

STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
March 24, 2022

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chair
Ann Notthoff (Public Member), Vice Chair
Marce Gutiérrez-Graudiņš (Public Member)
Joseph Alioto Jr. (Public Member)
Bryan Cash (Designated, Department of Natural Resources)
Gayle Miller (Designated, Department of Finance)
Donne Brownsey (Coastal Commission)

OTHERS PRESENT:

Amy Hutzel, Executive Officer
Amy Roach, General Counsel

LOCATION:

Teleconference

MEETING START TIME: 10:03 A.M.

1. ROLL CALL

Douglas Bosco (Public Member), Chair
Ann Notthoff (Public Member), Vice Chair
Marce Gutiérrez-Graudiņš (Public Member)
Joseph Alioto Jr. (Public Member)
Bryan Cash (Designated, Department of Natural Resources)
Gayle Miller (Designated, Department of Finance)
Donne Brownsey (Coastal Commission)

2. APPROVAL OF THE MINUTES of the Conservancy's February 03, 2022, public meeting.
Moved and seconded. Minutes Approved.

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. ANTONELLI POND

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Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed five hundred thirty thousand dollars (\$530,000) to the Land Trust of Santa Cruz County (“the grantee”) to construct an all-access trail and improvements to associated visitor-serving amenities at Antonelli Pond in the City of Santa Cruz.

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 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.

In addition, to the extent appropriate, the grantee shall incorporate the guidelines of the Conservancy’s ‘Coastal Access Project Standards’.

Findings:

Based on the accompanying staff recommendation 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 System of Public Accessways.
2. The proposed projects are consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Land Trust of Santa Cruz County is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.
4. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration for the Antonelli Pond Accessible Trail Project adopted by the City of Santa Cruz on December 2, 2021, 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

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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.

B. TUNITAS CREEK BEACH

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed two million nine hundred thirty-four thousand eight hundred and ninety-two dollars (\$2,934,892) to San Mateo County (“the grantee”) to construct public access improvements and visitor-serving amenities at Tunitas Creek Beach in San Mateo County, of which \$2,174,892 will derive from remaining unexpended funds from the Conservancy grant authorized on March 14, 2019, for previous phases of the project.

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 retained in carrying out the project.
3. A plan for acknowledgement of Conservancy and Proposition 68 funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence the grantee has entered into agreements with Caltrans sufficient to enable the grantee to implement and maintain the project.

In addition, to the extent appropriate, the grantee shall incorporate the guidelines of the Conservancy’s ‘Coastal Access Project Standards’.

Findings:

Based on the accompanying staff recommendation 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.
3. The Conservancy has independently reviewed and considered the "Initial

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Study/Mitigated Negative Declaration for the Tunitas Creek Beach Improvement Project” certified by San Mateo County on December 14, 2021 pursuant to the California Environmental Quality Act (“CEQA”) and attached to the accompanying staff recommendation as Exhibit 5. 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 Title 14 of the California Code of Regulations Section 15382.

C. SULPHUR CREEK FISH PASSAGE IMPROVEMENT PROJECT

Resolution:

The State Conservancy hereby authorizes a grant of an amount not to exceed two hundred and eighty-one thousand eighty-seven dollars (\$281,087) to California Trout, Inc. (“the grantee”) to augment the Conservancy grant of \$196,123 authorized on June 18, 2020, for preparation of revised designs, modeling, and additional planning for permits and CEQA to include bridge replacement in the Sulphur Creek Fish Passage Improvement Project, Napa County.

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 revised work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained 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 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Conservancy Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The grantee is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

4. EXECUTIVE OFFICER REPORT

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- A. Jennifer Norris, Deputy Secretary for Biodiversity and Habitat at California Natural Resources Agency, gave a presentation on Pathways to 30X30.
- B. Ella McDougall, Climate Change Program Manager at the Ocean Protection Council, gave a presentation on State Agency Sea Level Rise Action Plan for California.

[Member Miller departed after Executive Officer Report Item 4B.]

- C. Mary Small, Deputy Executive Officer, described the status of preparation of the Conservancy's Strategic Plan for 2023-2027.
- D. Mary Small, Deputy Executive Officer, presented the Legislative Report.

SAN FRANCISCO BAY AREA

5. VERNAL POOL PROPERTIES ON THE SANTA ROSA PLAIN

Avra Heller of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Wendy Trowbridge from the Laguna de Santa Rosa Foundation.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed three hundred twenty thousand dollars (\$320,000) to the Laguna de Santa Rosa Foundation ("the grantee") to enhance habitat, protect and increase endangered plant species populations, and engage the local community in the restoration and conservation of five vernal pool properties on the Santa Rosa Plain, Sonoma County.

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 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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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 3 of Division 21 of the Public Resources Code, regarding the Climate Ready Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and guidelines.
3. The Laguna de Santa Rosa Foundation is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

Moved and seconded. Motion was approved. Voting in favor: Bosco, Notthoff, Brownsey, Cash, Gutiérrez-Graudiņš, Alioto. Voting against: none.

6. EAST PALO ALTO RAIN GARDEN PROJECT

Erica Johnson of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Violet Saena from the Climate Resilient Communities/Acterra.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed eight hundred thirty-six thousand four hundred dollars (\$836,400) to Acterra (“the grantee”) for Climate Resilient Communities to implement the pilot phase of the East Palo Alto Rain Garden Project, San Mateo County.

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 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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Findings:

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

1. The proposed authorization is consistent with Chapter 3 of Division 21 of the Public Resources Code, regarding the Climate Ready Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Climate Resilient Communities is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

Moved and seconded. Motion was approved. Voting in favor: Bosco, Notthoff, Brownsey, Cash, Gutiérrez-Graudiņš, Alioto. Voting against: none.

NORTH COAST

7. WEGER RANCH

Lisa Ames of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Lawrence Abbott from San Leandro

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed three million four hundred twenty thousand dollars (\$3,420,000) to Save the Redwoods League ("the grantee") to acquire three conservation easements on approximately 3,862 acres of the Weger Ranch property, Mendocino County Assessor Parcels Numbers that are shown on Exhibit 2 to the accompanying staff recommendation, 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, conservation easements, escrow instructions, environmental or hazardous materials assessment, and title report;
 - b. A baseline conditions report; and
 - c. Evidence that sufficient funds are available to complete the acquisition.

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2. The grantee shall pay no more than fair market value for the easement interests, as established in an appraisal approved by the Executive Officer.
3. The conservation easements acquired under this authorization shall be consistent with the Conservancy's Easement Standards (adopted May 24, 2007). The conservation easements shall be managed and operated in a manner consistent with the purposes of natural resource and water quality protection, sustainable forest management, and open space preservation. 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 recommendation 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. Save the Redwoods League is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

Moved and seconded. Motion was approved. Voting in favor: Bosco, Notthoff, Brownsey, Cash, Gutiérrez-Graudiņš. Voting against: none. Abstentions: Alioto.

8. REDWOOD NATIONAL AND STATE PARK VISITOR CENTER AND RESTORATION PROJECT

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Lawrence Abbott from San Leandro

Resolution:

The State Coastal Conservancy hereby authorizes three grants, totaling an amount not to exceed \$7,396,136 (seven million three hundred ninety-six thousand, one hundred thirty-six dollars) collectively, to the Yurok Tribe, Caltrout, Inc., and Save the Redwoods League ("the

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grantees”) to construct elements of the Redwood National and State Park Visitor Center and Restoration Project at the former Orick Mill A site in Humboldt County as follows, subject to adjustment between the grantees by the Executive Officer: up to \$5,281,709 (five million two hundred eighty-one thousand, seven hundred nine dollars) to the Yurok Tribe and up to \$1,320,427 (one million three hundred twenty thousand, four hundred twenty-seven dollars) to Caltrout, Inc. for the implementation of riparian and fish habitat restoration projects on lower Prairie Creek, and up to \$794,000 (seven hundred ninety four thousand dollars) to Save the Redwoods League for the construction of public access improvements and visitor amenities.

Prior to commencement of the project components each grantee is responsible for, each 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 for their grant.
2. 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. Where applicable, evidence that the grantee has entered into agreements sufficient to enable the grantee to implement, operate, and maintain the project.
6. Prior to commencing project construction, and as appropriate, the nonprofit grantees shall enter into and record an agreement pursuant to Public Resources Code 31116(d) sufficient to protect the public interest in the improvements.

To the extent appropriate, the grantee Save the Redwoods League shall incorporate the guidelines of the Conservancy’s ‘Coastal Access Project Standards’ when implementing access improvements.

In carrying out the project, the grantees shall comply with all applicable mitigation and monitoring measures identified in the Initial Study/Proposed Mitigated Negative Declaration for the Redwood National and State Park Visitor Center and Restoration Project and Mitigation Monitoring and Reporting Program adopted by the Conservancy on September 3, 2020 and comply with all measures and conditions that are required by any permit or approval. The grantees shall comply with all applicable terms and conditions imposed by the grants to the Conservancy.

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Findings:

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

1. The proposed authorization is consistent with Chapters 6 and 9 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources and public access, respectively.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. Save the Redwoods League and Caltrout, Inc. are nonprofit organizations organized under section 501(c)(3) of the U.S. Internal Revenue Code.

Moved and seconded. Motion was approved. Voting in favor: Bosco, Notthoff, Brownsey, Cash, Gutiérrez-Graudiņš, Alioto. Voting against: none.

CENTRAL COAST

9. JOHNSTON RANCH

Hilary Hill of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Deborah Hirst of the Midpeninsula Regional Open Space District.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed five hundred thousand dollars (\$500,000) to Midpeninsula Regional Open Space District (the grantee”) to acquire 644-acres of the Johnston Ranch property located adjacent to the City of Half Moon Bay in San Mateo County (Assessor’s Parcel Numbers 064-370-110, 064-370-120, the north and east portion of 064-370-200, and the east portion of 065-210-220 and 065-210-240) for natural resource protection and restoration, open space preservation, compatible agricultural use, and public access 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

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instructions, environmental or hazardous materials assessment, and title report;

- b. A baseline conditions report;
 - c. Evidence that sufficient funds are available to complete the acquisition; and
 - d. Evidence that all approvals required to implement the project have been obtained, including a finalized approval of the land division by San Mateo County.
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 natural resource protection and restoration, open space preservation, compatible agricultural use, and public access. 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.
 5. The grantee shall acquire the property by February 28, 2025.

Findings:

Based on the accompanying staff recommendation 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.

Moved and seconded. Motion was approved. Voting in favor: Bosco, Notthoff, Brownsey, Cash, Gutiérrez-Graudiņš, Alioto. Voting against: none.

SOUTH COAST

10. BALLONA WETLANDS RESTORATION PROJECT

Megan Cooper, Emely Lopez, Carol Martinez of the Coastal Conservancy presented the Staff

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Recommendation.

Resolution:

The State Coastal Conservancy hereby authorizes disbursement of: 1) up to five hundred thousand dollars (\$500,000) to retain contractors to develop and implement participation from tribal communities, community groups, and residents of the greater Los Angeles region to assist in the planning of the Ballona Wetlands Restoration project; and 2) up to fifty-three thousand dollars (\$53,000) to the Friends of Ballona Wetlands (“the grantee”) to restore disturbed riparian habitat as part of the Ballona Wetlands Dune and Riparian Restoration Project at the Ballona Wetlands Ecological Reserve.

Prior to the commencement of the Ballona Wetlands Dune and Riparian Restoration 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 retained in carrying out the project.
3. A plan for acknowledgment of Conservancy funding and Proposition 84 as the source of that 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.

Findings:

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

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding the enhancement of natural resources.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Friends of Ballona Wetlands is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

Moved and seconded. Motion was approved. Voting in favor: Bosco, Notthoff, Brownsey,

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Cash, Alioto. Voting against: none. Abstentions: Gutiérrez-Graudiņš.

11. PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were numerous public comments regarding the Ballona Wetlands.

12. CONSERVANCY MEMBER COMMENTS

Member Alioto made comments.

13. CLOSED SESSION

Meeting closed at 1:24 P.M. for a closed session.

During closed session, the Conservancy received information and advice from counsel regarding Pappas, et al. v. State Coastal Conservancy, et al., Santa Barbara County Superior Court, Case No. 1417388, and gave direction to counsel.

During closed session, the Conservancy received information and advice from counsel regarding Brightview Landscape Development, Inc. v. From Lot to Spot, Inc., et al., Los Angeles County Superior Court, Case No. 21STCV39415, and authorized a settlement agreement.

Meeting re-opened to public at 2:10 P.M.

14. ADJOURNMENT

Meeting adjourned at 02:13 P.M.