

STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
State Coastal Conservancy, 11th Floor Conference Room
Oakland, CA
Thursday, March 19, 2011
10:00 am

MEMBERS PRESENT

Doug Bosco (Public Member) Chair
Ann Notthoff (Public Member)
Susan Hansch (Designated Representative, Coastal Commission)
Bryan Cash (Designated Representative, Natural Resources Agency)

OVERSIGHT MEMBERS PRESENT

Assemblymember Luis Alejo

OTHERS PRESENT

Sam Schuchat, Executive Officer
Glenn Alex, Legal Counsel

1. ROLL CALL

2. APPROVAL OF MARCH , 2011 MINUTES

Moved and seconded. Approved by a vote of 4-0.

3.

CONSENT ITEMS

A. CARGO WAY

Resolution:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (ABAG) to disburse up to \$70,000 (seventy thousand dollars) of previously granted Conservancy funds to the Port of San Francisco to construct .75 miles of a Class I multi-use pathway along Cargo Way in the Bayview/Hunter’s Point District of San Francisco, subject to the following conditions:

1. Prior to the disbursement of funds, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and a grant agreement between ABAG and the Port of San Francisco.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

2. ABAG shall ensure installation of signs acknowledging the Conservancy and displaying the Conservancy logo in a manner approved by the Executive Officer.
3. In carrying out the project, ABAG shall ensure compliance by the Port of San Francisco with all project actions, components, and mitigation measures that are needed to reduce or avoid significant environmental effects of the trail improvements as identified in the San Francisco Bicycle Plan Final EIR (Environmental Impact Report) certified by the City of San Francisco on June 25, 2009 pursuant to the California Environmental Quality Act (CEQA), and accompanying the project staff recommendation as Exhibit 2.”

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, Sections 31160-31165.
3. The Conservancy has independently reviewed the Final Environmental Impact Report for the 2009 San Francisco Bicycle Plan certified by the City of San Francisco on June 25, 2009 pursuant to CEQA and finds no substantial evidence that the Cargo Way project as proposed, which is the only part of the 2009 San Francisco Bicycle Plan under consideration for funding by ABAG using funds previously granted to them by the Conservancy, and with the identified measures to avoid, reduce or mitigate the possible significant environmental effects, will have a significant effect on the environment.”

B. O’NEILL SEA ODESSEY

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$60,000 (sixty-thousand dollars) to O’Neill Sea Odyssey to implement a marine education project for underserved elementary school children in the Monterey Bay region. Prior to the disbursement of funds, the Executive Officer of the Conservancy shall review and approve in writing a work program, budget and schedule for the project and any contractors proposed to be engaged for the project.”

Findings:

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

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

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 3 (Section 31119) of Division 21 of the Public Resources Code, regarding awarding grants to non-profit organizations for environmental education related to the preservation, protection, enhancement and maintenance of coastal resources.”

C. ALNUS RETAINER AUGMENTATION

Resolution:

“The State Coastal Conservancy hereby authorizes an amount not to exceed one hundred sixty thousand dollars (\$160,000) to Alnus Ecological, Inc. to augment the existing contract providing environmental services to the Conservancy to guide development of watershed restoration projects that meet resource goals and achieve full compliance with all applicable environmental regulations, subject to the condition that prior to commencement of work, the Executive Officer of the Conservancy shall approve in writing a work program, schedule of completion, task budget, and any contractors to be employed.”

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 Section 31111 and Chapter 5.5 of Division 21 of the Public Resources Code, regarding, respectively, project planning and development and integrated coastal and marine resources protection.”

D. IWRP PHASE 3 AUGMENTATION

Resolution:

“The State Coastal Conservancy hereby amends its December 4, 2008 authorization to authorize the disbursement of up to an additional six hundred thousand dollars (\$600,000) to the Resource Conservation District of Santa Cruz County (RCDSCC) to design and permit 8-10 critical watershed restoration projects, subject to the condition that, prior to the disbursement of these additional funds, the RCDSCC shall submit for the review and written approval of the Executive Officer of the Conservancy revised work programs, including scopes of work, budgets and schedules.”

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

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 4, 2008, attached as Exhibit 2.”

E. SEASIDE RANCH

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the Coastal Land Trust (CoLT) of an amount not to exceed twenty two thousand dollars (\$22,000) to operate and maintain property for public use at Seaside Beach and Heritage Trail, as described in the accompanying staff recommendation. This authorization is subject to the following condition:

Prior to the disbursement of any funds, CoLT shall submit for the review and approval of the Executive Officer of the Conservancy:

- a. A work program, budget, schedule, and the names of any contractors to be employed in carrying out the project.
- b. Evidence that all necessary permits and approvals have been obtained.

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 project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 (§§31400-31409) of the Public Resources Code.
3. The proposed project will serve greater than local needs.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

4. The Coastal Land Trust is a private nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, and its purposes are consistent with Division 21 of the Public Resources Code.”

F. BIG LAGOON COUNTY PARK

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to fifteen thousand dollars (\$15,000) to the County of Humboldt (“County”) to prepare preliminary designs for access enhancements at Big Lagoon County Park that will improve compliance with ADA access standards and will reduce impacts to the Yurok village site O-puywég, subject to the condition that prior to disbursement of funds the County shall submit for Executive Officer review and approval a work plan, schedule and budget, and the names and qualifications of any subcontractors.”

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 a system of public accessways.
3. The project serves greater-than-local needs.”

Moved and seconded. Consent items approved by a vote of 4-0.

4. EXECUTIVE OFFICER REPORT

The items were addressed in the order shown.

- A. Sam Schuchat provided an update of the Ocean Protection Council meeting held on May 12 in Sacramento. The Council approved \$990,000 for Lobster Fishery Management Planning. Sam also moderated a panel of experts discussing Sustainable Fisheries. Also a Spotlight on Science and integrating the role of MPAs in fishery management.
- D. Conservancy staff member Deborah Ruddock presented a legislative report, noting AB 565 (Monning), regarding removal of San Clemente Dam; and AB 971 (Monning), regarding the California Sea Otter Fund. (Report attached to end of minutes)

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

- B. Ray Ashley of the San Diego Maritime Museum gave a PowerPoint presentation updating the board on the San Diego Maritime Museum and Tall Ships projects.
- C. Daniel Stetson, President and Chief Executive Officer of the Ocean Institute gave an update to the board about the Institute's programs.

North Coast items were presented at this time.

NORTH COAST

17. SALT RIVER ECOSYSTEM RESTORATION PROJECT

Michael Bowen of the Conservancy presented the Staff Recommendation.

Speaking in Favor of the Staff Recommendation: Donna Chambers, Humboldt County Resource Conservation District, Jimmy Smith, Humboldt County Board of Supervisors

Resolution:

"The State Coastal Conservancy hereby authorizes the acceptance and disbursement of one million dollars (\$1,000,000) from the U.S. Fish and Wildlife Service and the disbursement of an additional one million dollars (\$1,000,000) to the Humboldt County Resource Conservation District ("RCD") to implement the first two phases of the Salt River Ecosystem Restoration Project, subject to the following conditions:

1. Prior to the disbursement of funds, the RCD shall submit for review and approval by 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
 - d. A signing plan for the project acknowledging Conservancy and U.S. Fish & Wildlife Service funding.
2. The RCD shall insure compliance with and assist the Conservancy in complying with the grant terms of the U.S. Fish and Wildlife Service.
3. In carrying out the project, the RCD shall comply with all applicable conditions and mitigation and monitoring measures for the project that are identified in the *Final Environmental Impact Report: Salt River Ecosystem Restoration Project, Appendix F*, and any conditions, mitigation or other measures required by any permit or approval for the project."

Moved and seconded. Approved by a vote of 4-0.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

18. SENESATRO ACOUISITION

Joel Gerwein of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Jimmy Smith, Humboldt County Board of Supervisors.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to three hundred fifteen thousand dollars (\$315,000) to the Northcoast Regional Land Trust (“NRLT”) for the acquisition of approximately 36 acres of pasture ((Humboldt County Assessor’s Parcel Numbers 301-211-06, 301-211-07, 301-221-01, and 302-161-03) for the dual purposes of the eventual restoration and enhancement of wetlands, water quality, and fish and wildlife habitat on a portion of the property, and the preservation and enhancement of coastal agriculture on the remaining area. This authorization is subject to the following conditions:

1. Prior to the disbursement of Conservancy funds for acquisition, NRLT shall submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including but not limited to an appraisal, environmental assessments, agreement of purchase and sale, easements, escrow instructions, and documents related to title.
 - b. Evidence that NRLT has obtained all funds necessary to complete the acquisition.
2. NRLT shall pay no more than fair market value for the property as established in an appraisal approved by the Executive Officer.
3. NRLT shall permanently dedicate the properties in a manner acceptable to the Executive Officer for the purposes of protecting coastal agriculture; and protecting and enhancing water quality and salmonid habitat, as appropriate, in accordance with Section 31116(b) of the Public Resources Code.
4. NRLT shall acknowledge Conservancy funding by erecting and maintaining on the property 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 project is consistent with the current Project Selection Criteria and Guidelines.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

2. The proposed authorization is consistent with the purposes and objectives of Chapter 4 of Division 21(Sections 31150-31156) of the Public Resources Code, regarding the preservation of agricultural land, and Chapter 6 of Division 21(Sections 31251-31270) of the Public Resources Code regarding the enhancement of coastal resources.
3. The proposed project area is identified in the Humboldt County Local Coastal Plan as requiring public action to resolve existing or potential resource problems (Humboldt LCP, 3-48).
4. The Northcoast Regional Land Trust is a nonprofit organization existing under section 501(c)(3) of the 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 4-0.

The Conservancy next addressed items 5 and 6, collectively.

SOUTH COAST

5. SANTA ANA RIVER PARKWAY – RIVERSIDE COUNTY

Greg Gauthier of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Patricia Dawson

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three million four hundred thousand dollars (\$3,400,000) to the County of Riverside for final design, engineering, environmental review and permit applications for projects to complete a 22.5 mile coastal access trail segment that extends from the Hidden Valley Wildlife Area to the Orange County Line.

This authorization is subject to the condition that prior to disbursement of funds to the grantee, the Conservancy’s Executive Officer shall review and approve in writing a final work program, including a budget and schedule, and any contractors the grantee proposes to employ for the 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 Project Selection Criteria and Guidelines last updated by the Conservancy on June 4, 2009.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding the establishment of a system of public accessways to and along the California Coast.
3. The proposed project will serve greater than local needs.”

6. SANTA ANA RIVER PARKWAY – ORANGE COUNTY

Greg Gauthier of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Patricia Dawson, (AFFILIATION)

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two million dollars (\$2,000,000) to the County of Orange for final design, engineering, environmental review and permit applications for projects to complete a three mile coastal access trail segment that extends from the Gypsum Canyon Road to the county line.

This authorization is subject to the condition that prior to disbursement of funds to the grantee, the Conservancy’s Executive Officer shall review and approve in writing a final work program, including a budget and schedule, and any contractors the grantee proposes to employ for the 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 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 9 of Division 21 of the Public Resources Code, regarding the establishment of a system of public accessways to and along the California Coast.
3. The proposed project will serve greater than local needs.”

Items 5 and 6 were moved and seconded together. Approved by a vote of 4-0.

7. WALKER ACQUISITION

Megan Cooper of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to one million four hundred forty five thousand dollars (\$1,445,000) to the City of Santee (the “City”) to (1) acquire the Walker Property (APNs 381-160-19, 35, 42, 69, 79 & 381-171-04, 07 & 08)

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

for the purpose of protecting, restoring and enhancing habitat and open space, and providing compatible public access and (2) evaluate, design, and permit a segment of the San Diego River Trail that will cross the property. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the City shall submit for review and approval by the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents including, but not limited to, the appraisal, agreement of purchase and sale, escrow instructions, documents of title, existing leases on the property, and a signage plan.
 - b. Evidence that sufficient funds are available to complete the acquisition.
2. The City shall pay no more than fair market value for the Walker Property, as established in an appraisal approved by the Executive Officer.
3. The City shall acknowledge Conservancy funding by erecting and maintaining signs on the property that have been reviewed and approved by the Executive Officer.
4. The City shall permanently dedicate the property for the purpose of protecting, restoring and enhancing habitat and open space, and providing compatible public access, through an appropriate instrument approved by the Executive Officer.
5. Prior to disbursement of funds for the environmental review, design and permitting, the City will submit for review and approval by the Executive Officer a work program for the project, including schedule and budget.
6. The City and any successors-in-interest shall permit the location of the San Diego River Trail. To the extent appropriate, the City shall ensure that the trail design is consistent with the Conservancy’s ‘Standards and Recommendations for Accessway Location and Development’ and with all applicable federal and state statutes, regulations and guidelines governing barrier-free access for persons with disabilities”

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 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resources protection and Chapter 9 regarding a system of public accessways to and along the coast. The proposed acquisition will create a link in a trail network providing access to the coast from inland areas.
3. The proposed project would serve a greater-than-local need.”

Moved and seconded. Approved by a vote of 4-0.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

8. 17th STREET BEACH SAFETY CENTER

Sam Jenniches presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Adam Birnbaum, City of Del Mar, Dan Mozias, Mayor, City of Del Mar

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed six hundred fifty thousand dollars (\$650,000) to the City of Del Mar (the City) for the construction of a beach access pathway and new public restrooms at the 17th Street Beach Safety Center.

Prior to the disbursement of Conservancy funds for construction, the City shall submit for the review and approval of the Executive Officer of the Conservancy:

1. Evidence that the City has obtained all necessary permits and approvals.
2. A signing plan for the project acknowledging Conservancy participation.
3. A final work plan (including the names of any contractors to be used in the completion of the project), and a project schedule and budget.
4. Evidence that the City has accepted title to the public access easements at 1670 Coast Boulevard, Del Mar, APN 299-231-07.

Findings:

“Based on the accompanying staff report and attached exhibits, the 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 Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration (attached to the accompanying staff recommendation as Exhibit 2) and findings adopted by the City of Del Mar on February 1, 2006 for the Del Mar Lifeguard Headquarters Upgrade project under the California Environmental Quality Act, along with the Addendum that the City is expected to adopt on May 9, 2011. The Conservancy finds that there is no substantial evidence that the project, as mitigated, may have a significant effect on the environment as defined in 14 California Code of Regulations Section 15382.”

Moved and seconded. Approved by a vote of 4-0.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

CENTRAL COAST

9. SAN CLEMENTE DAM-REMOVAL PROJECT

Trish Chapman of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Rob Mcqueen, (*AFFILIATION*)

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to four million five hundred thousand dollars (\$4,500,000) to the Ocean Protection Council (OPC) to fund implementation of the San Clemente Dam Removal Project, subject to the following conditions:

1. The combined contribution of Conservancy funds from this authorization and the June 5, 2008 authorization for the San Clemente Dam Removal Project, attached to the staff recommendation as Exhibit 2, shall not exceed seven million dollars (\$7,000,000).
2. No funds from this authorization shall be disbursed until the Conservancy has authorized the Executive Officer of the Coastal Conservancy (Executive Officer) to execute a project implementation agreement with California American Water for the San Clemente Dam Removal Project and that agreement has been executed.
3. The OPC shall ensure that the project is carried out in compliance with all project components and mitigation measures that are identified in the Final Environmental Impact Report/ Environmental Impact Statement dated January 2008 (“FEIR/EIS”) as necessary to avoid or mitigate the significant environmental effects of the project and in accordance with the implementation agreement, and shall provide the Conservancy with copies of all mitigation monitoring and reporting documentation required by the Mitigation Monitoring and Reporting Program adopted by the Department of Water Resources on March 11, 2011 (Exhibit D to Exhibit 4, attached to the accompanying staff recommendation).”

Findings:

“As discussed in greater detail in the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 5.5 of Division 21 of the California Public Resources Code (Section 31220), regarding integrated marine and coastal resource enhancement.
2. The proposed project is consistent with applicable local watershed management plans and water quality control plans.
3. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

4. The Conservancy has independently reviewed and considered the information contained in the FEIR/EIS that was certified by the California Department of Water Resources (DWR) on December 31, 2007 pursuant to the California Environmental Quality Act (“CEQA”), attached as Exhibit 3 to the accompanying staff recommendation and the information contained in the Addendum to the FEIR/EIS, dated May 19, 2011, attached as Exhibit 5 to the accompanying staff recommendation.
5. The FEIR/EIS identifies 63 significant environmental effects of the proposed project; of these, 37 effects have been avoided or reduced to less than significant through mitigation measures, 23 are unavoidable effects that cannot be mitigated to less than significant but have been mitigated to the extent feasible and 3 are unavoidable effects for which no feasible mitigation measures exist. The Conservancy hereby incorporates into its findings the “Findings on Environmental Impacts” adopted by the Department of Water Resources on March 11, 2011 (Exhibit B to Exhibit 4, attached to the accompanying staff recommendation).
6. The public benefits of the proposed project outweigh the significant unavoidable effects:
 - a) The Conservancy has reviewed the Final EIR/EIS, the Addendum dated April 15, 2011 and DWR’s Findings on Environmental Impacts and concludes that there are no feasible alternatives that can reduce all potentially significant and unavoidable impacts to a less than significant level and that all feasible alternatives have some significant and unavoidable impacts.
 - b) The proposed project meets numerous objectives of Chapter 5.5 of Division 21 of the Public Resources Code and will help implement the Conservancy’s Strategic Plan goals and objectives, specifically Goal 5, Objective 5B (restoration of significant coastal habitats), and Goal 6, Objectives B (restoration of coastal watersheds), D (removal of fish passage barriers) and G (sediment management).
 - c) The proposed project cannot be implemented without resulting in the significant and unavoidable environmental effects described in the Final EIR/EIS and summarized in the accompanying staff recommendation and in DWR’s Findings on Environmental Impacts. As discussed in the accompanying staff recommendation, all potentially significant impacts have mitigation measures associated with them, except for Hydrology and Water Resources impact WR-4b (increase in the frequency of high suspended sediment concentrations), Water Quality impact WQ-10 (reservoir sediment excavation), and Fisheries impact FI-13 (stream sediment removal, storage, and associated restoration). Of these three impacts that cannot be mitigated to any extent, only one is a long-term effect: the increase in the frequency of high suspended sediment concentration, and that effect is expected to exceed baseline on 11 occasions in 41 years. The 23 potentially significant impacts that cannot be reduced to a less than significant level by incorporated mitigation measures all have associated mitigation measures that will at least lessen the overall impact, although not to less than significant levels. Further, of these 23 effects, only four are long-term: the loss of brushland and riparian habitat due to the excavation of the bypass channel and three effects relating to the loss of historical structures.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

- d) The proposed project provides the following public benefits:
 - 1) Protects public safety by removing the dam.
 - 2) Significantly improves fish passage by removing the dam and rerouting the Carmel River to provide unobstructed flow from the mouth of the Carmel River to Los Padres Dam above the site of the San Clemente Dam.
 - 3) Restores the ecological integrity of the Carmel River up- and down-stream of the San Clemente Dam site, thereby helping to restore river functions and habitats.
 - 4) Protects 928 acres for watershed conservation and compatible public access.
- e) Thus, the Conservancy has balanced the economic, legal, social, technological, and other benefits of the project and finds that the benefits of the project outweigh its unavoidable adverse environmental effects.”

Moved and seconded. Approved by a vote of 4-0.

Chair Bosco announced a 30 minute break for lunch.

10. DEVEREUX SLOUGH

Rachel Couch of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Page Roser, (AFFILIATION)

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$3,000,000 (three million dollars), including up to \$500,000 (five hundred thousand dollars) grant funds awarded to the Conservancy by the U.S. Fish and Wildlife Service under its National Coastal Wetlands Conservation Grant Program (the “USFWS grant”), to The Trust for Public Land (“TPL”) to acquire Santa Barbara County Parcel No. 073-090-062, consisting of approximately 63-acres, commonly known as the Ocean Meadows Property, for the purpose of preserving fish and wildlife habitat and open space, subject to the following conditions:

- 1. Prior to the disbursement of Conservancy funds, TPL shall submit for the review and approval of the Conservancy’s Executive Officer (“the Executive Officer”):
 - a. All title and acquisition documents including, but not limited to, the appraisal, purchase and sale agreement, escrow instructions, environmental and hazardous materials assessment, and title documents.
 - b. Evidence that sufficient funds are available to complete the acquisition.
- 2. TPL 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.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

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 Executive Officer and consistent with Public Resources Code Section 31116(b).
4. If the USFWS grant is used to acquire the property, TPL shall comply with all applicable requirements of the USFWS grant.
5. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been approved by the Executive Officer.
6. TPL 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.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources.
3. The Property has been identified in the County of Santa Barbara Local Coastal Program (LCP) as an environmentally sensitive habitat area which should be preserved and restored.
4. The Trust for Public Land 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 4-0.

11. FITZGERALD MARINE RESERVE

Janet Diehl of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Cecily Harris, San Mateo County

Resolution:

"The Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) to the County of San Mateo ("the County") to construct a segment of the California Coastal Trail at James V. Fitzgerald Marine Reserve in the town of Moss Beach, San Mateo County. This authorization is subject to the following conditions:

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

1. Prior to the disbursement of any Conservancy funds, the County shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - a. Evidence that the County has obtained all necessary permits and approvals, and
 - b. A final work program, project schedule and budget, including the names of any contractors to be used in the completion of the project.
2. The County shall implement, or shall cause to be implemented, the mitigation measures contained in the County's July 2010 Mitigated Negative Declaration for the project prepared under the California Environmental Quality Act, attached to the accompanying staff recommendation as Exhibit 2.
3. Upon completion of the project, the County shall provide to the Conservancy a written report indicating the implementation of all applicable mitigation measures required in the Mitigated Negative Declaration.
4. The County shall install and maintain sign(s) on the project site, the design, number and placement of which have been approved by the Executive Officer, acknowledging Conservancy funding and identifying the project as a segment of the California Coastal Trail.
5. To the extent appropriate, the County shall ensure that the final designs of the project are consistent with the Conservancy's 'Standards and Recommendations for Accessway Location and Development' and with all applicable federal and state statutes, regulations and guidelines governing barrier-free access for persons with disabilities."

Findings:

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

1. 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.
2. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
3. The proposed project will serve greater than local public needs.
4. The Conservancy has independently reviewed the County's Mitigated Negative Declaration adopted on January 12, 2011 by the County of San Mateo Planning Commission, attached to the accompanying staff recommendation as Exhibit 2, and finds that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382."

Moved and seconded. Approved by a vote of 4-0.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

SAN FRANCISCO BAY AREA

12. ROCKVILLE TRAILS

Melanie Denninger of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Nicole Byrd, Solano Land Trust

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$3,000,000 (three million dollars) to the Solano Land Trust (“the Land Trust”) toward acquisition of approximately 1,500 acres of the Rockville Trails Estates property, (“the property”) (shown in Exhibit 1, Part 2, which is attached to the accompanying staff recommendation), for the purposes of preserving open space and scenic resources, plant and wildlife communities, and other natural resources; protecting watersheds; and enabling public access that is compatible with those purposes; and \$100,000 (one hundred thousand dollars) for preparation of a management plan for the property. This authorization is subject to the following conditions:

1. Prior to disbursement of any Conservancy funds, the Land Trust shall submit for review and approval by the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including but not limited to the appraisal, environmental assessments, escrow instructions, title reports and documents of title necessary for the purchase of the property.
 - b. Evidence that sufficient funds are available to complete the acquisition.
 - c. Evidence that the location and configuration of the 80 acres to be retained by the seller will not compromise the conservation purposes for which the Conservancy funds are being provided.
 - d. An interim property stewardship plan, budget, and schedule describing the actions that the Land Trust will take, prior to completing a more exhaustive long-term management plan, to monitor and maintain existing natural resources on the property and any natural resource-compatible public access, and any grazing proposed for the property.
 - e. A plan showing the design and placement of signs acknowledging Conservancy funding for the acquisition.
2. The Land Trust shall complete the acquisition of the property by March 31, 2013.
3. The Land Trust shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

4. Upon close of escrow involving the use of Conservancy funds, the entirety of the property shall be owned in fee by the Land Trust.
5. The Land Trust shall permanently dedicate the property for the purposes of preserving open space and scenic resources, plant and wildlife communities and other natural resources, protecting watersheds, and enabling public access that is compatible with those purposes by recording an offer to dedicate or other instrument acceptable to the Executive Officer.
6. Upon completion of the long-term management plan for which the Conservancy is providing funding and upon request of the Executive Officer, the Land Trust shall permit development and public use of a segment of the Bay Area Ridge Trail through the property as designated in the management plan.
7. The Land Trust shall submit a written monitoring report to the Executive Officer by final close of escrow on acquisition of the 1500 acres and at five-year intervals thereafter identifying the conditions and circumstances of the property as relevant to the purposes of preserving open space and scenic resources, plant and wildlife communities, and other natural resources; protecting watersheds; and enabling public access that is compatible with those purposes.”

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 Solano Land Trust 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.”

Moved and seconded. Approved by a vote of 4-0.

13. MIDDLE BAIR ISLAND

Brenda Buxton of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The Conservancy hereby modifies its June 4, 2009 authorization to accept and disburse up to \$5,898,862 (five million eight hundred ninety-eight thousand eight

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

hundred sixty-two dollars) from the National Oceanic and Atmospheric Administration (NOAA) for implementation of projects under the South Bay Salt Ponds Restoration Project by authorizing the redirection of up to \$600,000 (six hundred thousand dollars) of American Recovery and Reinvestment Act of 2009 (ARRA) funds designated for projects under the South Bay Salt Ponds Restoration Project and project management and related activities subsequently authorized by the Conservancy on May 27, 2010 and January 21, 2011, to be disbursed to Ducks Unlimited, Inc. for wetland restoration at Middle Bair Island (“the project”). Furthermore, the Conservancy hereby authorizes the acceptance of up to \$1,250,000 (one million two hundred fifty thousand dollars) from the Department of Water Resources’ (DWR) Integrated Regional Water Management Program and the disbursement of those funds to Ducks Unlimited, Inc. for the project.

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

1. Prior to the disbursement of any Conservancy funds for the project, Ducks Unlimited, Inc. 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, Ducks Unlimited, Inc. shall:
 - a. Comply with the project description for the restoration of Middle Bair Island in the Bair Island Restoration and Management Plan Final Environmental Impact Statement/Report (EIS/R) that was certified with findings by the California Department of Fish and Game on January 22, 2008 and comply with all applicable mitigation and monitoring measures that are identified in the EIS/R.
 - b. Comply with all applicable terms and conditions that may be required by the NOAA-ARRA grant or the DWR grant to the Conservancy or that may be necessary to enable the Conservancy to comply with terms and conditions of the grants.
 - c. Implement all feasible Best Management Practices to reduce the project’s greenhouse gas emissions, and shall require all contractors to do the same.
3. Prior to commencing the project, Ducks Unlimited, Inc. shall enter into and record an agreement pursuant to Public Resources Code Section 31116(c) sufficient to protect the public interest.”

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.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

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 Bair Island Restoration and Management Plan Environmental Impact Statement and Environmental Impact Report (EIS/R) that was certified with findings by the California Department of Fish and Game on January 22, 2008 in order to comply with the California Environmental Quality Act (CEQA).
4. The EIS/R identifies potential significant effects from implementation of wetland restoration and public access projects at Inner, Middle and Outer Bair Island, in the areas of Cultural, Air Quality and Cumulative Impacts. With regard to these impacts, the Conservancy finds that the current proposed project, the wetland restoration of Middle Bair Island, as modified by incorporation of the mitigation measures identified in the EIS/R, avoids, reduces or mitigates all of the possible significant environmental effects of the project.
5. Ducks Unlimited, Inc. is a 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.”

Moved and seconded. Approved by a vote of 4-0.

14. PLEASANTON RIDGE REGIONAL PARK

Brenda Buxton of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Nancy Wenninger, Assistant General Manager, East Bay Regional Parks District

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to one million dollars (\$1,000,000) to the East Bay Regional Park District (the District) to acquire approximately 540 acres of the Owen property, Alameda County Assessor's Parcel Nos. 085A 3900-001-01, 3900-001-05, and 3900-001-06, subject to the following conditions:

1. The District shall dedicate the property for natural resource protection, open space preservation and public access by an appropriate instrument approved by the Executive Officer.
2. The District shall pay no more than fair market value for the property, as established in an appraisal approved by the Conservancy's Executive Officer.
3. The District shall submit for the review and approval of the Executive Officer all relevant acquisition documents, including but not limited to the appraisal, environmental

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

assessments, escrow instructions, title reports, and documents of title necessary for the purchase of the property.

4. Prior to opening the site to the public, the District shall submit for the review and approval of the Executive Officer a plan showing the design and placement of sign(s) acknowledging Conservancy 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 the current Project Selection Criteria and Guidelines.
2. The proposed authorization 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.”

Moved and seconded. Approved by a vote of 4-0.

15. RANCHERO MARK WEST

Amy Hutzel of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation Craig Anderson, LandPaths

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$750,000 (seven hundred fifty thousand dollars) to LandPaths for the purpose of acquiring a remainder interest in the 120-acre Rancho Mark West Property (Sonoma County Assessor Parcel No. 028-170-076) as shown on Exhibit 1, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, LandPaths shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and documents of title.
 - b. Evidence that sufficient funds are available to complete the acquisition.
 - c. A list of the minimum educational programs that LandPaths will conduct on the property annually.

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

2. LandPaths shall pay no more than fair market value for the remainder interest in fee title acquisition of the property based on an appraisal of the property. The appraised fair market value shall take into account the retention by the owner of a life estate in the property and the conservation easement held by the Sonoma County Agricultural Preservation and Open Space District.
3. LandPaths shall permanently dedicate the property for the protection of natural resources, public access, and education through an irrevocable offer to dedicate an interest in the property or other instrument approved by the Executive Officer in accordance with Public Resources Code Section 31116(b).
4. LandPaths shall provide evidence that the landowner will allow public access and educational programs on the property for the duration of the life estate.
5. LandPaths shall use any revenue generated from the property for property management and provision of public access and education programs.
6. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been approved by the Executive Officer.”

Findings:

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

1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.
2. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
3. LandPaths 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.”

Moved and seconded. Approved by a vote of 4-0.

16. SILVA PROPERTY

Janet Diehl of the Coastal Conservancy presented the Staff Recommendation.

Speaking I favor of the Staff Recommendation: Michael Williams, Midpeninsula Regional Open Space District

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Midpeninsula Regional Open Space District (“the District”) for the purpose of acquiring the Silva Property (San Mateo County Assessor

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

Parcel Number 080-380-030), consisting of approximately 97 acres, for habitat protection, open space protection and public access, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the District shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental assessment, and title report.
 - b. Evidence that sufficient funds are available to complete the acquisition.
2. The District shall pay no more than fair market value for the property, as approved by the Conservancy, based on an appraisal of the property.
3. The District shall permanently dedicate the property for habitat preservation, open space protection, public access and compatible agricultural use through an irrevocable offer to dedicate the property or other instrument approved by the Executive Officer of the Conservancy.
4. The District's conveyance of any interest in or portion of the property acquired is subject to the prior written approval of the Executive Officer of the Coastal Conservancy. With respect to any conveyance for value, any approval will be conditioned on advance agreement between the District and the Conservancy that the District will use the proceeds of the conveyance for the purposes of habitat preservation or public access on the Silva property, or for similar purposes with respect to other property within the Preserves, or for acquisition of nearby parcels.
5. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property or in a nearby public staging area, the design and location of which to be approved by the Executive Office

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 Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Conservancy Program.”

Moved and seconded. Approved by a vote of 4-0.

19. CONSERVANCY MEMBER COMMENT

There were no member comments

*STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 19, 2011*

20. PUBLIC COMMENT

There were no public comments

21. CLOSED SESSION

There was no closed session

22. ADJOURNMENT

Meeting was adjourned at 2:30 p.m.

Legislative Report May 19, 2011

Coastal Commission

[SB 588](#)

(Evans D) Coastal resources: California Coastal Act of 1976: enforcement: penalties.

Status: 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was JUD. on 3/22/2011)

Location: 5/10/2011-S. **2 YEAR**

Summary: The California Coastal Act of 1976 requires a person undertaking development in the coastal zone to obtain a coastal development permit in accordance with prescribed procedures. Existing law authorizes the superior court to impose civil liability on a person who performs or undertakes development that is in violation of the act or that is inconsistent with a previously issued coastal development permit, and on a person who violates the act in any other manner. This bill would provide that a person who violates the act is subject to an administrative civil penalty that may be imposed by the California Coastal Commission by a majority vote of the commissioners, upon consideration of various factors, in a public hearing, and in an amount no less than \$5,000 and no more than \$50,000 for each violation. This bill contains other related provisions and other existing laws.

Vote Events:

03/22/2011 SEN. N.R. & W. (Y:5 N:3 A:1) (P)

Coastal Conservancy

[AB 565](#)

(Monning D) Conservation: State Coastal Conservancy.

Last Amend: 4/25/2011

Status: 5/4/2011-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/4/2011-A. APPR. SUSPENSE FILE

Summary: Existing law establishes the State Coastal Conservancy in the Natural Resources Agency 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, for the purpose of implementing the provisions governing the conservancy, to fund and undertake plans and feasibility studies, and award grants to public agencies and nonprofit organizations. This bill would additionally authorize the conservancy, for the purpose of implementing the provisions governing the conservancy, to award a grant to a for-profit entity to accomplish removal or alteration of the San Clemente Dam under specified conditions.

Vote Events:

04/11/2011 ASM. NAT. RES. (Y:6 N:3 A:0) (P)

coastal zone

[SB 468](#)

(Kehoe D) Department of Transportation: north coast corridor project: high-occupancy toll lanes.

Last Amend: 5/17/2011

Status: 5/17/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.

Location: 5/17/2011-S. APPR.

Calendar: 5/23/2011 11 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, KEHOE, Chair

Summary: Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law imposes various requirements for the development and implementation of transportation projects. This bill would impose additional requirements on the department with respect to specified highway projects on State Highway Route 5 in southern California, known collectively as the north coast corridor project, that are located entirely or partially in the coastal zone, including requiring the department to collaborate with local agencies, the California Coastal Commission, and other affected local, state, and federal agencies to ensure that multimodal transportation options are evaluated and included in the public works plan for the projects. The bill would make these requirements applicable to the San Diego Association of Governments (SANDAG) and would also require SANDAG, for these projects, to establish a safe routes to transit program that integrates the adopted regional bike plan with transit services and, pursuant to SANDAG's agreement, as specified, to commit to dedicate for regional habitat acquisition, management, and monitoring activities a portion of specified taxes approved by the voters in San Diego County. The bill would, for these projects, require the department to suspend a notice of determination relating to environmental

impact, issued between January 1, 2011, and January 1, 2012, until it is determined that environmental documents for the projects satisfy the requirements of the bill. The bill would also make legislative findings and declarations. This bill contains other related provisions and other existing laws.

Vote Events:

05/03/2011 SEN. T. & H. (Y:6 N:2 A:1) (P)

04/12/2011 SEN. N.R. & W. (Y:5 N:3 A:1) (P)

conservation lands

[AB 484](#) (Alejo D) Land use: natural resources: transfer of long-term management funds.

Last Amend: 3/29/2011

Status: 5/11/2011-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/11/2011-A. APPR. SUSPENSE FILE

Summary: The Planning and Zoning Law authorizes a state or local public agency to authorize a nonprofit organization to hold title to, and manage an interest in, real property that the state or local public agency requires a property owner to transfer to the agency to mitigate any adverse impact upon natural resources caused by permitting the development of a project or facility, provided the nonprofit organization meets specified conditions. That law also authorizes an agency that, in the development of its own project, is required to transfer an interest in real property to mitigate an adverse impact upon natural resources, to transfer the interest to a nonprofit organization that meets the specified conditions. This bill would authorize funds set aside for the long-term management of any lands or easements conveyed to a nonprofit organization pursuant to the above provisions to also be conveyed to the nonprofit organization as specified. The bill would also require the nonprofit organization to hold, manage, invest, and disburse the funds in furtherance of managing and stewarding the land or easement for which the funds were set aside.

Vote Events:

04/06/2011 ASM. L. GOV. (Y:9 N:0 A:0) (P)

03/22/2011 ASM. W.,P. & W. (Y:13 N:0 A:0) (P)

[AB 703](#) (Gordon D) Property taxation: welfare exemption: nature resources and open-space lands.

Status: 5/16/2011-Do pass as amended and be re-referred to the Committee on Appropriations.

Location: 5/17/2011-A. APPR.

Summary: Existing property tax law, in accordance with the California Constitution, provides for a welfare exemption under which property used exclusively for religious, hospital, scientific, or charitable purposes and owned and operated by funds, foundations, or corporations meeting certain statutory requirements is exempt from taxation. Existing law also provides that property used exclusively for the preservation of specified nature resources or open-space lands meeting other specified criteria shall be deemed to be included within the welfare exemption. Existing law makes the inclusion of this property within the welfare exemption inoperative on the lien date in 2012, which is January 1, 2012, and repeals this provision on January 1, 2013. This bill would eliminate the January 1, 2012, inoperative date, and the January 1, 2013, repeal date, thereby extending the inclusion of this property within the welfare exemption indefinitely. This bill contains other related provisions and other existing laws.

Vote Events:

05/16/2011 ASM. REV. & TAX. (Y:7 N:0 A:2) (P)

greenhouse gas

[SB 800](#) (Hancock D) Voluntary Greenhouse Gas Emission Offset Program Fund.

Status: 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/10/2011)

Location: 5/10/2011-S. 2 YEAR

Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. This bill would create the Voluntary Greenhouse Gas Emission Offset Program Fund, and would provide that funds received by the state on a voluntary basis from the federal government, individuals, businesses, organizations, industry, or other sources for the mitigation of climate change impacts related to greenhouse gas emissions be deposited in this fund. The moneys in the fund would be available, upon appropriation, for expenditure by the Natural Resources Agency for specified projects through a competitive grant process. The bill would require that moneys from the fund be directed to the California Conservation Corps and local conservation corps for specified projects. The Natural Resources Agency would be required, by January 1, 2013, to adopt guidelines for the distribution of moneys from the fund and to develop strategies for the sale of voluntary greenhouse gas emission offsets by the state and other opportunities for contributions by the public to the Voluntary Greenhouse Gas Emission Offset Program Fund.

mitigation

[SB 436](#) **(Kehoe D) Land use: mitigation lands: nonprofit organizations.**

Last Amend: 5/2/2011

Status: 5/16/2011-Placed on APPR. suspense file.

Location: 5/16/2011-S. APPR. SUSPENSE FILE

Summary: The Planning and Zoning Law authorizes a state or local public agency, if the agency requires a property owner to transfer to the agency an interest in real property to mitigate an adverse impact upon natural resources caused by permitting the development of a project or facility, to authorize a nonprofit organization to hold title to and manage that interest in real property, provided that the nonprofit organization meets specified requirements. This bill would , until January 1, 2022, authorize a state or local public agency to provide funds to a nonprofit organization to acquire land or easements that satisfy the agency's mitigation obligations, including funds that have been set aside for the long-term management of any lands or easements conveyed to a nonprofit organization if the nonprofit organization meets certain requirements. The bill would also state the findings and declarations of the Legislature with respect to the preservation of natural resources through such mitigation, and would state that it is in the best interest of the public to allow state and local public agencies and nonprofit organizations to utilize the tools and strategies they need for improving the effectiveness, cost efficiency, and durability of mitigation for California's natural resources.

Vote Events:

05/16/2011 SEN. APPR. (Y:9 N:0 A:0) (P)

05/04/2011 SEN. GOV. & F. (Y:9 N:0 A:0) (P)

04/26/2011 SEN. N.R. & W. (Y:9 N:0 A:0) (P)

sea otters

[AB 971](#) **(Monning D) Personal income tax: voluntary contributions: California Sea Otter Fund.**

Last Amend: 4/25/2011

Status: 5/4/2011-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/4/2011-A. APPR. SUSPENSE FILE

Summary: The Personal Income Tax Law allows, for taxable years beginning on or after January 1, 2006, and before January 1, 2011, individual taxpayers to contribute amounts in excess of their tax liability for the support of the California Sea Otter Fund. This bill would, for taxable years beginning on or after January 1, 2011, and before January 1, 2016, unless as otherwise provided, allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California Sea Otter Fund, which would be created by this bill. This bill would require money in that fund, upon appropriation by the Legislature, be allocated to the Department of Fish and Game for the purposes of establishing a sea otter fund, as prescribed, and to the California Coastal Conservancy for competitive grants and contracts for research, projects, and programs related to the Federal Sea Otter Recovery Plan or improving the nearshore ocean ecosystem. This bill contains other related provisions.

Vote Events:

04/11/2011 ASM. REV. & TAX. (Y:6 N:0 A:3) (P)

state parks

[AB 42](#) **(Huffman D) State parks.**

Last Amend: 5/16/2011

Status: 5/17/2011-Read second time. Ordered to third reading.

Location: 5/17/2011-A. THIRD READING

Calendar: 5/19/2011 #135 ASSEMBLY ASSEMBLY THIRD READING FILE

Summary: Existing law gives control of the state park system to the Department of Parks and Recreation. Existing law authorizes the department to enter into agreements with an agency of the United States, a city, county, district, or other public agency or any combination thereof, for the care maintenance, administration, and control by a party to the agreement of lands under the jurisdiction of a party to the agreement, for the purpose of the state park system. This bill would authorize the department to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units , or portion of a unit, of the state park system, as identified by the director, with a qualified nonprofit organization , as provided . This bill would require the operating agreement to include , among other things, a requirement that the nonprofit organization annually submit a report to the department. The bill would require the nonprofit

organization and the district superintendent for the department to hold a joint public meeting for discussion of the report. This bill contains other related provisions.

Vote Events:

05/11/2011 ASM. APPR. (Y:16 N:0 A:1) (P)

03/22/2011 ASM. W.,P. & W. (Y:13 N:0 A:0) (P)

transportation natural resources

[SB 468](#) (Kehoe D) Department of Transportation: north coast corridor project: high-occupancy toll lanes.

Last Amend: 5/17/2011

Status: 5/17/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.

Location: 5/17/2011-S. APPR.

Calendar: 5/23/2011 11 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, KEHOE, Chair

Summary: Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law imposes various requirements for the development and implementation of transportation projects. This bill would impose additional requirements on the department with respect to specified highway projects on State Highway Route 5 in southern California, known collectively as the north coast corridor project, that are located entirely or partially in the coastal zone, including requiring the department to collaborate with local agencies, the California Coastal Commission, and other affected local, state, and federal agencies to ensure that multimodal transportation options are evaluated and included in the public works plan for the projects. The bill would make these requirements applicable to the San Diego Association of Governments (SANDAG) and would also require SANDAG, for these projects, to establish a safe routes to transit program that integrates the adopted regional bike plan with transit services and, pursuant to SANDAG's agreement, as specified, to commit to dedicate for regional habitat acquisition, management, and monitoring activities a portion of specified taxes approved by the voters in San Diego County. The bill would, for these projects, require the department to suspend a notice of determination relating to environmental impact, issued between January 1, 2011, and January 1, 2012, until it is determined that environmental documents for the projects satisfy the requirements of the bill. The bill would also make legislative findings and declarations. This bill contains other related provisions and other existing laws.

Vote Events:

05/03/2011 SEN. T. & H. (Y:6 N:2 A:1) (P)

04/12/2011 SEN. N.R. & W. (Y:5 N:3 A:1) (P)

volunteer labor

[AB 587](#) (Gordon D) Public works: volunteers.

Status: 5/12/2011-Referred to Com. on L. & I.R.

Location: 5/12/2011-S. L. & I.R.

Summary: Existing law defines "public works," for purposes of regulating public works contracts, as, among other things, construction, alteration, demolition, installation, or repair work that is performed under contract and paid for in whole or in part out of public funds. Pursuant to existing law, all workers employed on public works projects are required to be paid not less than the general prevailing rate of per diem wages for work, except as specified. This bill would extend that repeal date to January 1, 2017, and make technical, nonsubstantive changes to that provision. This bill contains other related provisions and other existing laws.

Vote Events:

05/02/2011 ASM. FLOOR (Y:76 N:0 A:4) (P)

04/13/2011 ASM. L. & E. (Y:6 N:0 A:1) (P)

wiliamson act

[SB 668](#) (Evans D) Local government: Williamson Act.

Last Amend: 5/10/2011

Status: 5/10/2011-Read second time and amended. Ordered to third reading.

Location: 5/10/2011-S. THIRD READING

Calendar: 5/19/2011 #102 SENATE SENATE BILLS-THIRD READING FILE

Summary: The California Land Conservation Act of 1965, otherwise known as the Williamson Act, authorizes cities and counties to enter into 10-year contracts with landowners whereby the landowner agrees to restrict the use of his or her land in exchange for a reduced property taxation

rate. Under existing law, the city or county receives a subvention for the property tax revenue lost as a result of these contracts. This bill would, until January 1, 2016, authorize a nonprofit land-trust organization, a nonprofit entity, or a public agency to enter into a contract with a landowner who has also entered into a Williamson Act contract, upon approval of the city or county that holds the Williamson Act contract, to keep that landowner's land in contract under the Williamson Act, for a period of up to 10 years in exchange for the open-space district's, land-trust organization's, or nonprofit entity's payment of all or a portion of the foregone property tax revenue to the county, where the state has failed to reimburse, or reduced the subvention to, the city or county for property tax revenues not received as a result of Williamson Act contracts.

Vote Events:

05/04/2011 SEN. GOV. & F. (Y:9 N:0 A:0) (P)

Total Measures: 12

Total Tracking Forms: 12