduced: 2/18/2010

Status: 3/11/2010-Referred to Com. on B. & P.

Location: 3/11/2010-A. B. & P.

Summary: Existing law authorizes the Department of General Services, where the nature of the work in the opinion of the department is such that its services in connection with a project are not required, to permit the carrying out of the project directly by the state agency concerned with the project, if the estimated project cost does not exceed \$400,000, except as provided. This bill would increase that cost limit to \$800,000, as provided. This bill contains other related provisions and other existing laws.

[AB 2598](#) (Brownley) Tidelands and submerged lands: sea level action plan.

Current Text: Introduced: 2/19/2010 [pdf](#) [html](#)

Introduced: 2/19/2010

Status: 3/18/2010-Referred to Com. on NAT. RES.

Location: 3/18/2010-A. NAT. RES.

Calendar: 4/12/2010 1:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, CHESBRO, Chair

Summary: Existing law grants to various local entities the right, title, and interest of the State of California in and to certain tidelands and submerged lands in trust generally for purposes of commerce, navigation, and fisheries, and for other public trust purposes. This bill would require each trustee of granted public trust lands to prepare a sea level action plan by July 1, 2011, and submit the plan to the Natural Resources Agency, the Governor's Office of Planning and Research, and the State Lands Commission. The bill would require the plan to include, among other things, an assessment of the impact of sea level rise on granted public trust lands, an estimate of the financial cost of this impact, and strategies to prevent or mitigate damage to development and infrastructure. This bill contains other related provisions and other existing laws.

[AB 2717](#) (Skinner) State Coastal Conservancy.

Current Text: Introduced: 2/19/2010 [pdf](#) [html](#)

Introduced: 2/19/2010

Status: 3/18/2010-Referred to Com. on NAT. RES.

Location: 3/18/2010-A. NAT. RES.

Calendar: 4/12/2010 1:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, CHESBRO, Chair

Summary: Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing a program of agricultural land protection, area restoration, and resource enhancement within the coastal zone, as defined. Existing law authorizes the conservancy to undertake projects and award grants for activities that are compatible with the preservation, restoration, or enhancement of ocean, coastal, or watershed resources, or that facilitate environmental education related to these resources. These projects or activities may include, but are not limited to, exhibits or events emphasizing coastal, watershed, or ocean resource education, or maritime history or the development of related amenities and structures. This bill would additionally include as projects low-impact development techniques that integrate stormwater management into site planning and design to reduce runoff, increase onsite infiltration, or filter pollutants at or near the source. This bill contains other related provisions and other existing laws.

SEN

[SB 1006](#) (Pavley) Natural resources: climate change.

Current Text: Introduced: 2/10/2010 [pdf](#) [html](#)

Introduced: 2/10/2010

Status: 3/17/2010-Set, first hearing. Hearing canceled at the request of author.

Location: 2/18/2010-S. N.R. & W.

Summary: Existing law declares that resource conservation is of fundamental importance to the prosperity and welfare of the people of the state. Existing law states that it is the policy of the state to adopt conservation practices to save the basic resources of soil, water, and air from unreasonable and economically preventable waste and destruction. This bill would require the Natural Resources Agency, in developing and implementing climate change adaptation strategies and activities, to fully consider and undertake, to the maximum extent practicable, initiatives that, among other things, protect or enhance natural ecosystem functions in relation to wetlands, beaches, flood plains, watersheds, and greenhouse gas emissions. This bill contains other existing laws.

[SB 1034](#) ([Ducheny](#)) **Archaeological resources: civil penalties.**

Current Text: Introduced: 2/12/2010 [pdf](#) [html](#)

Introduced: 2/12/2010

Status: 3/23/2010-From committee: Do pass, but first be re-referred to Com. on PUB. S. (Ayes 6. Noes 3. Page 3001.) Re-referred to Com. on PUB. S.

Location: 3/23/2010-S. PUB. S.

Summary: Existing law prohibits a person from knowingly and willfully excavating upon, or removing, destroying, injuring, or defacing, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature, situated on public lands, as defined. A violation of this prohibition is a misdemeanor. This bill would enact the California Public Lands Archaeological Resources Protection Act, and would allow a state agency to issue an order that assesses a civil penalty against a person who knowingly and willfully excavates upon, or removes, destroys, injures, or defaces archaeological resources on public lands. The bill would establish procedures for the assessment of the civil penalty, including procedures for determining the commercial and archaeological value of those resources and cost of restoration. The bill would also authorize the forfeiture of the archaeological resources that were the subject of the violation and the vehicles and equipment of the person that were used in connection with the violation. The bill would allow a state agency to expend the civil penalties collected pursuant to the act, upon appropriation by the Legislature, as reimbursement for the costs of implementing the act, including restoring and repairing the archaeological resources that are the subject of the violation, except the bill would require the state to remit to a city, county, or district the civil penalty imposed by the state, except as specified, and the items seized by the state, if the violation occurred on, or in connection with, public lands owned by, or under the jurisdiction of, that city, county, or district.

[SB 1124](#) ([Negrete McLeod](#)) **Land conservation: California Wildlife, Coastal, and Park Land Conservation Act.**

Current Text: Introduced: 2/18/2010 [pdf](#) [html](#)

Introduced: 2/18/2010

Status: 3/18/2010-Set, first hearing. Hearing canceled at the request of author.

Location: 2/25/2010-S. N.R. & W.

Summary: The California Wildlife, Coastal, and Park Land Conservation Act, an initiative measure approved by the voters in the June 7, 1988, statewide primary election, provided bond funds for wildlife, coastal, and parkland conservation. The initiative measure may be amended by a 2/3 vote of the Legislature if the amendment is consistent with the purposes of the act. Existing law requires an applicant receiving state funds under the act to maintain any property acquired in perpetuity, as specified, and use the property only for the purposes stated in the act. This bill would require a grantee, or its successors in interest, to record a conservation easement at the time property is acquired, developed, rehabilitated, or restored with funds allocated pursuant to the act. With respect to previously acquired, developed, rehabilitated, or restored properties, the bill would require the recording of a grant easement on or before April 1, 2011. The bill would require the conservation easement to, among other things, provide that the property is to be maintained and operated in perpetuity, only for the purposes set forth in the act, and no other use, sale, or other disposition of the property shall be made except as authorized by specific act of the Legislature. This bill contains other related provisions.

[SB 1177](#) (Kehoe) Agriculture: 22nd District Agricultural Association: greenway zone.

Current Text: Introduced: 2/18/2010 [pdf](#) [html](#)

Introduced: 2/18/2010

Status: 3/23/2010-Set for hearing April 6.

Location: 2/18/2010-S. F. & A.

Calendar: 4/6/2010 10 a.m. - Room 113 SENATE FOOD AND AGRICULTURE, FLOREZ, Chair

Summary: Existing law provides that the state is divided into agricultural districts in which 50 or more persons, who are residents of a district, may form a district agricultural association for the purpose of holding fairs for exhibiting all of the industries and industrial enterprises, resources, and products of the state and constructing, maintaining, and operating recreational and cultural facilities. This bill would require the 22nd District Agricultural Association (district) to develop, manage, and maintain a minimum 100-foot wide greenway zone at a specified location for the purpose of protecting, enhancing, and restoring the overall environmental quality of the San Dieguito River and adjacent wetlands. The district also would be required to develop, manage, and maintain a public access trail, as specified, in or along the greenway zone. The district would be required to submit its plan for implementation of the greenway zone and public access trail to the Department of Fish and Game and the Department of Parks and Recreation, for review and recommendations, by July 1, 2011. The district would be required to apply the Department of Fish and Game's and the Department of Parks and Recreation's recommendations into the plan and apply for all necessary permits by January 1, 2012, and complete construction of the greenway zone by January 1, 2014. This bill contains other related provisions.

Total Measures: 11

Total Tracking Forms: 11