

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
December 1, 2016**

MEMBERS PRESENT:

Ann Notthoff (Public Member) Vice Chairman
Bryan Cash (Designated, Natural Resources)
Steve Kinsey (Chair, Coastal Commission)
Karen Finn (Designated, Department of Finance)

OVERSIGHT MEMBERS PRESENT:

Assembly Member Mark Stone

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Jeannette MacMillan, Staff Counsel

LOCATION:

Seymour Marine Discovery Center
La Feliz Room
100 Shaffer Road
Santa Cruz, CA

1. ROLL CALL

Ann Notthoff (Public Member) Vice Chairman
Bryan Cash (Designated, Natural Resources)
Steve Kinsey, (Chair, Coastal Commission)
Karen Finn (Designated, Department of Finance)

- 2. APPROVAL OF THE MINUTES** of the September 29, 2016 public meeting. Moved and seconded. Approved unanimously.

3. CONSENT ITEMS

Vice Chair Notthoff asked the board if any consent items needed to be removed. Sam Schuchat clarified that consent item C, regarding the Kuhl property, had been postponed. The consent calendar was moved, seconded, and approved unanimously.

A. SCOTTS CREEK LAGOON

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Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred and four thousand dollars (\$104,000) to Resource Conservation District of Santa Cruz County (RCD), to undertake technical studies and develop conceptual restoration designs for the Scotts Creek Lagoon, subject to the condition that, prior to the disbursement of funds, RCD shall submit for review and approval by the Executive Officer of the Conservancy all of the following:

1. A work program, including tasks, schedule and budget.
2. All contractors to be employed for the project.
3. Evidence that all necessary landowner access agreements have been secured.
4. A plan for acknowledging Conservancy funding of the project and acknowledging Proposition 1 as the source of the funding, including signs, to the extent practicable.”

Findings:

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

1. The proposed authorization is consistent with Chapter 5.5 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”

B. RECOVERY OF THE SOUTHERN SEA OTTER

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to one hundred seventeen thousand eight hundred dollars (\$117,800) to implement projects focused on the recovery of the southern sea otter, specifically as follows, to the:

- Friends of the Sea Otter: sixty-two thousand dollars (\$62,000) to reduce sea otter disturbance through a public education campaign on responsible viewing of wild sea otters.
- Elkhorn Slough Foundation: fifty-five thousand eight hundred dollars (\$55,800) to undertake additional analyses and monitoring of sea otter use of Elkhorn Slough.

Prior to the disbursement of funds, each grantee shall submit for the review and written approval of the Executive Officer of the Conservancy a work program, including scope

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of work, budget and schedule; and the names and qualifications of any contractors to be employed in carrying out 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 Chapter 5.5 of Division 21 of the Public Resources Code, regarding Integrated Coastal and Marine Resource Protection.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Elkhorn Slough Foundation and the Friends of the Sea Otter are both nonprofit organizations 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.”

C. KUHL PROPERTY (POSTPONED)

Resolution:

~~“The State Coastal Conservancy hereby authorizes disbursement of up to one hundred thousand dollars (\$100,000) to the Westport Village Society (WVS) to acquire real property known as the “Kuhl Property”, Mendocino County Assessor Parcel Number 013-320-02 (Property), for public access, open space and scenic resource preservation purposes.~~

~~This authorization is subject to the following conditions:~~

- ~~1. Prior to disbursement of Conservancy funds, WVS shall:
 - ~~a. Submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”) all relevant acquisition documents, including but not limited to the appraisal, escrow instructions and documents of title.~~
 - ~~b. Obtain all other funds necessary to complete the acquisition.~~~~
- ~~2. WVS shall pay no more than fair market value for the Property, as established in an appraisal approved by the Executive Officer.~~
- ~~3. WVS shall permanently dedicate the Property in a manner acceptable to the Executive Officer for the purpose of protecting public access, open space and scenic values.~~
- ~~4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the Property that has been reviewed and approved by the Executive Officer.”~~

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Findings:

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

- ~~1. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding coastal access.~~
- ~~2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.~~
- ~~3. The Westport Village Society is a nonprofit corporation recognized as a 501(c)(3) organization under the U.S. Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”~~

D. MOAT CREEK BEACH

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed thirty three thousand dollars (\$33,000) to Moat Creek Managing Agency to operate and maintain public access improvements at Moat Creek Beach and along the Moat Creek segment of the California Coastal Trail in Mendocino County, subject to the condition that prior to the disbursement of funds, Moat Creek Managing Agency shall submit for the written approval of the Conservancy’s Executive Officer a work program, budget, names of any contractors it intends to employ for the project, and plans for signs acknowledging Conservancy funding.”

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 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on October 2, 2014.
3. Moat Creek Managing Agency is a private nonprofit organization, existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Service Code, and its purposes are consistent with Division 21 of the Public Resources Code.”

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E. SOUTH BAY SALT POND RESTORATION PROJECT'S ADAPTIVE MANAGEMENT PROGRAM

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to seven hundred forty-six thousand two hundred thirty-eight dollars (\$746,238), to be reimbursed by the Santa Clara Valley Water District, to undertake applied studies associated with the implementation of the South Bay Salt Pond Restoration Project’s Adaptive Management Studies, including all or a subset of the following:

1. By the United States Geological Survey (USGS), studies related to mercury bioaccumulation in bird eggs, sediment transport, and mercury mobilization in the Guadalupe River watershed and Pond A8 complex and studies related to water levels and wave heights in the Pond A8 complex.
2. By the University of California at Davis (UCD), studies related to mercury bioaccumulation in fish in the Guadalupe River watershed.

Prior to the disbursement of Conservancy funds for a study, the entity responsible for the study shall submit for the review and approval of the Conservancy’s Executive Officer a work program for that study, including a schedule and budget.”

Findings:

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

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”

F. LOWER PUTAH CREEK

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to fifty thousand dollars (\$50,000) to the Solano County Water Agency (SCWA) to enhance salmon spawning habitat in Lower Putah Creek through mechanical scarification of 10,000 linear feet of cemented gravels, subject to the following condition:

Prior to the disbursement of funds, SCWA shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget,

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copies of all project permits, landowner agreements, a plan for acknowledging Conservancy funding, and the roster of contractors to be retained 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 Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”

G. POINT PINOLE REGIONAL SHORELINE

Resolution:

“The State Coastal Conservancy authorizes disbursement of up to \$625,000 (six hundred twenty-five thousand dollars), including \$475,000 (four hundred seventy-five thousand dollars) of U.S. Fish and Wildlife Service grant funds, to implement the Living Shorelines Project (LSP) in San Francisco Bay as follows:

1. Up to \$150,000 (one hundred fifty thousand dollars) in additional Conservancy funds to design, construct, and monitor a Living Shorelines Phase II Demonstration Project at Giant Marsh.
2. Up to \$475,000 (four hundred seventy-five thousand dollars) in U.S. Fish and Wildlife Service grant funds, to design, construct, and monitor Living Shorelines Phase II Demonstration Project at Giant Marsh (Richmond, Contra Costa County).

These funds may be used to retain environmental services contractors or augment existing contracts needed to design or monitor the Living Shorelines projects, or to augment existing grants to nonprofit organizations and public entities or to provide new grants to such organizations or entities. Use of the funds shall be subject to the following conditions:

1. If the grant is to a nonprofit organization, the grantee is a nonprofit organization recognized under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.
2. Prior to initiating any project work and prior to disbursement of any funds, each grantee shall submit for review and approval of the Executive Officer:
 - a. A plan detailing the proposed project work, including a work program, schedule and budget.

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- b. All contractors the grantee intends to retain for the project.
 - c. Documentation that all permits and approvals needed for the project work have been obtained.
3. In carrying out any work, the grantee or contractor shall comply with:
- a. All applicable mitigation and monitoring measures that are that are required by any permit or approval for the project.
 - b. To the extent that the work is funded by U.S. Fish and Wildlife Service grant funds, all requirements of that grant.”

Findings:

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

- 1. The proposed project remains consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the resource goals of the San Francisco Bay Area Conservancy Program.
- 2. The proposed project remains consistent with the Project Selection Criteria and Guidelines adopted on October 2, 2014.
- 3. The California Wildlife Foundation, a potential grantee, is a nonprofit organization recognized under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”

H. CANDLESTICK POINT STATE RECREATION AREA

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed ninety-five thousand nine hundred dollars (\$95,900) to Literacy for Environmental Justice to install gardens, native plant nursery, stormwater harvesting system, green infrastructure, and interpretive signage, and to provide for associated community participation and education, at Candlestick Point State Recreation Area in the City and County of San Francisco. This authorization is subject to the following conditions:

- 1. Prior to disbursement of any funds, Literacy for Environmental Justice shall submit for review and approval of the Executive Officer of the Conservancy:
 - a. A work program, including a budget and schedule.

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- b. The names of any contractors to be hired.
 - c. An agreement with the landowner of the project site providing access to the site for purposes of carrying out the project and maintaining the project facilities.
2. Prior to initiating the project, Literacy for Environmental Justice shall provide written evidence to the Executive Officer of the Conservancy that it has obtained all permits and approvals necessary to implement and complete the project under applicable local, state, and federal laws and regulations.
 3. Conservancy funding for the project shall be acknowledged by erecting and maintaining one or more signs on or near the project area, the design and location of which has been reviewed and approved by the Executive Officer.”

Findings:

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

1. The proposed authorization is consistent with Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code, regarding resource and educational goals.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. Pursuant to its responsibilities under the California Environmental Quality Act, the Conservancy, as a responsible agency, has independently reviewed the *Candlestick Point State Recreation Final Area General Plan and Program Environmental Impact Report* (EIR) (January, 2013) certified by the California Department of State Parks (DPR) in January 2013 and the Notice of Exemption filed by DPR in March 2016, both attached to the accompanying staff recommendation as Exhibit 4. The Conservancy finds that no additional CEQA documentation is required and that there is no substantial evidence in the record that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. Literacy for Environmental Justice is a nonprofit organization recognized under section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

4. EXECUTIVE OFFICER REPORT

- A. Matt Gerhart, San Francisco Bay Regional Manager, reported on the Coastal Conservancy’s success working with the Department of Water Resources Integrated Regional Water Management Grant Program.

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- B.** Amy Hutzell, Deputy Executive Officer, and Luis Morales, Environmental Services Intern, presented an update and findings on the result of Coastal Access Surveys of Californians' attitude towards the coast in terms of visitation, accessibility and barriers to access the coast.
- C.** Matt Gerhart, San Francisco Bay Regional Manager, provided an update on the Bay Area Urban Greening Conference recently held at the Jewish Museum in San Francisco. The Bay Area Urban Greening Conference brought together regional leaders and local politicians to talk about Urban Greening Infrastructure.
- D.** Morgan Visalli and Jocelyn Enevoldsen of the California Coastal Trail Association presented on their California Coastal Trail expedition called MOJO Coast Walk. The 1200-mile, 96-day adventure from Oregon to Mexico supported the Association's dream to build a trail along the entire California Coastline. Together Ms. Visalli and Ms. Enevoldsen (aka MOJO) walked and biked the entire California Coastline while mapping their routes, collecting trail information and spreading the word about the California Coastal Trail all along the way.

CENTRAL COAST

5. RANCHO CAÑADA GOLF CLUB

Trish Chapman of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to two million dollars (\$2,000,000) to the Monterey Peninsula Regional Park District (MPRPD) for the purpose of acquiring a minimum of 170 acres of the Rancho Cañada Golf Club property in Carmel (portions of Monterey County Assessor Parcel Numbers 015-162-033, 015-162-041, 015-162-042, 015-162-043, 015-162-044, 015-162-045, 015-162-046, 015-162-047, and 157-181-004) and dedicating a minimum of 170-acre feet of water to instream flows pursuant to Water Code Section 1707. This authorization is subject to the following condition:

1. Prior to the disbursement of funds, MPRPD shall submit for review and approval of the Executive Officer of the Conservancy (“the Executive Officer”) all relevant documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental assessment, baseline conditions report, and title report.
2. MPRPD shall pay no more than fair market value for the property, based on an appraisal of the property approved by the Conservancy.
3. MPRPD shall permanently dedicate the property for wildlife habitat, environmental restoration, open space protection, public access, and general park and park operation

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purposes, which may include concession operations (*e.g.*, public and private events held within the former golf course clubhouse) and use as MPRPD's headquarters, through an irrevocable offer to dedicate the property or other instrument approved by the Executive Officer.

4. Within five years after acquisition of the property, MPRPD shall permanently dedicate at least 170-acre feet of water to instream flows pursuant to Water Code Section 1707. In addition, MPRPD shall take all steps feasible to ensure that an additional 164 acre-feet of the Rancho Cañada Golf Club water right is also permanently dedicated for instream flows. The five-year period may be extended with the written approval of the Executive Officer."

Findings:

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

1. The proposed authorization is consistent with Chapter 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resources.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines."

Moved and seconded. Approved unanimously.

6. SAN GREGORIO CREEK

Tom Gandesbery of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of up to three hundred and eighty-eight thousand dollars (\$388,000) to Trout Unlimited (TU) to implement a project to restore in-stream flows on San Gregorio Creek by constructing an off-stream storage pond on the Moty/Klingman Farms property, subject to the condition that prior to the disbursement of funds, TU shall submit for review and approval by the Executive Officer of the Conservancy the following:

1. A work program including a schedule and budget for the project.
2. The names and qualifications of all contractors TU intends to retain for the project.
3. A plan for acknowledging Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.

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5. An agreement with the owner of the property on which the project will be carried out sufficient to accomplish the purposes of the project, include an agreement to forbear from withdrawing Creek water, and to protect the public interest in the project pursuant to Public Resources Code Section 31116(c).”

Findings:

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

1. The proposed authorization is consistent with Chapter 5.5 of Division 21 of the Public Resources Code, regarding resource enhancement.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. TU is a nonprofit organization recognized 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 unanimously.

7. MARYWOOD PROPERTY

Tom Gandesbery of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to two hundred thousand dollars (\$200,000) to the Land Trust of Santa Cruz County (“Land Trust”) for the purpose of acquiring fee title to 37 acres of the Marywood property in Scotts Valley, Santa Cruz County (Assessor Parcel Number 093-411-01) and to acquire a conservation easement over the remaining 133 acres of the Marywood property (Assessor Parcel Number 093-151-08) in order to protect a wildlife corridor, enable future establishment of a wildlife undercrossing of Highway 17, and to preserve and enhance the natural resources of the property. This authorization is subject to the following condition:

1. Prior to the disbursement of funds, the Land Trust shall submit for review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, conservation easement, escrow instructions, environmental assessments and title report.
 - b. A Baseline Conditions Report certified by the Land Trust and a Monitoring and Reporting Plan.
 - c. Written evidence that all other funds necessary to the acquisition of fee title and the conservation easement have been obtained.

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2. The Land Trust shall pay no more than fair market value for the real property or for the conservation easement, based on an appraisal of the property approved by the Conservancy.
3. The Land Trust shall permanently dedicate the real property acquired under this authorization for preservation of wildlife habitat and a wildlife corridor, preservation of open space and protection of natural resources, including watershed resources through an irrevocable offer to dedicate the property or other instrument approved by the Executive Officer.
4. The easement interest acquired under this authorization shall be managed and operated in a manner consistent with the purposes of preservation of wildlife habitat and a wildlife corridor, open space preservation and protection of natural resources, including watershed resources. The portion of the Marywood property encumbered by the conservation easement shall be permanently dedicated to those purposes in accordance with Public Resources Code Section 31116(b).
5. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property or in a nearby area visible to the public, the design and location of which to be approved by the Executive Officer.”

Findings:

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

1. The proposed project is consistent with the purposes and objectives set forth in Chapter 5.5 of Division 21 the Public Resources Code (Section 31220) regarding protection of integrated coastal and marine resources.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Land Trust is a nonprofit organization recognized 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 unanimously

SAN FRANCISCO BAYAREA

8. COYOTE POINT RECREATION AREA

Kelly Malinowski of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

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“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three-hundred-and-fifty thousand dollars (\$350,000) to the County of San Mateo (“County”) to reconstruct existing, and construct new, public access facilities along the San Francisco Bay shoreline within the Coyote Point Recreation Area, including trails, restrooms, parking and sandy beach, subject to the following conditions:

1. Prior to disbursement of any funds, the County shall submit for review and approval of the Executive Officer of the Conservancy (“Executive Officer”) a work program, including a budget and schedule; the names of any contractors to be hired; and a sign plan to acknowledge the Conservancy’s funding for this project.
2. Prior to initiating construction of the project, the County shall provide written evidence to the Executive Officer that it has obtained all permits and approvals necessary to implement and complete the project under applicable local, state, and federal laws and regulations.
3. The County shall comply with the Mitigation, Monitoring and Reporting Program attached to the accompanying staff recommendation as Exhibit 5.
4. The County shall erect and maintain one or more signs on or near the project area acknowledging Conservancy funding, in accordance with the approved sign plan.”

Findings:

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

1. The proposed authorization is consistent with Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code, regarding public access improvements to and around the San Francisco Bay.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered the *Coyote Point Recreation Area Shoreline and Promenade Improvement Project Initial Study/Mitigated Negative Declaration* (“MND”), adopted by the County of San Mateo on August 27 2009, and the Addendum to the MND adopted by the County of San Mateo on August 16, 2016, pursuant to the California Environmental Quality Act, attached to the accompanying staff recommendation as Exhibit 4 and finds that the proposed project as mitigated avoids, reduces or mitigates the possible significant environmental effects, and that there is no substantial evidence that the proposed project will have a significant effect on the environment.”

Moved and seconded. Approved unanimously.

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9. CLOSED SESSIONS

There were no closed sessions.

10. CONSERVANCY MEMBER COMMENTS

Steve Kinsey reflected on his time serving as a member of the Conservancy.

11. PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no public comments.

12. ADJOURNMENT

The meeting was adjourned at 11:00am.