

STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
State Capitol – Hearing Room 126
Thursday, January 20, 2011
10:00 am

MEMBERS PRESENT

Doug Bosco (Public Member) Chair
Marisa Moret (Public Member)
Ann Notthoff (Public Member)
Sara Wan, Chair, Coastal Commission
John Laird, Secretary for Natural Resources
Bryan Cash (Designated Representative, Natural Resources Agency)
Karen Finn, (Designated Representative, Department of Finance)

OVERSIGHT MEMBERS PRESENT

Bethany Westfall, representing Assemblyman William Monning
Annette Porini, representing Senator Joseph Simitian

OTHERS PRESENT

Sam Schuchat, Executive Officer
Glenn Alex, Legal Counsel

At the Chair's invitation, newly designated Secretary of Natural Resources John Laird addressed the board and then left the meeting.

1. ROLL CALL

2. APPROVAL OF MINUTES

Moved and seconded. The minutes of the Conservancy December 7, 2010 public meeting were approved by a vote of 5-0 without change. Ms. Wan, newly reappearing as a member of the Conservancy, abstained, as she had not been present at the December meeting.

3. CONSENT

A. SAN MATEO CREEK AND SAN ONOFRE CREEK

Resolution and findings:

“Based on the accompanying memorandum, the State Coastal Conservancy hereby finds that restoration of arroyo chub, partially armored stickleback and southern steelhead fisheries in San Mateo Creek, and its tributary Devil Canyon Creek, and San Onofre Creek cannot be completed as contemplated by Proposition 12 ; and therefore, authorizes the Executive

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Officer to take all actions necessary to obtain reallocation of the remaining Proposition 12 funds designated for this project to other Division 21 projects.”

B. SOUTH BAY SAL PONDS – PHASE I

Resolution:

“The Conservancy hereby modifies its June 4, 2009 authorization to accept and disburse funds from the National Oceanic and Atmospheric Administration for implementation of projects under the South Bay Salt Ponds Restoration Project by authorizing the redirection of any American Recovery and Reinvestment Act of 2009 funds (“ARRA grant funds”) designated for construction of three wetland restoration projects where those funds are no longer needed to complete the projects, to be disbursed for adaptive management activities and applied scientific studies, engineering and environmental services, and project management and related activities, including up to \$300,000 to the Resources Legacy Fund and \$300,000 to Ducks Unlimited, Inc. for fish-related applied studies, associated with implementation of Phase I of the South San Francisco Bay Salt Pond (SBSP) Restoration. Prior to the disbursement by the Conservancy of any funds, grantees 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 subcontractors it intends to use to complete the project.”

Finding:

“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, 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 recreational goals of San Francisco Bay Area.
3. Resources Legacy Fund and Ducks Unlimited, Inc. are nonprofit organizations 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.”

C. SOUTHERN SEA OTTER RECOVERY

Resolution:

“The State Coastal Conservancy hereby amends its December 3, 2009 authorization to authorize the disbursement of up to an additional one hundred sixty four thousand dollars (\$164,000) to the Regents of the University of California, Santa Cruz Campus (UCSC), to continue a study to identify the impacts of coastal contaminants and anthropogenic stressors on southern sea otter recovery, subject to the condition that, prior to the disbursement of these additional funds, UCSC shall submit for the review and written approval of the

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Executive Officer of the Conservancy a revised work program, including scope of work, budget and schedule.”

Findings:

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

1. The proposed project remains consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization remains consistent with the purposes and objectives of Chapter 5.5 of Division 21 of the Public Resources Code, regarding Coastal and Marine Resource Protection and with the resolutions, findings and discussion of the accompanying the Conservancy authorization of December 3, 2009, attached as Exhibit 2.”

Moved and seconded. The consent items were approved by a vote of 6-0.

4. EXECUTIVE OFFICER REPORT

- A. Mr. Schuchat distributed and updated the Conservancy on the progress report for the 2007 Strategic Plan. (Report is attached to these minutes)
- B. Conservancy Deputy Executive Officer, Mary Small gave an update on the Conservancy’s Long-Term Financial Strategy. (Report is attached to these minutes)

NORTH COAST

5. SHADY DELL CREEK TRACT

Karyn Gear of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Ruskin Hartley, Executive Director, Save The Redwoods League.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to three million dollars (\$3,000,000.00) to the Save The Redwoods League (“SRL”) to acquire the approximately 957-acre Shady Dell Creek tract in northern Mendocino County (Mendocino County Assessor Parcel Nos. 012-500-15, 012-510-02, 012-510-16, 012-510-17, 012-720-06, 012-720-07, 012-720-08 (with a minor lot-line adjustment)), subject to the following conditions:

1. Prior to the disbursement of funds SRL shall submit for the review and approval of the Executive Officer all title and acquisition documents including but not

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limited to the appraisal, agreement of purchase and sale, escrow instructions and documents of title pertaining to the acquisition.

2. SRL shall pay no more than fair market value for property acquired pursuant to this authorization, as established by an appraisal approved by the Conservancy's Executive Officer.
3. All property interests acquired with these funds shall be permanently protected for public access, open space and habitat conservation in a manner acceptable to the Conservancy's Executive Officer and consistent with Public Resources Code Section 31116(b).
4. SRL shall submit for the review and approval of the Executive Officer a signing plan acknowledging the Conservancy's contribution to 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, most recently updated 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 coastal resource enhancement.
3. SRL is a nonprofit organization incorporated under U.S. Internal Revenue Code Section 501(c)(3), and whose purposes are consistent with the Conservancy's enabling legislation (Division 21 of the Public Resources Code)."

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

6. TEN MILE RIVER

Karyn Gear of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff recommendation: Chris Kelly, California Program Director, The Conservation Fund.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of up to two million five hundred thousand dollars (\$2,500,000) to The Conservation Fund ("TCF") to acquire the approximately 464-acre Smith Property (Mendocino County Assessor Parcel Nos. 015-130-46, 015-130-59, 069-010-20, 069-010-38, 069-010-34, 069-020-02, 069-020-05, 069-020-07, 069-020-14, 069-052-06, 069-070-07, 069-070-11, 069-070-012, 069-070-13, 069-070-15, 069-070-17, 069-070-18, 069-070-19, 069-070-20, and 069-010-37) for the purpose of preserving open space and fish and wildlife habitat, subject to the following conditions:

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1. Prior to the disbursement of Conservancy funds, TCF shall submit for the review and approval of the Conservancy's Executive Officer ("the Executive Officer") all title and acquisition documents including but not limited to the appraisal, agreement of purchase and sale, escrow instructions and documents of title pertaining to the acquisition.
2. TCF shall pay no more than fair market value for any property acquired pursuant to this authorization, as established by an appraisal approved by the Executive Officer.
3. All property interests acquired with these funds shall be permanently protected for public access, open space and habitat conservation in a manner acceptable to the Conservancy's Executive Officer and consistent with Public Resources Code Section 31116(b).
4. TCF shall not convey any portion of or interest in the property acquired in whole or in part with funds provided under this authorization, without the Executive Officer's approval."

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, most recently updated on June 4, 2009.
2. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources.
3. The Conservation Fund is a nonprofit organization existing under Section 501(c)(3) of the Internal Revenue Code and whose purposes are consistent with the Conservancy's enabling legislation (Division 21 of the Public Resources Code)."

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

7. EUREKA WATERFRONT ACCESS

Joel Gerwein of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of up to five hundred twenty- five thousand dollars (\$525,000) to the City of Eureka ("the City") for final designs and construction of the Truesdale Vista Point/Elk River trailhead and access facilities, for

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cleanup of homeless encampments along the Elk River trail alignment and vicinity, and for a feasibility study of trail development and natural resource enhancement on property commonly known as “Parcel 4” (Humboldt County Assessor’s Parcel Nos. 007-061-06 and 007-071-14).

This authorization is subject to the following conditions:

1. Prior to disbursement of any Conservancy funds for the project, the City shall submit a work program, schedule, and budget for the review and approval of the Conservancy’s Executive Officer (“Executive Officer”), and the names and qualifications of any subcontractors.
2. Prior to disbursement of funds for construction, the City shall submit for the review and approval of the Executive Officer:
 - a. Final plans, cost estimates, and a plan for signage that acknowledges the Conservancy’s funding assistance and identifies the Elk River Trail as part of the California Coastal Trail.
 - b. Evidence that all necessary permits and approvals have been obtained.
 - c. The names and qualifications of all contractors the City retains to complete any portions of the project funded by the Conservancy funds.
3. The City shall carry out the project in compliance with and shall incorporate all mitigation measures required by Mitigated Negative Declaration (“MND”), adopted by the City of Eureka, attached as Exhibit 6 to the accompanying staff recommendation.”

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 Conservancy’s Project Selection Criteria and Guidelines, updated June 4, 2009.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding a system of public accessways.
3. Public access facilities along the Eureka waterfront at this location would serve greater than local public needs.
4. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration for the Elk River Access Project, attached to the accompanying staff recommendation as Exhibit 6, and finds that the project, as mitigated, avoids, reduces or mitigates the possible significant environmental effects and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

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

8. REDWOOD HOSTEL

Peter Jarausch of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Danielle Bromwell, Hostel International USA- Golden Gate Council.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred forty four thousand five hundred dollars (\$144,500) to the National Park Service (“NPS”) to complete site selection, environmental review and preliminary design of a new hostel to be located within Redwood National and State Parks subject to the condition that prior to disbursement of funds, the NPS shall submit a work program, schedule and budget, and the names and qualifications of any subcontractors, for the review and approval of 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 project is consistent with the current Project Selection Criteria and Guidelines most recently updated on June 4, 2009.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding the implementation of a system of public accessways.
3. The proposed project will serve greater than local needs.”

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

9. FARALLON NATIONAL WILDLIFE REFUGE

Sam Jenniches of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Brad Keitt, Island Conservation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to Island Conservation of an amount not to exceed one hundred and fifty thousand dollars (\$150,000) to conduct planning

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for an invasive house mouse eradication project on Farallon National Wildlife Refuge. Prior to the disbursement of any Conservancy funds, Island Conservation shall submit for review and approval of the Executive Officer of the Conservancy a work program, schedule and budget, and the names of any subcontractors that it intends to employ for this planning work.”

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 Section 31111 and Chapter 4.5 of Division 21 of the Public Resources Code, regarding the protection, restoration and enhancement of natural habitats and connecting corridors, watersheds, scenic areas and other open space resources of regional importance.
3. Island Conservation 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.”

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

CENTRAL COAST

10. COAL OIL POINT RESERVE

Rachel Couch of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Christina Sandoval, Project Manager, Coal Oil Point Reserve.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$250,000 (two hundred fifty thousand dollars) to the Regents of the University of California (“Regents”) to construct public coastal accessway improvements at the Coal Oil Point Reserve (the project), as shown on Exhibit 1. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the Regents shall submit for review and approval of the Executive Officer of the Conservancy:
 - a. A work program, including final design plans and specifications, schedule and budget for construction.
 - b. All contractors to be employed for the project.
 - c. Evidence that all necessary permits and approvals have been obtained.

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- d. A signing plan for the project acknowledging Conservancy funding.
2. In carrying out the project, the Regents shall comply with all applicable conditions and mitigation and monitoring measures for the project that are identified in the *Final Environmental Impact Report, Faculty and Family Student Housing, Open Space and Habitat Management Plan and Long Range Development Plan Amendment*, certified by the Regents on September 23, 2004, and any conditions, mitigation or other or measures required by any permit or approval for the project including those identified in the California Coastal Commission's approval of the Notice of Impending Development for the project.
3. The Regents shall ensure that the project complies with all applicable federal or state laws governing barrier-free access for persons with disabilities
4. The Regents or its successor in interest shall manage and maintain the project for a period of not less than twenty years."

Findings:

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

1. The proposed project is consistent with the 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 (Sections 34100-31410), regarding public access to the coast.
3. The Conservancy has independently reviewed the *Final Environmental Impact Report, Faculty and Family Student Housing, Open Space and Habitat Management Plan and Long Range Development Plan Amendment*, certified by the Regents on September 23, 2004, as it pertains to the proposed project, and finds that there is no substantial evidence that the project, as mitigated, may have a significant effect on the environment.

Chair Bosco left the meeting room. Co-Chair Ann Notthoff proceeded with the vote.

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

SOUTH COAST

Chair Bosco returned to the meeting.

11. HOLLINGSWORTH RANCH

Bob Thiel of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

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“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Ojai Valley Land Conservancy to acquire and prepare a stewardship plan for approximately 70 acres of land commonly known as Hollingsworth Ranch (consisting of portions of Ventura County Assessor’s Parcel Numbers 061-0-160-070, 061-0-160-205 and 061-0-160-265) along the Ventura River in Ventura 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 Ojai Valley Land Conservancy (OVLC) 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 OVLC shall pay no more than fair market value for the property.
3. The OVLC 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 Conservancy’s Executive Officer.
4. The OVLC shall acknowledge Conservancy funding by erecting and maintaining on the Hollingsworth Ranch property, or at another approved location, a sign that has been reviewed and approved by the Conservancy’s Executive Officer.
5. Prior to disbursement of funds for preparation of the stewardship plan, the OVLC shall submit for the review and approval of the Conservancy’s Executive Officer a work plan and the names and qualifications of any contractors that the grantee intends to employ to carry out that project.”

Findings:

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

1. The proposed authorization is consistent with the purposes and objectives of Chapter 8 of Division 21 of the Public Resources Code (Sections 31350-31356) regarding reservation of significant coastal resource areas and with Section 31111 regarding the funding of plans.
2. The proposed authorization is consistent with the current Project Selection Criteria and Guidelines.”
3. The Ojai Valley Land Conservancy is a nonprofit organization existing under the provisions of Section 501(c) (3) of the United States Internal Revenue Code and whose purposes are consistent with Division 21 of the Public Resources Code.”

Chair Bosco recommended Staff Recommendation encourage less advantaged area communities participate.

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

12. COLORADO LAGOON

Chris Kroll of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Eric Lopez, City of Long Beach, also presented a slide show.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed six hundred ninety thousand nine hundred ninety-seven dollars (\$690,997) to the City of Long Beach for the dredging, treatment and disposal of contaminated sediments at Colorado Lagoon.

Prior to disbursement of Conservancy funds, the City of Long Beach shall submit for the review and written approval of the Conservancy’s Executive Officer:

1. A detailed work program, including budget and schedule.
2. The names and qualifications of any contractors to be employed on the project.
3. A sign plan to acknowledge Conservancy funding for the project.
4. Evidence that all permits and approvals for this project have been issued.

The city shall timely implement all requirements of the Environmental Impact Report and Mitigation Monitoring and Reporting Program pertinent to the work that the Conservancy is funding.”

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 6 of the Public Resources Code (Sections 31251-31270), regarding the enhancement of coastal resources.
2. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
3. Consistent with Public Resources Code Section 31252, Colorado Lagoon is identified in the City of Long Beach’s certified Local Coastal Program as an area requiring public action to resolve an existing resource protection problem.
4. The Conservancy has independently reviewed and considered the “Final Environmental Impact Report – Colorado Lagoon Restoration Project,” and the Environmental Impact Report Addendum, adopted by the City of Long Beach on October 14, 2008, and October 7, 2010, respectively, under the California Environmental Quality Act, and attached to the accompanying staff recommendation as Exhibits 6 and 7, respectively; collectively “the EIR.”
5. With respect to the portion of the project to which the Conservancy will contribute

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funding, dredging of the western arm, the EIR identifies potentially significant effects, including some possible cumulative effects, in the subject areas of air quality, biological resources, cultural and paleontological resources, hydrology and water quality, hazards and hazardous materials, noise, public services and utilities, recreation and traffic and circulation. With respect to these effects, the Conservancy, as a responsible agency under CEQA, finds that the project avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.

6. The funded activity will help implement the Conservancy's Strategic Plan goals and objectives, specifically Goal 5, Objective 5B (restoration of significant coastal habitats) and Goal 6, Objective 6F (improvement of water quality to benefit coastal resources) by removing contaminated sediment and thereby enhancing habitat and recreational opportunities."

Ms. Wan left the meeting.

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

13. CONSERVANCY MEMBER COMMENTS

There were no comments

14. PUBLIC COMMENT

There were no public comments

15. CLOSED SESSION

There was no closed session

16. ADJOURNMENT

Meeting was adjourned at 12:16 pm