

STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
May 16, 2019

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MEMBERS PRESENT:

Douglas Bosco (Public Member), Chair
Ann Notthoff (Public Member), Vice Chair
Marce Gutiérrez-Graudiņš (Public Member)
Bryan Cash (Designated, Natural Resources)
Susan Hansch (Alternate, Coastal Commission)
Karen Finn (Designated, Department of Finance)

OVERSIGHT MEMBERS PRESENT:

Assembly Member Mark Stone
Senator Bill Monning

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Amy Roach, Chief Counsel

LOCATION:

State Capitol, Room 126
1315 10th Street
Sacramento, CA 95814

1. ROLL CALL

Douglas Bosco (Public Member), Chair
Ann Notthoff (Public Member), Vice Chair
Bryan Cash (Designated, Natural Resources)
Susan Hansch (Alternate, Coastal Commission)
Marce Gutiérrez-Graudiņš (Public Member)
Karen Finn (Designated, Department of Finance)

- 2. APPROVAL OF THE MINUTES** of the Conservancy's May 16, 2019 public meeting. Moved and seconded. Approved unanimously.

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3. CONSENT ITEMS

Chair Bosco asked the board if any member requested any consent item be removed. Hearing no such request, the following consent items were moved for approval, seconded, and approved unanimously:

A. PIE RANCH

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed forty-five thousand three hundred dollars (\$45,300) to Pie Ranch to prepare plans, permit applications, and environmental documents for improvements to their visitor-serving barn, including two public restrooms, and an entrance ramp and re-oriented parking to increase accessibility for people with physical disabilities, in southern San Mateo County.

Prior to commencement of the project, the grantee shall submit the following for the review and written approval of the Executive Officer of the Conservancy:

- a. A detailed work program, schedule, and budget.
- b. Names and qualifications of any contractors to be employed in carrying out the project.
- c. A plan for acknowledgement of 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 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.
3. Pie Ranch is a nonprofit organization which exists 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.”

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B. FEDERAL FINANCIAL SUPPORT

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred ten thousand dollars (\$510,000) for consulting services to assist the Coastal Conservancy with Congressional appropriations and authorizations, federal agency staff authorizations, and related matters.”

Findings:

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

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with Public Resources Code Sections 31103 and 31104, regarding the Conservancy’s ability to apply for and accept federal grants and receive other financial support from public sources and carry out the purposes of Division 21. Projects supported by funding received as a result of this authorization are or would be consistent with the purposes and objectives of Chapters 4.5, 5.5, and 6 of Division 21 of the Public Resources Code, regarding the protection and enhancement of natural resources in San Francisco Bay Area, marine, and coastal environments.”

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

1. The proposed authorization is consistent with the Conservancy’s statutory authority under Division 21 of the Public Resources Code.
2. The proposed project for which funds are sought is consistent with the current Conservancy Project Selection Criteria and Guidelines.”

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4. EXECUTIVE OFFICER REPORT

- A. Deborah Ruddock, Legislative Affairs Specialist, reported on current bills in the legislature.
- B. Sam Schuchat, Executive Officer, provided an update on the San Francisco Bay Restoration Authority
- C. Taylor Samuelson, Public Information Officer, and Chris Kroll, Project Manager, reported on a tour of Ormond Beach, sponsored by the Conservancy and documented by Ethnic Media Services, to connect Mixtec community members to the coast.

SAN FRANCISCO BAY AREA

5. PHASE 2 SOUTH BAY SALT POND RESTORATION PROJECT

Brenda Buxton & Laura Cholodenko of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Renee Spent, Ducks Unlimited

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$600,000 (six hundred thousand dollars) to Ducks Unlimited, Inc. for completion of construction designs, bid package documentation, and permit applications for actions proposed for Eden Landing Ecological Reserve as part of Phase 2 of the South Bay Salt Pond Restoration Project, subject to the condition that prior to the disbursement of any funds Ducks Unlimited, Inc. shall submit for the review and approval of the Conservancy’s Executive Officer a work program including a budget and schedule, the names of any contractors it intends to use, and an acknowledgement plan.

The Conservancy further authorizes the disbursement of up to \$284,760 (two hundred eighty-four thousand seven hundred sixty dollars) to one or more environmental services contractors to design a gravel beach and berm for the bayfront levee of Eden Landing Ecological Reserve.

The Conservancy further authorizes Eden Landing Ecological Reserve as a site for the placement of sediment dredged from Redwood City Harbor by the U.S. Army Corps of Engineers pursuant to its agreement with the Conservancy (authorized by the Conservancy

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on December 6, 2018) regarding beneficial placement of dredged sediment from Redwood City Harbor.”

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 resources and recreational goals of the San Francisco Bay area.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Conservancy independently reviewed and considered the *2007 South Bay Salt Pond Restoration Project Final Environmental Impact Statement/Environmental Impact Report* (2007 EIS/R) and made findings pursuant to its duties as a responsible agency under the California Environmental Quality Act (CEQA) when taking actions to fund Phase 1 projects. Phase 2 remains consistent with those earlier findings and authorizations, including those made on November 6, 2008 and June 4, 2009.
4. The Conservancy has independently reviewed and considered the information contained in the *Final Environmental Impact Report, South Bay Salt Pond Restoration Project, Eden Landing Phase 2* (Final Eden Landing Phase 2 EIR) which was certified prior to this Conservancy meeting by the California Department of Fish and Wildlife in May 2019 pursuant to the California Environmental Quality Act (“CEQA”), and is attached to the accompanying staff recommendation as Exhibit 6.
5. The Final Eden Landing Phase 2 EIR identifies “significant and unavoidable” impacts regarding traffic impacts from material import. The Final EIR explains that one potential mitigation measure (changing the timing of traffic signals to reduce delay at affected intersections) is not feasible without causing larger, regional impacts on traffic. Therefore, the Conservancy finds that it is infeasible to avoid, reduce or mitigate this possible significant environmental effect of the project on traffic.
6. The Final Eden Landing Phase 2 EIR identifies “significant and unavoidable” impacts in the area of Air Quality from short-term construction-generated emissions of nitrogen oxides (NOx) if diesel fuel is used to power the pumps that deliver dredge material to the project site. In this event, even the project-specific mitigation measure to use more efficient equipment and reduce NOx emissions would be insufficient to reduce NOx emissions below regional significance thresholds. Because diesel fuel may be used, the Conservancy finds that it is infeasible to avoid, reduce, or mitigate this possible significant environmental effect of the project on air quality.

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7. The Final Eden Landing Phase 2 EIR identifies “significant and unavoidable” impacts in the area of Recreational Resources due to temporary closures of trails to protect public safety during construction. The Conservancy finds it is infeasible to avoid, reduce, or mitigate this possible significant environmental effect of the project on recreation resources.
8. The Conservancy finds that specific environmental and other benefits of the project described in the Statement of Overriding Considerations in the accompanying staff recommendation outweigh and render acceptable the project’s unavoidable adverse environmental effects because the project will result in long-term environmental benefits including restoring native habitat for threatened and endangered salt marsh species as well as enhancing managed ponds for other plant and animal species that otherwise would be threatened by loss of habitat. In addition, the project will maintain or improve the existing level of flood protection, which will benefit adjacent residences, businesses, and public infrastructure. Finally, although there are temporary impacts to recreational resources (from closure to construct the project and its public access features), the project will also construct new trails, overlooks, interpretive signs and other public amenities that will increase wildlife-oriented recreation and public access opportunities.
9. Ducks Unlimited, Inc. 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 unanimously.

6. SAN FRANCISCO ESTUARY INVASIVE SPARTINA PROJECT

Marilyn Latta of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$4,762,759, of which a total of \$3,562,759 will be reimbursed by grants and mitigation funds, including: a \$2,151,548 grant from the California Department of Fish and Wildlife, a \$943,711 grant from the United States Fish and Wildlife Service North American Wetlands Conservation Act, a \$400,000 grant from the Santa Clara Valley Water District, and \$67,500 in BCDC mitigation funds, for the planning, management, treatment, monitoring, and restoration activities of the San Francisco Estuary Invasive *Spartina* Project (ISP), and vegetation mapping for the South Bay, approximately as follows:

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1. Up to \$3,408,692 (Three million four hundred eight thousand six hundred and ninety two dollars) for environmental services to support planning, management, monitoring, eradication, and revegetation activities related to the ISP.
2. Up to \$1,354,067 (One million three hundred fifty four thousand and sixty seven dollars) to the California Invasive Plant Council (Cal-IPC) for eradication activities, revegetation and enhancement projects related to the ISP, and the South Bay Salt Pond Restoration Project habitat evolution vegetation mapping project, subject to the condition that prior to undertaking any project, Cal-IPC shall submit for review and approval of the Conservancy's Executive Officer:
 - a. A work plan, schedule and budget.
 - b. A list of identified mitigation measures.
 - c. Evidence that all necessary permits and approvals for the project have been obtained.
3. In carrying out any treatment or enhancement project, Cal-IPC shall comply with all applicable mitigation and monitoring measures that are set forth in the approved site-specific plans, that are required by any permit, the applicable U.S. Fish and Wildlife Service Biological Opinion or any other approval for the project, and that are identified in the "Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program" (EIS/R), adopted by the Conservancy on September 25, 2003".

Findings:

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

1. Disbursement of additional funds for the planning, management, treatment, monitoring, and restoration activities of the San Francisco Estuary Invasive *Spartina* Project and for the vegetation mapping for the South Bay remains consistent with Public Resources Code Sections 31160-31165.
2. The proposed authorization remains consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on October 2, 2014.
3. The proposed authorization is consistent with the current Conservancy Project Selection Criteria and Guidelines.

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4. No new environmental documentation is required for the activities under the proposed authorization, since the activities are either exempt (south bay vegetation mapping) or within the scope of the EIS/R, and, pursuant to CEQA Guidelines Section 15162 (14 Cal. Code Regs. § 15162), do not involve any new effects or new mitigation measures beyond those identified in the EIS/R.

5. The California Invasive Plant Council is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. Approved unanimously.

CENTRAL COAST

7. NO-NAME CREEK

Tom Gandesbery of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed four hundred nineteen thousand and one hundred dollars (\$419,100) to Trout Unlimited to demolish a concrete ford and construct a replacement bridge on No-Name Road on San Clemente Creek, a tributary to the Carmel River for purposes of improving fish passage and restoring habitat. This authorization is subject to the condition that, prior to the disbursement of funds and commencing the project, TU shall submit for the review and approval of the Conservancy’s Executive Officer the following:

1. A detailed work program, budget and schedule.
2. The names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence that the grantee has entered into agreements sufficient to enable the grantee to implement, operate, and maintain the project.

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6. A recorded agreement between the grantee, the Conservancy and the landowner of the project site pursuant to Public Resources Code 31116(c), sufficient to protect the public interest in the project improvements.

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 qualified under section 501(c)(3) of the U.S. Internal Revenue Code, with purposes consistent with Division 21 of the Public Resources Code.

Moved and seconded. Approved unanimously.

8. ELLWOOD MESA

Rachel Couch of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Peter Imhof & Anne Wells, City of Goleta

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three million nine hundred thousand dollars (\$3,900,000) to the City of Goleta (“the grantee”) to implement the Monarch Butterfly Habitat Management Plan at Ellwood Mesa, as shown on Exhibit 1 to the accompanying staff recommendation. This authorization is subject to the following conditions:

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (“Executive Officer”) the following:

1. A detailed work program, schedule, budget, and list of contractors to be retained for the project.
2. Evidence that all necessary permits and approvals required to implement the project have been obtained.

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3. A signing plan for the project 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 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.
3. The Conservancy has independently reviewed and considered the *Ellwood Mesa/Sperling Preserve Monarch Butterfly Habitat Management Plan Initial Study – Mitigated Negative Declaration* adopted by the City of Goleta on March 19, 2019 pursuant to the California Environmental Quality Act (“CEQA”) and attached to the accompanying staff recommendation as Exhibit 4. The Conservancy finds that the proposed project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the Project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.”

Moved and seconded. Approved unanimously.

SOUTH COAST

9. WATERCRESS PROPERTY ON THE SANTA CLARA RIVER

Chris Kroll of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Charles Lester, Executive Director of the Santa Clara River Conservancy.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) to Santa Clara River Conservancy (“the grantee”) to develop a habitat restoration and public access plan for the former California Watercress property on the Santa Clara River in Ventura County.”

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Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be employed in carrying out the project.
3. A plan for acknowledgement of Conservancy funding and Proposition 1 as the source of that 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 Chapter 5.5 of Division 21 of the Public Resources Code, regarding Integrated Coastal and Marine Resources Protection.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Santa Clara River Conservancy is a nonprofit organization organized 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 unanimously.

10. PHASE 2A OF THE BIG CANYON CREEK RESTORATION PROJECT

Evyan Sloane of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to one million forty-nine thousand nine hundred ninety-one dollars (\$1,049,991) to the Newport Bay Conservancy to prepare final designs and implement the restoration of approximately 11 acres of coastal sage upland, riparian, and freshwater marsh habitats in the Phase 2A project areas of the Big Canyon Creek Phase 2A Restoration and Estuary Adaptation Project within the Big Canyon Nature Park.

This authorization is subject to the following conditions:

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1. Prior to disbursement of funds for each phase of the project, the City shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following items:
 - a. A detailed work program, schedule, and budget.
 - b. Names and qualifications of any contractors to be retained.
 - c. Evidence of all required permits and approvals have been obtained.
 - d. Evidence that all necessary funds for implementation of each phase the project have been obtained.
2. In implementing the project, the Newport Bay Conservancy shall:
 - a. Acknowledge Conservancy and US Fish and Wildlife Service funding in accordance with a plan that has been approved by the Executive Officer.
 - b. Ensure compliance with all applicable impact avoidance, minimization and mitigation measures and monitoring and reporting requirements for the project identified in (1) the *Big Canyon Coastal Habitat Restoration and Adaptation Project—Phase 2A Initial Study and Mitigated Negative Declaration*, and the Mitigation Monitoring and Reporting Program and (2) in any permits, approvals or other environmental documentation for the project. Ensure compliance with all requirements of the USFWS grant, including compliance with the National Environmental Policy Act.”

Findings:

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

1. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
2. The Conservancy has independently reviewed and considered the *Big Canyon Coastal Habitat Restoration and Adaptation Project—Phase 2A Initial Study and Mitigated Negative Declaration* and the Mitigation Monitoring and Reporting adopted by the City of Newport Beach pursuant to the California Environmental Quality Act (“CEQA”). The Conservancy finds that the proposed project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level and that there is no substantial evidence based on the record as a whole that the project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.

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3. The Newport Beach Conservancy is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code, with purposes consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved unanimously.

11. SEVEN COMMUNITY-BASED NATURAL RESOURCE RESTORATION & ENHANCEMENT PROJECTS

Evyan Sloane of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to one hundred eighty-four thousand seven hundred dollars (\$184,700) to one local government and six nonprofit organizations for seven community-based natural resource restoration and enhancement projects in Ventura, Los Angeles, Orange, and San Diego counties, as more specifically described in the accompanying staff recommendation. These authorizations are subject to the following conditions:

1. Prior to the disbursement of funds for each project, each project grantee shall submit for the review and approval of the Conservancy’s Executive Officer:
 - a. A work program, including project tasks, schedule and budget;
 - b. Names and qualifications of all contractors to be employed on the project; and
 - c. Evidence that all necessary permits and approvals for the project have been obtained.
 - d. If the project site is not owned by the grantee, evidence that the grantee has entered into landowner agreements sufficient to enable the grantee to implement the project.”

Findings:

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

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.

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2. The proposed authorization is consistent with the purposes and objectives of Chapters 3 and 6 of Division 21 of the Public Resources Code, regarding undertaking educational projects for K-12 students relating to the coastal resources (Ch.3) and enhancement of coastal resources (Ch.6).
3. Ventura Land Trust, Will Geer's Theatricum Botanicum, Bolsa Chica Conservancy, Earth Discovery Institute, Living Coast Discovery Institute, and San Diego Audubon Society all are nonprofit organizations qualified under Section 501 (c) (3) of the United States Internal Revenue Code. The purposes of these nonprofit organizations are consistent with Division 21 of the Public Resources Code.
4. Consistent with Public Resources Code Section 31117, the Santa Monica Mountains Conservancy supports the "Topanga Creek's Theater of Plants" project located in the Santa Monica Mountains Zone.

Moved and seconded. Approved unanimously.

12. ARROYO SEQUIT CREEK

Sam Jenniches of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Alex Size, The Trust for Public Land.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed eight hundred thousand dollars (\$800,000) to the Trust for Public Land for the acquisition of 136 acres of undeveloped land in unincorporated Los Angeles County (consisting of Los Angeles County Assessor Parcel Nos. 4472-005-003, 4472-005-004, 4472-005-010, 4472-006-001, 4472-006-006, 4472-006-012 and 4472-012-006) to protect open space, wildlife habitat, water quality and water supply, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer):
 - a. All relevant acquisition documents for the acquisition including, without limitation, the appraisal, purchase and sale agreement, deed, escrow instructions, environmental or hazardous materials assessment, and title report;
 - b. A baseline conditions report;

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- c. A monitoring and reporting plan; and
 - d. Evidence that sufficient funds are available to complete the acquisition.
2. The grantee shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
 3. The property acquired under this authorization shall be managed and operated for the protection of open space, wildlife habitat, water quality and water supply. The property shall be permanently dedicated to those purposes by an appropriate instrument approved by the Executive Officer.
 4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property or in a nearby publicly-viewable area, the design and location of which are 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 authorization is consistent with Chapter 5.5 of Division 21 of the Public Resources Code, regarding Integrated Coastal and Marine Resources Protection.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Trust for Public Land is a nonprofit organization organized 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 unanimously.

13. CLOSED SESSION

The Conservancy did not hold a closed session.

14. CONSERVANCY MEMBER COMMENTS

Chair Bosco thanked the Legislative Oversight Committee Members for attending the meeting.

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15. PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no public comments.

16. ADJOURNMENT

Meeting adjourned at 12:12 P. M