

DEPARTMENT OF FISH AND GAME

WILDLIFE CONSERVATION BOARD

1807 13TH STREET, SUITE 103
 SACRAMENTO, CALIFORNIA 95814
 (916) 445-8448
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www.dfg.ca.gov/wcb

State of California
 The Resources Agency
 Department of Fish and Game
WILDLIFE CONSERVATION BOARD
 Minutes
 February 11, 2003

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Program Statement

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WILDLIFE CONSERVATION BOARD

February 11, 2003

The Wildlife Conservation Board met on Tuesday, February 11, 2003 in the Auditorium of the Resources Building located at 1416 Ninth Street in Sacramento, California 95814. The meeting was called to order at 10:25 A.M. by Chairman Michael Flores. Mr. Flores introduced Mr. Robert Hight, Director of the Department of Fish and Game, Mr. Robert Miyashiro, Deputy Director of the Department of Finance, Mr. Al Wright, Executive Director of the Wildlife Conservation Board, Ms. Maureen Rivera, Executive Assistant to the Wildlife Conservation Board, and Assembly member Fran Pavley. Mr. Wright welcomed Assembly member Fran Pavley to the Board's Legislative Advisory Committee and reported that Assembly member John Laird was also appointed to the Committee. (At a later date Assembly member Laird was replaced by Assembly member Patty Berg). Mr. Wright reported that the Board was waiting for the vacant Senator's position to be filled.

5. Roll Call

WILDLIFE CONSERVATION BOARD MEMBERS

Michael Flores, Chairperson
President, Fish and Game Commission
Robert C. Hight, Member
Director, Department of Fish and Game
Robert Miyashiro, Deputy Director
Vice, Steve Peace, Member
Director, Department of Finance

JOINT LEGISLATIVE INTERIM ADVISORY COMMITTEE

Syrus Devers,
Vice, Senator Sheila Kuehl
Senator Byron Sher
Assembly Member Fran Pavley

EXECUTIVE DIRECTOR

Al Wright

Staff Present: Al Wright, Executive Director
Georgia Lipphardt, Assistant Executive Director
John Donnelly, Chief Land Agent
Marilyn Cundiff, Public Land Management Specialist
Linda Drake, Senior Land Agent
Roxanne Woodward, Budget Officer
Jenny Smith, Staff Services Analyst
Peter Perrine, Public Land Management Specialist
Bonnie Turner, Public Land Management Specialist
Scott Clemons, Public Land Management Specialist
Tony Chappelle, Public Land Management Specialist
Gary Cantrell, Research Analyst
Debbie Townsend, Senior Land Agent
Dave Means, Senior Land Agent
William Gallup, Senior Land Agent
Steven Christensen, Senior Land Agent
Randy Nelson, Senior Land Agent
Terri Muzik, Assistant Land Agent
Elena Salas, Secretary
Jan Beeding, Office Technician
Maureen Rivera, Executive Assistant

Others Present: Ed Burns, California Waterfowl Association
Henry Rodegerdts, California Farm Bureau Federation
Jessica Groves, Natural Resources Conservation Service
Joanne Wong, Office of Assembly member John Laird
Elena Ochoa, Solano Land Trust
Terry Hanson, City of Redding
Jim Swanson, Department of Fish and Game
Keith Greer, City of San Diego
Rondal Snodgrass
Greg Lowther
Kerry Walker, City of Vacaville
Larry Emerson, City of Vacaville
Aimee Rutledge, Sacramento Valley Conservancy
Virginia Getz, Ducks Unlimited, Inc.
Tom Harvey, U.S. Fish and Wildlife Service
Ed Sauls, The Sauls Company
Dave Patterson, California Waterfowl Association
Dick Bobertz, San Dieguito River Parkway
Duke Foster, National Grants
Preston Leslie, Leslie Salt
Ron Davis, Santa Clara Valley Water District
Dirk Brazil, Department of Fish and Game
Nick Smith, Office of Governor Gray Davis
Chris Unkel, The Nature Conservancy
David Garner
Janet Cobb, California Oak Foundation

Others Present: Jay Chamberlin, California Legacy Project
 (continued) Martha Lee, California Legacy Project
 Bev Stupek, Turtle Bay Exploration Park
 Mary Morgan, Office of Assembly member Patty Berg
 Myrnie Mayville, U.S. Fish and Wildlife Service
 Craig Denisoff, Wildlands, Inc.
 Marge Kolar, U.S. Fish and Wildlife Service
 W. John Schmidt, Resources Legacy Foundation
 Tony Psihopaidas, Department of General Services
 Bob Douglass, Cargill Salt
 Barbara Ransom, Cargill Salt
 Carl Wilcox, Department of Fish and Game
 Ken Templeton
 Marc Holmes, Bay Institute
 Tasha Hamilton, Joe Caves and Associates
 Doug Houston, The Houston Group
 Dick Daniel, CH2MHill
 Kendra Sawitzky
 Joe-Linda Thompson, Nossaman et al
 David Lewis, Save the Bay
 Jerry Azevedo, APCO Worldwide
 Steve Moore, Regional Water Quality Control Board
 Lee Leslie, Leslie and Company
 Beth Dyer, Santa Clara Valley Water District
 Paul Rogers, San Jose Mercury News
 Phil Yost, San Jose Mercury News
 Lori Johnson, Cargill Salt
 Ashle Crocker, Remy, Thomas and Moose
 Jennifer Ruffolo, California Research Bureau
 Noelle Mattock, CH2MHill
 Steve Dyer, U.S. Fish and Wildlife Service

6. Funding Status as of February 11, 2003 (Informational)

(a) 2002-03 Wildlife Restoration Fund Capital Outlay Budget

Governor's Budget - Minor Projects	\$500,000.00
Less Previous Board Allocations	(424,540.00)
Unallocated Balance	\$75,460.00

(b) 2000-01 Wildlife Restoration Fund Capital Outlay Budget

Chapter 395, Statutes of 2000, San Francisco Baylands ...	\$25,000,000.00
Less Previous Board Allocations	(50,000.00)
2002-03 December Revision (Mid-year Reduction)	(24,950,000.00)
Unallocated Balance	\$0.00

- (c) 2002-03 Habitat Conservation Fund Capital Outlay Budget
 - Governor's Budget..... \$20,664,000.00
 - Less Previous Board Allocations (2,280,219.00)
 - Unallocated Balance..... \$18,383,781.00

- (d) 2001-02 Habitat Conservation Fund Capital Outlay Budget
 - Governor's Budget..... \$19,963,500.00
 - Less Previous Board Allocations (10,664,684.39)
 - Unallocated Balance..... \$9,298,815.61

- (e) 2000-01 General Fund Capital Outlay Budget
 - Governor's Budget..... \$115,000,000.00
 - Less Previous Board Allocations (114,435,427.00)
 - 2002-03 December Revision (Mid-year Reduction) (564,573.00)
 - Unallocated Balance..... \$0.00

- (f) 2000-01 Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Bond Fund (River Protection Subaccount)
 - Governor's Budget..... \$14,000,000.00
 - Less Previous Board Allocations (7,959,770.09)
 - Unallocated Balance..... \$6,040,229.91

- (g) 2000-01 Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund Capital Outlay Budget
 - Governor's Budget..... \$216,125,000.00
 - Less Previous Board Allocations (126,945,335.38)
 - Unallocated Balance..... \$89,179,664.62

 - Governor's Budget..... \$14,562,000.00
 - (San Joaquin River Conservancy Projects)
 - Less Previous Board Allocations (8,650,182.00)
 - Unallocated Balance..... \$5,911,818.00

- (h) 1999-00 Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund
 - Continuously Appropriated \$38,000,000.00
 - [Sec. 5096.350 (a)(1), (2), (4) & (7)]
 - Less Previous Board Allocations (14,721,392.00)
 - Unallocated Balance..... \$23,278,608.00

- (i) 2002-03 California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund
 - Governor's Budget..... \$2,500,000.00
(San Joaquin River Conservancy Projects)
 - Chapter 983, Statutes of 2002..... \$4,800,000.00
 - Chapter 984, Statutes of 2002..... \$19,200,000.00

- (j) 2001-02 California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund
 - Continuously Appropriated (Section 5096.650) \$273,000,000.00
 - Less Previous Board Allocations (9,745,078.31)
 - Unallocated Balance..... \$263,254,921.69

- (k) 2002-03 Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002
 - Continuously Appropriated \$890,000,000.00
(Sections 79565 and 79572)
 - Less Set Aside (Bond Costs and Administration) (75,650,000.00)
 - Unallocated Balance..... \$814,350,000.00

RECAP OF FUND BALANCES

Wildlife Restoration Fund (a) and (b)	\$75,460.00
Habitat Conservation Fund (c) and (d)	\$27,682,596.61
General Fund (e)	\$0.00
Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Bond Fund (f)	\$6,040,229.91
Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (g) and (h)	\$118,370,090.62
California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund (i) and (j)	\$289,754,921.69
Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (k).....	\$814,350,000.00

RECAP OF NATURAL HERITAGE PRESERVATION TAX CREDIT ACT OF 2000

Natural Heritage Preservation Tax Credit Act of 2000
(Authority suspended for FY 02/03)

Total Tax Credit Available, Chapter 113, Statutes of 2000	\$100,000,000.00
Less Previous Board Approved Tax Credit for Donated Property ..	(36,884,984.00)
Tax Credit Available	\$63,115,016.00

3. Special Project Planning Account

Informational

The Board has historically used a special project account to provide working funds for staff evaluation (appraisals, engineering, preliminary title reports, etc.) of proposed projects. Upon Board approval of a project, all expenditures incurred and recorded in the Special Project Planning Account are transferred to the Board approved project account which reduces the Special Project Planning Account expenditures. This procedure, therefore, acts as a revolving account for the pre-project expenses.

Some appropriations now made to the Board do not include a specific budgeted planning line item appropriation necessary to begin a project without prior Board authorization. Pre-project costs are a necessary expenditure in most all capital outlay projects. The Special Project Planning Account would be used for these costs.

The Board, at the May 6, 1986 meeting, authorized the Executive Director to use up to one percent of a budgeted appropriation to set up and maintain an appropriate planning account with the provision it would be reported to the Board as an informational item at the next meeting.

Accordingly, a planning account has been set up as follows:

Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002	\$60,000.00
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Mr. Wright asked if there were any questions regarding the above informational items. There were none.

4. PROPOSED CONSENT CALENDAR (Items 5 through 18)

Mr. Wright explained that the Board would not consider the November 22, 2002 meeting minutes at this time, but that those minutes would be considered at the May 2003 meeting. He reported that the Board received letters of support from the California Waterfowl Association for consent items 8, 9, 11, 12, 13 and 17. Mr. Wright also reported that the Board received a letter of support from the Inyo County Board of Supervisors supporting consent item 9 and that a letter of support was received from Supervisor Greg Cox of San Diego County supporting consent item 8. Mr. Wright asked if there were any questions regarding the consent calendar. There were none.

It was moved by Mr. Robert Hight that the Board approve Consent Calendar items 5 through 18, as proposed in the individual agenda explanations, including funding as noted therein, excluding consideration of the November 22, 2002 meeting minutes at this time.

Motion carried.

Mr. Wright reported that agenda items 31 and 32 were withdrawn from consideration at this time. He explained that in regard to item 31, a proposed acquisition, the Modoc County Board of Supervisors requested the proposal be withdrawn from consideration in order to have more time to have discussions with the Department of Fish and Game. He also explained that item 32, a proposal in Riverside County, was withdrawn so that staff could have more time to gather additional information about the property before consideration by the Board.

*5. Approval of Minutes – December 17, 2002 Meeting

Mr. Al Wright explained that the minutes for the November 22, 2002 meeting were not ready for consideration at this time. Therefore, staff recommended approval of the December 17, 2002 meeting minutes of the Wildlife Conservation Board.

As one of the consent items heard at the beginning of the meeting, Mr. Robert Hight moved that the Board approve the December 17, 2002 Wildlife Conservation Board meeting minutes.

Motion carried.

*6. Recovery of Funds

The following projects previously authorized by the Board are now completed, and some have balances of funds that can be recovered and returned to their respective funds. It was recommended that the following totals be recovered and that the projects be closed.

\$27,644.50 to the General Fund
\$1,077,923.78 to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund
\$1,370,239.99 to the Habitat Conservation Fund
\$0.00 to the Inland Wetland Conservation Fund
\$10,000.00 to the River Parkway Subaccount
\$3,374,250.00 to the Other

GENERAL FUND

Project Planning, East Merced Vernal Pool Grasslands Preserve

Allocated	\$20,000.00
Expended	<u>-17,240.00</u>
Balance for Recovery	\$2,760.00

Project Planning, Natural Communities Conservation Planning

Allocated	\$20,000.00
Expended	<u>-6,500.00</u>
Balance for Recovery	\$13,500.00

Project Planning, Wetlands Acquisition and Restoration

Allocated	\$20,000.00
Expended	<u>-8,615.50</u>
Balance for Recovery	\$11,384.50

San Bernardino Mountains Wildlife Corridor, San Bernardino County

Allocated	\$1,986,972.00
Expended	<u>-1,986,972.00</u>
Balance for Recovery	\$ 0.00

San Joaquin River (San Joaquin River Conservancy, Caglia Development), Fresno County

Allocated	\$93,000.00
Expended	<u>-93,000.00</u>
Balance for Recovery	\$ 0.00

Yolo Bypass Wildlife Area, Expansion 5, Yolo County

Allocated	\$16,944.00
Expended	<u>-16,944.00</u>
Balance for Recovery	\$0.00

Total General Fund **\$27,644.50**

SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND FUND

Black Mountain Preserve, Fresno County

Allocated	\$187,000.00
Expended	<u>-182,760.00</u>
Balance for Recovery	\$4,240.00

French Valley Wildlife Area, Riverside County

Allocated	\$10,950,000.00
Expended	<u>-10,905,662.58</u>
Balance for Recovery	\$44,337.42

Los Banos Wildlife Area (Mud Slough Unit), Expansion 3, Merced County

Allocated	\$330,000.00
Expended	<u>-313,028.51</u>
Balance for Recovery	\$16,971.49

Peninsular Bighorn Sheep Ecological Reserve, Riverside County

Allocated	\$3,020,000.00
Expended	<u>-2,008,262.31</u>
Balance for Recovery	\$1,011,737.69

Yolo Bypass Wildlife Area, Expansion 5, Yolo County

Allocated	\$183,915.00
Expended	<u>-183,277.82</u>
Balance for Recovery	\$637.18

Total Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund	\$1,077,923.78
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HABITAT CONSERVATION FUND

Allensworth Ecological Reserve, Expansion 23, Tulare County

Allocated	\$8,000.00
Expended	<u>-404.00</u>
Balance for Recovery	\$7,596.00

Allensworth Ecological Reserve, Expansion 24, Tulare County

Allocated	\$2,000.00
Expended	<u>-915.00</u>
Balance for Recovery	\$1,085.00

Donner Memorial State Park, Placer County

Allocated	\$2,000.00
Expended	<u>-0.00</u>
Balance for Recovery	\$2,000.00

Duarte Hills Open Space Preserve, Los Angeles County

Allocated	\$2,000.00
Expended	<u>-1,116.00</u>
Balance for Recovery	\$884.00

Gray Lodge Wildlife Area, Water Distribution System, Phase II, Butte County

Allocated	\$500,000.00
Expended	<u>-500,000.00</u>
Balance for Recovery	\$0.00

Jepson Prairie Ecosystem Conservation Area, Solano County

Allocated	\$2,505,000.00
Expended	<u>-1,288,797.69</u>
Balance for Recovery	\$1,216,202.31

Mattole River Ecological Reserve, Expansion 10, Humboldt County

Allocated	\$606,000.00
Expended	<u>-599,953.66</u>
Balance for Recovery	\$6,046.34

Riparian and Stream Habitat Restoration, Department of Fish and Game, Multiple Counties

Allocated	\$632,073.00
Expended	<u>-543,145.75</u>
Balance for Recovery	\$88,927.25

Wetland Conservation Easement Program and Restoration (Orme and Hughes), Butte County

Allocated	\$1,375,000.00
Expended	<u>-1,327,500.91</u>
Balance for Recovery	\$47,499.09

Yolo Bypass Wildlife Area, Expansion 5, Yolo County

Allocated	\$6,141.00
Expended	<u>-6,141.00</u>
Balance for Recovery	\$0.00

Total Habitat Conservation Fund **\$1,370,239.99**

INLAND WETLANDS CONSERVATION FUND

Wetland Habitat Restoration (Butte and Colusa Basin), Butte, Colusa, Glenn and Sutter Counties

Allocated	\$983,780.00
Expended	<u>-983,780.00</u>
Balance for Recovery	\$0.00

Total Inland Wetlands Conservation Fund **\$0.00**

RIVER PARKWAY SUBACCOUNT

Project Planning, San Dieguito River Corridor

Allocated	\$10,000.00
Expended	<u>-0.00</u>
Balance for Recovery	\$10,000.00

Total River Parkway Subaccount **\$10,000.00**

OTHER

Donner Memorial State Park, Placer County

Allocated	\$173,250.00
Expended	<u>-0.00</u>
Balance for Recovery	\$173,250.00

At the August 22, 2002 meeting of the Wildlife Conservation Board, the Board approved, on a conditional basis, the donation of property for inclusion under the Natural Heritage Preservation Tax Credit (NHPTC) Act of 2000. The conditional approval was based on the Board's continuing authority for the NHPTC program. Chapter 1033, Statutes of 2002, (AB 3009) suspends the award of tax credits in the 2002-03 fiscal year. Since the Board's authority has been suspended, this entry is to officially close the project for the Board.

Duarte Hills Open Space Preserve, Los Angeles County

Allocated	\$3,201,000.00
Expended	<u>-0.00</u>
Balance for Recovery	\$3,201,000.00

At the August 22, 2002 meeting of the Wildlife Conservation Board, the Board approved, on a conditional basis, the donation of property for inclusion under the Natural Heritage Preservation Tax Credit (NHPTC) Act of 2000. The conditional approval was based on the Board's continuing authority for the NHPTC program. Chapter 1033, Statutes of 2002, (AB 3009) suspends the award of tax credits in the 2002-03 fiscal year. Since the Board's authority has been suspended, this entry is to officially close the project for the Board.

Tauhindauli Public Access, Siskiyou County

Allocated	\$0.00
Expended	<u>-0.00</u>
Balance for Recovery	\$0.00

At the November 28, 2001 meeting of the Wildlife Conservation Board, the Board approved the acquisition of 5.6± acres of land and associated improvements, in the City of Dunsmuir, and authority to accept Cantara Trustee Council funding into a designated escrow account to effect the purchase of said land, for the purposes of expanding public recreational opportunities associated with the Upper Sacramento River. The acquisition has been completed and this entry is to officially close the project for the Board.

Total Other **\$3,374,250.00**

As one of the consent items heard at the beginning of the meeting, Mr. Robert Hight moved that the Board approve the recovery of funds for the projects listed on pages 7 through 12 of these minutes and close the project accounts. Recovery totals include \$27,644.50 to the General Fund, \$1,077,923.78 to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund, \$1,370,239.99 to the Habitat Conservation Fund, \$0.00 to the Inland Wetland Conservation Fund; \$10,000.00 to the River Parkway Subaccount, and \$3,374,250.00 to the Other.

Motion carried.

*7. Fund Transfer of Various Projects

The Department of Finance issued Budget Letter 02-40 directing State Agencies, Boards and Commissions to take action to generate General Fund savings. On December 17, 2002 the Board approved the redirection, release and recovery of a total of \$19,559,360.12 to the General Fund. The Board has now identified additional General Fund contracts and/or grants that can be funded with alternative sources. This item is to shift the balance of previously approved General Fund projects to alternative fund sources. These sources include the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund (Proposition 50) and the California Clean Water, Safe Neighborhood Parks and Coastal Protection Bond Fund (Proposition 40).

The projects are as follows:

Project Name and County	Board Approval Date	General Fund Amount	Shift to Fund
WHR, San Pablo Bay, Napa and Sonoma Counties	08/10/00	\$599,180.73	79572 (c) (Proposition 50)
WHR, North Grasslands Wildlife Area, Gadwall Unit, Merced County	05/18/01	\$80,290.76	5096.650 (Proposition 40)
Coachella Valley Ecological Reserve, Exp. 19 and 20	11/22/02	\$109,264.00	5096.650 (Proposition 40)
TOTAL FUND SHIFT		\$788,735.49	

As one of the consent items heard at the beginning of the meeting, Mr. Robert Hight moved that the Board approve a fund shift in the amount of \$788,735.49 from the General Fund for previously approved projects to the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund (Prop 50) in the amount of \$599,180.73 and to the California Clean Water, Safe Neighborhood Parks and Coastal Protection Bond Fund (Prop 40) in the amount of \$189,554.76; and authorize staff to proceed substantially as planned.

Motion carried.

- *8. Dairy Mart Ponds Ecological Reserve, San Diego County \$3,000.00

This proposal was to consider the transfer of 60± acres of State-owned real property, managed by the Department of Fish and Game (DFG) as the Dairy Mart Ponds Ecological Reserve, to the County of San Diego for the protection and restoration of prime coastal freshwater wetlands and surrounding riparian habitat, in southwestern San Diego County.

The subject property is located in the Tijuana River Valley Planning Area in the City of San Ysidro, on Dairy Mart Road, immediately west of Interstate 5. Much of the river valley has been preserved as a regional open space preserve. At the west end of the valley, the State Department of Parks and Recreation (DPR) operates Border Field State Park. Adjacent to the Park is the Tijuana River National Estuarine Research Reserve, operated jointly by the DPR and the U. S. Fish and Wildlife Service. Immediately adjacent to the Reserve is the Tijuana River Valley Regional Park, owned and managed by the County of San Diego, Department of Parks and Recreation (County). This 1,400-acre park extends eastward and is focused around the Tijuana River. The park provides habitat and wildlife protection while providing opportunities for passive recreation.

Historically, this area was part of or within direct influence of the Tijuana River basin. However, diking and subsequent sandmining allowed a freshwater marsh and riparian vegetation to colonize the area. In 1989, when the Wildlife

Conservation Board acquired the property, the Dairy Mart Ponds were known as one of the most significant freshwater marsh/riparian habitats, of its size, in southern California. The area was heavily used by approximately 260 species of birds using this valuable habitat and provided the only known heronry in San Diego County, and one of the few in California, for the snowy and cattle egret. Ospreys sought food fish in the pond areas throughout the year while Golden eagles continued to winter around the marsh.

Over the years, the amount of water flowing into the ponds has decreased. Currently, the only sources of water to the ponds are from rainfall and a small amount of urban run-off. As a result, during drought periods, the ponds dry out. When this occurs, the amount and variety of bird species found on the property decreases dramatically. Similarly, public visitation also decreases. The DFG has also experienced management challenges at the Reserve that are difficult to control, such as illegal alien activity, homeless and migrant encampments and dumping of trash and debris.

Over the past twelve years, the County has managed the Dairy Mart Ponds property informally as an extension of its regional park. While the County has not constructed any improvements on the property, they have performed basic land stewardship activities at the Reserve, including basic patrol, trash and debris removal and organized clean up projects. County staff, special work/job training crews and work crews from the local state prison have performed these activities. Costs for these activities have been borne by the County.

County staff has also provided health and safety information to Reserve visitors. Since much of the water in the Tijuana River Valley may be contaminated through a variety of sources, educating the public about appropriate activities in and around water bodies has been an important tool in ensuring the continued good health of the park visitors. County rangers have routinely patrolled the Reserve property and have provided interpretive information about the ponds, together with recreational opportunities in the regional open space preserve.

The DFG and the County staffs mutually agree that it is more cost-effective for the County to manage the Reserve as a part of its park. Once the County has formal responsibility for the property, it can pursue its goal to identify a permanent source of water to replenish the ponds during dry periods. There are reclaimed water lines located in Dairy Mart Road, the street bisecting the pond property. The County has secured \$50,000.00 to conduct a study to determine the feasibility of using reclaimed water to replenish the ponds. If approved, use of the reclaimed water would provide a permanent source of water to ensure the long-term viability of the riparian habitat on the property.

The County would also like to improve the public's ability to access and view the ponds. Currently, a dirt road borders the southern edge of the property. The County proposes to construct non-vehicular pathways, observation points and benches to provide the public with a safe and enjoyable method to access and view

the ponds. Signage would provide interpretive information to visitors about the flora and fauna known to occur in the ponds, as well as the wide array of bird species and wildlife habitat. In addition, the County has agreed as a condition of the transfer to confine the use of the property to activities involving wildlife habitat preservation and management, wildlife-oriented education and research and compatible public uses, such as trails or open space.

The approved fair market value of the property is \$910,000.00. It is proposed that fee interest in the property be transferred to the County for no monetary consideration, but that the State accept the "like value" compensation for the County's past services including costs for staffing and maintenance, and future funding required by the County for water reclamation and construction of pathways and viewpoint improvements, all of which exceed the appraised value. The total proposed allocation for this project would be \$3,000.00 to provide for expenses associated with the transfer.

The proposed sale is exempt from CEQA under Section 15325, Class 25, which consists of transfers of ownership of interests in land in order to preserve open space and the appropriate Notice of Exemption will be filed with the State Clearinghouse.

Staff recommended that the Board approve the transfer of the property to the County as proposed; allocate \$3,000.00 from the Habitat Conservation Fund, Section 2786 (e/f) for related project expenses; authorize staff to enter into the appropriate agreements to accomplish this project; and authorize staff of the Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, Mr. Robert Hight moved that the Board approve the transfer of the property to the County as proposed; allocate \$3,000.00 from the Habitat Conservation Fund, Section 2786 (e/f) for related project expenses; authorize staff to enter into the appropriate agreements to accomplish this project; and authorize staff of the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *9. Riparian Habitat Restoration, Upper Little Lake Ranch, \$45,800.00
Inyo County

This proposal was to consider an allocation for a grant to Ducks Unlimited, Inc. (D.U.) for a partnership project to restore approximately 100 acres of wetlands, 6 acres of riparian habitat and to enhance approximately 200 acres of associated upland habitat along a 1.6 mile stream corridor near Upper Little Lake in Inyo County. The partners in this proposal include D.U., the Department of Fish and Game (DFG), the landowners, the U.S. Fish and Wildlife Service, the California Department of Forestry, the North American Wetland Conservation Act Program

and the Board. The proposed project is located on a 1,200 acre private ranch that is situated on the east and the west of State Highway 395, approximately 50 miles south of the city of Lone Pine.

Historically, Little Lake has been an important resting and feeding area for migratory waterfowl in the flyway along the eastern side of the Sierra Nevada Mountains. In addition, several significant archaeological sites occupy the area around the lake, representing the rich cultural heritage of the Numic-speaking hunter/gatherers that occupied the area for several thousand years. Approximately 346 acres of the current ranch were acquired on behalf of the DFG by the Board in 1978. The property included thirteen permanent and seasonal ponds with a water supply that had been managed primarily for waterfowl hunting. The acquisition also included a 25-acre portion of Little Lake (110 surface acres), which the DFG managed for fish and wildlife habitat conservation purposes, and for compatible outdoor recreation.

In 1986 the DFG elected to dispose of the property, partially due to the property's remote location, and partially because of the costs associated with maintaining the wetland character of the site. The Board completed the sale of the property to the current landowner, a private hunting club, in 1987.

Upper Little Lake Ranch now includes six wetland areas that are connected hydrologically in a north to south drainage pattern. This wetland system is largely spring-fed. Habitat conditions in most of the wetland areas are poor, ranging from excessive sediment and dense cattails to little or no emergent vegetation. The connecting riparian corridors are either without riparian vegetation or overgrown with rank herbaceous vegetation and non-native invasive vegetation that prevents the growth of native willows and cottonwoods. Little Lake is the largest wetland on the property and covers about 90 surface acres when full. An existing small concrete dam and spillway, which regulates the water level in the lake, is in need of repair to avoid failure of the dam and the resultant loss of wetland habitats.

The landowner has recently acquired an easement to use water from Little Lake. This acquisition will protect the water supply that maintains the existing wetlands and will support the planned habitat restoration and enhancement efforts on the property. Specifically, the project will replace the dam and spillway at Little Lake, will remove several acres of non-native invasive vegetation, including tamarisk and giant reed (*Arundo donax*), and will restore 100 acres of permanent wetlands, and about 6 acres of riparian forest habitat. The project will also enhance approximately 220 acres of associated upland habitat. Restoration of water control facilities will allow the six wetlands to be managed for increased food production and cover. This will improve migratory and wintering habitat for waterfowl and other waterbirds. The project will also remove non-native vegetation and establish a riparian corridor. This will increase habitat diversity on the property and will improve important habitat for a variety of species, particularly neotropical migratory songbirds. The project will also enhance conditions for upland species by removing rank herbaceous vegetation, establishing native vegetation and periodically irrigating selected areas.

Waterfowl species that will benefit from this project include northern pintail, mallard, canvasback, redhead, lesser scaup, and ring-necked duck. Nongame and other migratory birds that will benefit include blue-gray gnatcatcher and ash-throated flycatcher, black-chinned hummingbird, willow flycatcher, northern harrier, long-billed curlew, Clark's grebe, and western grebe. The project may also benefit three species that are state and/or federally endangered: southwestern willow flycatcher, bald eagle and Inyo California towhee. Portions of the project area provide suitable potential habitat for the Mojave ground squirrel. This species is a federal species of concern and is state listed as threatened, and if present in the project area, could be adversely affected by construction and maintenance activities. The landowners have agreed to mitigate this potential adverse impact by granting a conservation easement on a 34-acre portion of the property to the DFG that would be designated for Mojave ground squirrel habitat. The DFG and the landowners are working together to designate the specific boundaries of the easement.

The project area is located along a section of U.S. Highway 395 known as the Eastern Sierra Scenic Byway. This route is heavily used by outdoor recreationists and others traveling from southern California to the eastern Sierras. Wetland and riparian habitats are very limited in the project area and vicinity. The habitat restoration and enhancement work completed as part of this project will greatly improve the view shed along this section of highway and be highly visible to the numerous people traveling along this route.

This project will address the goals of the California Riparian Habitat Conservation Program, the California Riparian Habitat Joint Venture, the Intermountain West Joint Venture, and DU's Continental Conservation Plan.

Cost estimates for this project, which have been reviewed by staff, are as follows:

Description:	Estimated Cost
Water Easement Acquisition	\$110,000.00
Permits	4,600.00
Survey, design & project management	13,900.00
Vegetation removal	28,125.00
Water control structures	49,140.00
Earthwork	32,200.00
Ditch improvement	3,400.00
Canal construction & improvements	5,635.00
Sediment traps	11,200.00
Rip rap	4,650.00
Riparian revegetation	15,745.00
Upland seeding	1,155.00
Administrative Costs	17,492.00
Project sign	1,800.00
Contingencies	4,000.00
TOTAL ESTIMATED COST	\$303,042.00

Proposed Funding Breakdown:

WCB	\$45,800.00
Landowners	140,000.00
Landowners	15,250.00
DU (In-kind)	22,492.00
USFWS	24,500.00
CDF (In-kind)	5,000.00
North American Wetland Conservation Act	50,000.00
TOTAL AVAILABLE FUNDING	\$303,042.00

The Department of Fish Game has reviewed this proposal and recommends it for funding by the Board. The Department is preparing an Environmental Impact Report for this project to satisfy the requirements of the California Environmental Quality Act. The landowner has agreed to manage and maintain the property for twenty-five years pursuant to the terms and conditions of the Grant Agreement. If at any time during the life of the project, the landowners are unable to manage and maintain the project improvements, they will refund to the State of California an amortized amount of funds based on the number of years left on the project life.

This project is well supported in the community and by the Inyo County Board of Supervisors, who have indicated its support in a letter to the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Program.

Staff recommended that the Board approve this project as proposed; allocate \$45,800.00 from the Habitat Conservation Fund, Section 2786 (e/f); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the Board approve this project as proposed; allocate \$45,800.00 from the Habitat Conservation Fund, Section 2786 (e/f); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *10. Allensworth Ecological Reserve, Expansion 25, \$12,500.00
Tulare County

This proposal was to consider the acquisition of 10 $\frac{1}{2}$ acres of land as an addition to the Department of Fish and Game's Allensworth Ecological Reserve, a Significant Natural Area providing habitat for the endangered Tipton kangaroo rat and blunt-nosed leopard lizard, as well as the San Joaquin kit fox, a state listed threatened and federally listed endangered species. The subject property is located east of Highway 43 and west of Highway 99 in Tulare County near the Allensworth Ecological Reserve.

Funding for this proposed purchase, including related acquisition expenses, is made available from a Bureau of Reclamation (BOR) grant, accepted for this purpose by the Wildlife Conservation Board (WCB) at its August 20, 2000 meeting. The grant provides funding for the total purchase price of the proposed properties being acquired in the Allensworth area. These funds are deposited directly into the State's escrow account on a project-by-project basis upon request by the WCB. Funds for all other related acquisition expenses, such as appraisal services, Department of General Services' review, escrow expenses and title insurance are reimbursed to the State upon submission of invoices to the BOR.

In February of 1991, the WCB approved the initial Allensworth Ecological Reserve acquisition consisting of 651 $\frac{1}{2}$ acres in southern Tulare County. Additional acquisitions to date have increased the total acreage of the reserve area to 1,600 $\frac{1}{2}$ acres. Although the Department of Fish and Game (DFG) ownerships are fragmented, continuing efforts are being made to join these parcels.

The Allensworth area is listed in the 1988 Annual Report of Significant Natural Areas of California prepared by the DFG. The Valley Sink Scrub community found at Allensworth is one of the best remaining examples in the southern San Joaquin Valley. Due to the relatively large area it covers, it provides critical habitat for the San Joaquin kit fox, which requires sizable territories (1 - 2 miles) for hunting and breeding. In addition, because of its significant habitat for the blunt-nosed leopard lizard, the Allensworth area has long been recommended for protection in the Recovery Plan for that species.

Much of the land in the general vicinity of the subject property has been, or is currently being, converted to extensive agricultural uses including alfalfa, cotton, milo, grapes or orchard use. In the long-term, it is almost a certainty that the subject property would be developed to agricultural uses, thereby destroying its habitat values. DFG operation and maintenance costs for this area are expected to be minimal. The management focus is habitat preservation with potential species augmentation.

The owner has agreed to sell the property at the appraised, approved fair-market value of \$2,400.00. As discussed above, related acquisition expense are initially paid by the State and reimbursed by the BOR upon submission of paid invoices. It is estimated that \$12,500.00 will be needed to cover these expenses, including appraisal services, title insurance, escrow fees and the Department of General Services= review charges.

The acquisition is exempt from CEQA under Section 15313, Class 13 as an acquisition of land for wildlife conservation purposes and the appropriate documents will be filed upon the Board's approval.

Staff recommended that the Board approve this transaction as proposed; allow the deposit into escrow of previously authorized grant funds for the purchase price of the proposed acquisition; allocate \$12,500.00 from the Habitat Conservation Fund, Section 2786 (b/c), to cover the related costs; permit staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the Board approve this transaction as proposed; allow the deposit into escrow of previously authorized grant funds for the purchase price of the proposed acquisition; allocate \$12,500.00 from the Habitat Conservation Fund, Section 2786 (b/c), to cover the related costs; permit staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *11. Volta Wildlife Area, Expansion 1, Merced County \$10,000.00

This proposal was to consider the acquisition of 780± acres of land for the purposes of protecting Central Valley wetlands and grasslands and also to accept funds into escrow from an estate disbursement to complete the purchase of the subject property. The property is situated approximately 12 miles northwest of the City of Los Banos and lies immediately north of the Volta Wildlife Area.

The property lies in western Merced County and is part of the Grasslands Ecological Area (GEA). The GEA consists of six state wildlife areas, a state park, and a large national wildlife refuge complex and over 160 private duck clubs. For the past 30 years, the wetlands that once surrounded the Volta Wildlife Area have been converted to agriculture. As a result, the Volta Wildlife Area is no longer a part of the large wetland mosaic of the North Grasslands and functions rather as a small island of habitat surrounded by agriculture. The property will be added to the Volta Wildlife Area and will help to reconnect the wildlife area to the large block of wetlands in the North Grasslands portion of the Grassland Ecological Area. By reconnecting the Volta Wildlife Area to this large block of habitat, it is expected that

avian, mammal and reptile use of the area will increase. Listed species and species of special concern expected to benefit include: giant garter snake, western pond turtle, tri-colored blackbird, American white pelican, white-faced ibis, long-billed curlew, northern harrier, greater sandhill crane, black tern and double-crested cormorant. This reestablishment of habitat connectivity will also enhance the long-term viability of the wetland habitat on the Volta Wildlife Area.

The Department of Fish and Game will manage this property as an addition to the Volta Wildlife Area. The combined acreage will be managed with an emphasis on seasonal wetlands and wildlife related public use. To accommodate better maintenance and management needs, the Grantors and the State will enter into two reciprocal easements along the western boundary and northern boundary of the subject property.

The Department is the beneficiary under a trust from the estate of an anonymous donor. The trust directs the proceeds are to be used to acquire habitat for waterfowl in Merced County. Therefore, we are proposing to direct a portion of the proceeds be placed into an escrow to be used for this acquisition. The owners have agreed to sell this property for \$740,000.00, the appraised value approved by the Department of General Services (DGS). It is estimated that an additional \$10,000.00 will be needed for appraisal costs, DGS's review fees, escrow fees and other related costs.

This acquisition is exempt from the California Environmental Quality Act under Section 15313, Class 13 as an acquisition of land for wildlife conservation purposes. A Notice of Exemption will be filed upon approval by the Board.

Staff recommended that the Board approve the acquisition as proposed; allocate \$10,000.00 from the Inland Wetland Conservation Fund; authorize acceptance of \$740,000.00 from the disbursement made by the estate of an anonymous donor directly into escrow; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the Board approve the acquisition as proposed; allocate \$10,000.00 from the Inland Wetland Conservation Fund; authorize acceptance of \$740,000.00 from the disbursement made by the estate of an anonymous donor directly into escrow; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *12. Wetland Habitat Restoration, South Grasslands (Redfern Ranch), Merced County \$26,000.00

This proposal was to consider an allocation for a grant to the California Waterfowl Association (CWA) for a partnership project to enhance approximately 200 acres of seasonal and semi-permanent wetlands on privately-owned land. The partners in this proposal include the CWA, the landowner and the Wildlife Conservation Board (Board). The project is located seven air miles southeast of the City of Los Banos and two miles south of the Department of Fish and Game's Gadwall Unit of the North Grasslands Wildlife Area.

The site has been managed as a private duck club for many decades and contains a desirable mix of seasonal wetlands, semi-permanent wetlands and uplands. However, the individual wetland cells cannot be independently managed and the site does not drain well. As a result, salt accumulates in the seasonal wetlands, and the semi-permanent wetlands have become choked with tules.

The proposed improvements include construction of a supply and drainage ditch along the eastern boundary of the property to allow for the independent drainage of the seasonal wetlands and to supply water to the brood pond. Additionally, swales will be constructed in the two northern ponds to provide drainage and create habitat diversity. Potholes will be excavated in the brood pond to remove tules and provide open water for duck broods and many other wildlife species.

Once these improvements are implemented, many species of waterfowl will benefit, including mallards, which breed on site, and northern pintails, which use the area in the winter. Other wetland dependent species to benefit include many species of shorebirds, such as western sandpipers and greater yellowlegs, and raptors including red-tailed hawks and northern harriers. Mammals that could benefit from this project include coyotes, mink and muskrat.

Cost estimates for this project have been reviewed by staff and are as follows:

Description:	Estimated Cost
Site preparation and earthmoving	\$16,000.00
Water control structures	8,406.00
Grantee project design and management	6,000.00
Contingencies	3,000.00
TOTAL ESTIMATED COST	\$33,406.00
Proposed Funding Breakdown:	
Wildlife Conservation Board	\$26,000.00
Landowner	7,406.00
TOTAL AVAILABLE FUNDING	\$33,406.00

The Department of Fish Game has reviewed this proposal and recommends it for funding by the Board. The project site is enrolled in the Department's Presley Program and is visited twice yearly by Department biologists to assess the management of the site. The club is permanently protected with a U.S. Fish and Wildlife Service conservation easement. This project is exempt from the California Environmental Quality Act (CEQA) under Class 4 of Categorical Exemptions, California Code of Regulations, Title 14, Section 15304, as a minor alteration to land. Subject to approval by the Board, the appropriate Notice of Exemption will be filed with the State Clearinghouse. The landowner has agreed to manage and maintain the property for twenty-five years, pursuant to the terms and conditions of the Habitat Management Plan. If at any time during the life of the project, the landowners are unable to manage and maintain the project improvements, they will refund to the State of California an amortized amount of funds based on the number of years left on the project life.

Staff recommended that the Board approve this project as proposed; allocate \$26,000.00 from the Habitat Conservation Fund, Section 2786 (d); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the Board approve this project as proposed; allocate \$26,000.00 from the Habitat Conservation Fund, Section 2786 (d); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *13. Wetland Habitat Restoration, South Grasslands (Rooney Ranch), Merced County \$100,000.00

This proposal was to consider an allocation for a grant to the California Waterfowl Association (CWA) for a partnership project to restore approximately 175 acres of seasonal wetlands and 80 acres of associated uplands on privately-owned land. The partners in this proposal include the CWA, the landowner and the Wildlife Conservation Board (Board). The project is located approximately six miles southeast of the City of Los Banos and two miles south of the Department's Gadwall Unit of the Los Banos Wildlife Area.

The site is currently managed as a private duck club. The U.S Fish and Wildlife Service protected the site with a conservation easement in 1989. The current owner has been slowly restoring the formerly farmed site over the years, but most of the property is still flat and level. As a result, the site cannot be properly managed as a fully functioning wetland complex. The brood pond on the south end cannot be

drained properly and the existing seasonal wetlands are lacking in diversity. The uplands are non-native annual grasses and do not provide the type of dense nesting cover that most waterfowl and many other grassland birds require.

The project will restore diversity to the seasonal wetlands through the excavation of potholes and swales. Drainage will be improved through the installation of water control structures, and a brood pond will be constructed near the southern border of the site. Uplands will be seeded with perennial grasses and forbs and tules, willows and cottonwoods will be planted to provide an ideal mix of seasonal wetlands, uplands, permanent water and riparian habitat.

The diversity of this proposal should provide habitat for a large number of species. The seasonal wetlands will provide ideal foraging habitat for wintering waterfowl, such as gadwalls and widgeon, and for shorebirds, including dowitchers and snipe. The brood pond will support breeding waterfowl such as mallards and cinnamon teal, and provide open water for such water birds as pied-billed grebe and American bittern. Uplands support breeding northern harriers and western meadowlarks, and the riparian habitat provides foraging habitat for neotropical migrants such as yellow warblers and blue grosbeaks.

Cost estimates for this project have been reviewed by staff and are as follows:

Description:	Estimated Cost
Site preparation and earthmoving	\$75,000.00
Water control structures	16,743.00
Site preparation and seeding/planting	2,650.00
Grantee project design and management	15,000.00
Contingencies	14,000.00
TOTAL ESTIMATED COST	\$123,393.00
Proposed Funding Breakdown:	
Wildlife Conservation Board	\$100,000.00
Landowner	23,393.00
TOTAL AVAILABLE FUNDING	\$123,393.00

The Department of Fish Game has reviewed this proposal and recommends it for funding by the Board. This project is exempt from the California Environmental Quality Act (CEQA) under Class 4 of Categorical Exemptions, California Code of Regulations, Title 14, Section 15304, as a minor alteration to land. Subject to approval by the Board, the appropriate Notice of Exemption will be filed with the State Clearinghouse. The landowner has agreed to manage and maintain the property for twenty-five years, pursuant to the terms and conditions of the Habitat Management Plan. If at any time during the life of the project, the landowners are unable to manage and maintain the project improvements, they will refund to the State of California an amortized amount of funds based on the number of years left on the project life.

Staff recommended that the Board approve this project as proposed; allocate \$100,000.00 from the Habitat Conservation Fund, Section 2786 (d); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the Board approve this project as proposed; allocate \$100,000.00 from the Habitat Conservation Fund, Section 2786 (d); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *14. Point Benicia Fishing Pier Improvements, Solano County \$252,270.00

This proposal was to consider a cooperative project with the City of Benicia to improve public parking access at the Point Benicia Fishing Pier, located at the end of First Street in Benicia, adjacent to the Carquinez Strait. The project would enlarge the existing parking area and provide new paving, lighting, and curbing for 53 parking spaces, including two ADA sites, and assist in construction of an ADA accessible restroom near the entrance to the pier.

In 1982, the Wildlife Conservation Board entered into a partnership with the City of Benicia to construct a new concrete fishing pier at the most westerly point of First Street, which extends into the waters of the Carquinez Strait. Appurtenances included handrails, benches and wind shelters, lighting and a fish cleaning sink. The intent of the proposed project is to improve public access with additional parking and by creating a more user-friendly and safe environment. Paving the parking area, adding ADA spaces, a new permanent ADA restroom, lighting, and the additional improvements will greatly improve the site. The City has agreed to extend the existing lease and operating agreement between the City and the State for operation and maintenance of the pier until February 11, 2028.

The pier is a popular destination for visitors and anglers of all ages. Salmon, sturgeon, and striped bass are the most popular sport fish during the fall season, and visitors use the area for walking, wildlife viewing, and other recreational activities all year round, with an estimated 13,000 visitor use days tabulated here for 2001. Within walking distance of the pier is the renovated 1800 era train depot, which was formerly used to receive shipments from inland valleys for export to international destinations. At one time, the tracks ran through the parking area to where the pier now exists. The entire waterfront at this location is being transformed into a multi-use recreational area to increase the public's use and

awareness of the area's historical importance. Abandoned marsh habitat has been restored and provides a buffer along the Point's southern edge between parking and the Strait. Many wetland species use the area for foraging and roosting.

Cost estimates for the project, which have been reviewed by staff, are as follows:

Description:	Estimated Cost
Parking Lot Improvements	\$155,200.00
Pathways	74,200.00
Electrical	75,000.00
Restrooms	90,000.00
Construction Design and Administration	70,160.00
Contingencies	39,440.00
TOTAL ESTIMATED COST	\$504,000.00

Proposed Funding Breakdown:

City of Benicia	\$252,000.00
Wildlife Conservation Board	\$252,000.00
TOTAL AVAILABLE FUNDING	\$504,000.00

In addition to the costs listed above, an additional \$270.00 will be required for Department of General Services' review costs, bringing the allocation necessary for the Board's portion of the project to \$252,270.00. The Department of Fish and Game has reviewed this proposal and recommends it for funding by the Board. The City of Benicia will be responsible for completing the appropriate notice to satisfy the California Environmental Quality Act requirements and will obtain all necessary permits.

Staff recommended that the Board approve this project as proposed; allocate \$252,270.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act, Section 5096.350(a)(5); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the Board approve this project as proposed; allocate \$252,270.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act, Section 5096.350(a)(5); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and Department of Fish and Game to proceed substantially as planned.

Motion carried.

*15. Jacoby Creek Forest, Expansion 2, Humboldt County \$660,000.00

This proposal was to consider the allocation of a grant to the Jacoby Creek Land Trust (JCLT) for the purchase of 65 ∇ acres of private land for a cooperative project with JCLT, the Department of Fish and Game and the Board for the protection, enhancement and restoration of habitat along Jacoby Creek and its tributaries southeast of the City of Arcata in Humboldt County.

The subject property is located along Jacoby Creek Road outside the city limits of the City of Arcata, about two miles southeasterly of the downtown area of Arcata. Land use in the area consists of single family homes on small acreage parcels as well as timber production zones (TPZ) along the steeper slopes of the Jacoby Creek drainage. Most of the stands of timber are in various growth stages, some with "old growth." Topography of the subject ranges from modest slope to steep slopes with Jacoby Creek and its tributaries bisecting the property. The easterly boundary of the subject property is adjacent to the Jacoby Creek Forest (800 \pm acres) owned by the City of Arcata.

The primary purpose of this proposed grant is to protect and maintain the health of the limited existing Δ old growth \textcircled{e} forest habitat and also create a riparian reserve area adjacent to the Jacoby Creek corridor. Approximately 5,000 lineal feet of the middle reaches of Jacoby Creek is located on this property. This property is an integral part of the Jacoby Creek watershed and in large part contributes to the Humboldt Bay ecosystem that provides an adequate water supply to maintain wetland habitat for fish, waterfowl, wading birds, shorebirds and other water associated wildlife. This acquisition will help insure the integrity of the watershed and enhance the downstream habitat restoration investments that have been made in the Humboldt Bay Wildlife Area, Jacoby Creek/Gannon Slough Enhancement Area.

Most of the upper reaches of Jacoby Creek have traditionally been used for timber production. The subject is primarily second growth with a few small stands of Δ old growth timber \textcircled{e} still remaining. The lower portion of Jacoby Creek westerly of the subject property was originally part of Humboldt Bay= s extensive intertidal salt marsh and mud flats prior to the construction of the Northwestern Railroad line adjacent to the bay and later the construction of State Highway 101. Construction of these facilities as well as timber harvest in the upper watershed and conversion of the riparian areas to agricultural uses in the lower watershed have impacted Jacoby Creek. There are a number of Δ listed and sensitive \textcircled{e} species that should benefit from this acquisition. The northern red-legged frog, the foothill yellow-legged frog, northern spotted owl, Cooper's hawk, osprey, yellow warbler, sharp shinned hawk, Pacific fisher, white footed vole, red tree vole, coastal cutthroat trout, coho salmon, steelhead and the tidewater goby would all benefit from this acquisition through the restoration and enhancement of forest growth and creation of the riparian corridor along Jacoby Creek.

Management of the property after acquisition will be assumed by the Jacoby Creek Land Trust in cooperation with the Department of Fish and Game and the City of Arcata. This includes providing public access, maintenance and restoration of habitat and protection of the species of concern.

The owner has agreed to sell this property for the approved appraised value of \$650,000.00. The Jacoby Creek Land Trust will pay the related closing, escrow and title insurance costs. The grant to the City will be for \$650,000.00. An additional \$10,000.00 will be needed for appraisal, review and related costs.

The Department of Fish and Game has recommended the acquisition of this property through this grant assistance. There are no claims of sovereign State land ownership over any of the property. The purchase is exempt for CEQA, Section 15313, Class 13 of the Categorical Exemption, as an acquisition of land for wildlife purposes and the appropriate documentation will be filed upon the Board's approval. The terms and conditions of the proposed grant provide that staff review and approve all documents pertaining to the Grantee's acquisition, including any appraisals, preliminary title reports, agreements for purchase and sale, escrow instructions and the instruments of conveyance prior to disbursement of funds.

Staff recommended that the Board approve a grant to the Jacoby Creek Land Trust for the acquisition of the subject property as proposed; allocate \$660,000.00 to cover the grant and related costs from the California Clean Water, Clean Air, Neighborhood Parks, and Coastal Protection Act of 2002 (Prop 40); authorize staff to enter appropriate agreements necessary to carry out this project; and authorize the Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the Board approve a grant to the Jacoby Creek Land Trust for the acquisition of the subject property as proposed; allocate \$660,000.00 to cover the grant and related costs from the California Clean Water, Clean Air, Neighborhood Parks, and Coastal Protection Act of 2002 (Prop 40); authorize staff to enter appropriate agreements necessary to carry out this project; and authorize the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *16. Anderson River Park Fishing Access Improvements, \$56,270.00
Shasta County

This was a proposal to consider an allocation for a cooperative project with the City of Anderson (City) to improve public access at the Department of Fish and Game's Anderson River Park Fishing Access located on the right bank of the Sacramento River in the City of Anderson in Shasta County.

The 262-acre Anderson River Park Fishing Access was acquired by the State with funds allocated by the Wildlife Conservation Board (Board) in a series of land purchases between 1956 and 1975 to provide public recreational opportunities, primarily boat launching and bank fishing, and to protect and preserve riparian habitat. The original two-acre purchase was developed in 1957 with a boat ramp, a parking area and sanitary facilities using funds allocated by the Board in 1956. In 1977 the Board allocated funds to pave the parking area and extend the boat ramp to accommodate low-water boat launches. In 1986, Board funds were allocated to install fencing to restrict vehicular access to sensitive riparian areas. In 1990, the Board allocated funds to improve the parking area, construct a guard rail around the ramp cut, stabilize the slope and provide a project sign. The fishing access area has been operated and maintained by the City under cooperative agreement with the State as part of the City's Anderson River Park since 1967. The park as a whole provides a variety of appropriate outdoor day use recreational opportunities.

This stretch of the Sacramento River provides a host of sport fishing and wildlife viewing opportunities attracting people from all over the region. The most popular sport-fisheries here are for salmon and trout. In general, public fishing access and associated facilities are limited on the Sacramento River and it is important to maintain the existing facilities and keep them open and available for the public.

The City's current proposal includes repaving and re-striping the existing parking area, which has been in use since 1977. In addition, the boat ramp and channel leading from the ramp to the river have silted in, making launches difficult. The boat ramp will be cleared and the launch area will be dredged to improve launching conditions. Finally, landscaping will be installed at the entrance to the parking area to improve the overall aesthetics of the area.

Cost estimates for this proposal, which have been developed by the District and reviewed by staff, are as follows:

Description:	Estimated Cost
Asphalt Overlay	\$28,000.00
Parking Lot Striping	600.00
Dredge Work-Boat Ramp and Access Area	15,000.00
Landscaping (shrubs, trees, ground cover, irrigation)	3,000.00
Project Management	4,700.00
Contingencies	4,700.00
TOTAL ESTIMATED COST:	\$56,000.00

In addition to the cost listed above, the sum of \$270.00 will be required for Department of General Services' review costs, bring the allocation necessary for the project to \$56,270.00. It is anticipated that the project will qualify for federal participation under the Sport Fish Restoration Act. After approval by the Board, staff will file the appropriate application with the U.S. Fish and Wildlife Service, which, if approved, will provide the Board with a 75 percent reimbursement of all project costs. The City will complete the appropriate environmental review and will obtain all permits that may be necessary to complete the proposed work.

Staff recommended that the Board approve this project as proposed; authorize the receipt of federal reimbursements from the Sport Fish Restoration Fund; authorize staff to enter into appropriate agreements necessary to accomplish this project; allocate \$56,270.00 from the Wildlife Restoration Fund for project costs, and General Services' review costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the Board approve this project as proposed; authorize the receipt of federal reimbursements from the Sport Fish Restoration Fund; authorize staff to enter into appropriate agreements necessary to accomplish this project; allocate \$56,270.00 from the Wildlife Restoration Fund for project costs, and General Services' review costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *17. Riparian Habitat Restoration, Mouth of Cottonwood Creek Wildlife Area (Funding Augmentation), Shasta County \$19,000.00

This proposal was to consider an allocation to augment grant funding and to extend the term of the grant to California State University, Chico Research Foundation to do additional work on an existing riparian habitat restoration project on the Mouth of Cottonwood Creek Wildlife Area, which is located approximately one-half mile upstream from the Sacramento River in Shasta County.

The Board approved funding for this project on August 19, 1999, which allowed for the planting and monitoring of approximately 26 acres of riparian and wetland habitats within the Wildlife Area. Since the plantings were completed, the restoration site has been heavily browsed by resident deer and, although the survival rate is high, plant growth has been stunted. During the last irrigation season of the project, the grantee experimented with various methods to reduce and control the deer browsing. Plastic deer netting has proven to be effective, but an additional year of support is needed to allow the planted vegetation to grow above the deer browse line and survive on its own.

The augmentation will fund additional irrigation during the summer months, weed control and deer browse control. The netting will be periodically raised to protect new growth from deer predation as needed. Deer net protection will be combined with hot sauce spray application to discourage browsing of initial spring growth. In addition, plastic protector sleeves will be installed on existing oaks and oak replants to protect the growing plants.

The restoration work on the project site improves the habitat for numerous avian and terrestrial species already occupying the adjacent riparian forest, including deer, wild turkeys, pheasants and migratory songbirds. Public access to the wildlife is encouraged, including public hunting during the appropriate seasons.

Cost estimates for this project, which have been reviewed by staff, are as follows:

Description:	Estimated Cost
Project management	\$2,358.00
Pump operation	750.00
Plant management	12,000.00
Plant netting and herbicides	100.00
Administrative costs	1,792.00
Contingencies	2,000.00
TOTAL ESTIMATED COST	\$19,000.00

The grant agreement for the project will be amended to provide for the additional funding and to provide for an additional work period through December 31, 2003 to ensure the growth and survival of the planted vegetation.

Staff recommended that the Board approve this project as proposed; allocate \$19,000.00 from the Wildlife Restoration Fund; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the Board approve this project as proposed; allocate \$19,000.00 from the Wildlife Restoration Fund; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *18. Lake Earl Wildlife Area, Expansion 27, Del Norte County \$368,000.00

This proposal was to consider the acquisition 44± acres of privately owned, improved land as an expansion of the Department of Fish and Game's (DFG) Lake Earl Wildlife Area (LEWA). The acquisition will allow for the further protection of Lake Earl and its associated coastal dune, wetland, upland and forest habitats, the continued development of the wildlife area and the protection and enhancement of threatened and endangered species habitat. The subject property is located north of Crescent City, west of Lower Lake Road. The property can be accessed via Lower Lake Road.

The Lake Earl Wildlife Area was acquired as a result of the Keene-Nedgedly Act of 1975, which directed the DFG and the California Department of Parks and Recreation (DPR) to jointly evaluate and acquire certain specified coastal lands for the purpose of protecting, enhancing and managing wetlands. Together the two agencies have acquired over 11,000 acres in the Crescent City area, extending from near Point Saint George north to the Smith River. Of the total, approximately 5,679 acres have been purchased by the Wildlife Conservation Board (WCB) and are managed by the DFG. This includes all of Lakes Earl and Talawa (under lease from the California State Lands Commission). These lakes are actually coastal lagoons that periodically breach the barrier island, thereby allowing the interchange of fresh and saltwater. This natural breaching has been replaced in recent times by artificial breaching as a means of lowering water elevations and increasing lands available for livestock grazing and urban development.

Lake Earl is a shallow estuarine lagoon that supports a variety of wetland plant communities, including submerged aquatics in deeper, relatively freshwater areas of the estuary. Freshwater aquatic plants are used extensively by migrating waterfowl. These wetland communities provide habitat for a large number of water-associated species. Sitka spruce grows to the edge of the lake shore and is used by both peregrine falcon and bald eagle. The nonnative perennial grasses are managed on the LEWA as foraging habitat for the Aluetian Canada goose. Over 95 percent of the Aluetian Canada goose population stages in the agricultural fields on or adjacent to LEWA. Over 240 species of birds have been recorded in the area since 1982. Historically, the Lake Earl complex has been an important northern California wintering, stopover and nesting area for migratory shorebirds and waterfowl. There are three federally or state listed endangered birds sighted in the LEWA, including bald eagle, Peregrine falcon and the California brown pelican.

The acquisition of the subject property would assist in securing these unique resources, which lie adjacent to or between existing State lands and urban residential development. Placement of this property in public ownership would help facilitate lake level management and habitat protection and restoration and would add significant buffer for the LEWA. The DFG has identified the subject property as

being within a Significant Natural Area (Lake Earl) and has recommended the purchase of this parcel, which would be incorporated into and managed as part of the existing LEWA.

The Grantors have agreed to sell at the Department of General Services' (DGS) approved fair market value of \$314,000.00. The 44.37-acre parcel is improved with a 1,562 square foot single family residence, an attached 2-car garage, a storage building and a barn. The owner-occupants are eligible for relocation benefits of approximately \$30,000.00. An additional \$24,000.00 is needed for appraisal, relocation study, escrow and title fees, and DGS' review costs, bringing the total allocation requested for this project to \$368,000.00.

There are no claims of sovereign state land ownership within the subject property. The proposed acquisition is exempt from CEQA under Section 15313, Class 13, as an acquisition of lands for wildlife purposes and the appropriate documentation will be filed upon the Board's approval.

Staff recommended that the Board approve the project as proposed; allocate \$368,000.00 from the Water Security, Clean Drinking Water, Coast and Beach Protection Fund (Prop. 50) for the purchase of the land and to pay project expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Robert Hight that the Board approve the project as proposed; allocate \$368,000.00 from the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund (Prop. 50) for the purchase of the land and to pay project expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

19. The Oak Woodlands Conservation Act of 2001 \$ -0-

Mr. Wright reported that a unique program has recently been developed pursuant to the requirements of the Oak Woodlands Conservation Act, enacted by Chapter 588, Statutes of 2001. Recognizing that approximately 80 percent of the remaining oak woodlands are located on private lands, the Oak Woodlands Conservation Program offers landowners, conservation organizations, cities and counties, an opportunity to obtain funding for projects designed to conserve and restore California's oak woodlands. While the Program is statewide in nature, it provides opportunities to address oak woodland issues on a regional priority basis. Ms. Marilyn Cundiff went on to describe the program.

The Oak Woodlands Conservation Act was created with the expressed intent that following initiatives are accomplished:

1. Support and encourage voluntary, long-term private stewardship and conservation of California oak woodlands by offering landowners financial incentives to protect and promote biologically functional oak woodlands;
2. Provide incentives to protect and encourage farming and ranching operations that are operated in a manner that protect and promote healthy oak woodlands;
3. Provide incentives for the protection of oak trees providing superior wildlife values on private land, and;
4. Encourage planning that is consistent with oak woodlands conservation.

The Act identifies the Wildlife Conservation Board (WCB) as the responsible entity to implement the Oak Woodlands Conservation Program and created the Oak Woodlands Conservation Fund. Approximately 80 percent of the funds will be used for grants that purchase conservation easements, restoration or enhancement projects, or provide cost-share incentive payments to landowners who enter into long-term agreements. Further, no more than 20 percent of all grants made by the WCB may be used for grants that provide public education and outreach efforts by local governments, park and open space districts, resource conservation districts and nonprofit organizations. In accordance with the provisions of the Act, priority projects are those designed to purchase oak woodland conservation easements.

To accomplish the intent of the Oak Woodlands Conservation Act, an amount no less than \$5.0 million and not more than \$8.0 million as determined by WCB, shall be available from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund, commonly referred to as Proposition 12. Consistent with the provisions of the Act, \$5.0 million will be available for expenditure from the Oak Woodlands Conservation Fund upon appropriation by the legislature in the Fiscal Year 2003-04 Budget Act. Consistent with Government Code Section 11361, the guidelines and selection criteria developed for the program funded by Proposition 12, is exempt from the provisions of the Administrative Procedures Act.

The Oak Woodlands Conservation Act requires the WCB to develop guidelines and criteria for awarding grants that achieve the greatest conservation for oak woodlands. The Act further requires the WCB to develop these guidelines in consultation with the California Department of Forestry and Fire Protection, the California Department of Food and Agriculture, the University of California's Integrated Hardwood Range Management Program and representatives from farming, ranching and conservation groups.

Recognizing the sensitivities associated with oak woodlands and the various requirements of the program, WCB expanded the composition of the group to include the following organizations: several county boards of supervisors, special district representatives, California Department of Fish and Game, California Resources Agency, California Department of Conservation, California Oaks Foundation, The Nature Conservancy, California Cattlemen's Association, California Rangeland Trust, High Sierra Resource Conservation & Development Area and the Santa Barbara County Planning Department. This group actively participated in the development of all aspects of the program including the development of guidelines, selection criteria and the terms and conditions for the required Oak Woodland Management Plan.

The Act further required the WCB and the California Department of Forestry and Fire Protection (CDF) to develop a memorandum of understanding (MOU) on or before April 1, 2002. The MOU was developed and specified the following: (1) Agreement to work cooperatively with state, local, private organizations and landowners to develop a program designed to encourage the long-term conservation of oak woodlands, (2) Agreement to work in partnership and coordinate with state, local and private organizations and landowners to identify elements that could be included in an Oak Woodlands Management Plan, (3) Identify an appropriate online repository for oak woodland management plans that will be accessible to the public and any other state agency involved in oak woodland conservation, and (4) Develop a process for working together to allocate money from the Oak Woodlands Conservation Fund in conjunction with the California Forest Legacy Program Act of 2000.

In accordance with the enabling legislation, the Program provides a two-tiered approach to the conservation of oak woodlands across the State. The first tier requires that the grant funds be spent in a county or city that has prepared an Oak Woodlands Management Plan. Once the local jurisdiction has approved the Oak Woodlands Management Plan, potential applicants are eligible to prepare proposals tailored to the local needs identified in the Oak Woodland Management Plan. This two-tier approach allows applicants to address oak woodland needs in a manner that compliments and is consistent with the local landscape needs of the community.

Pursuant to the requirements of the Act, plans must include at a minimum, a description of all native oak species located within a county or city's jurisdiction. The stakeholder group recognized that such a plan should contain additional elements designed to support the long-term conservation of oak woodlands. More importantly, the stakeholders recognized that elements of the plan should not be overly restrictive and should encourage and provide an incentive to participate in the program.

As such, the stakeholder group is recommending a county or city adopt their individual Oak Woodlands Management Plan in the form of a Resolution that contains the following elements:

1. An offer to private landowners to participate in the Oak Woodlands Conservation Program.
2. Statements that describe the status of oak woodlands in their jurisdiction. Such statements shall include a description of all native oak species, estimates of the current and historical distribution of oak woodlands, existing threats, status of natural regeneration and growth trends. To the extent possible, local jurisdictions should prepare maps displaying the current distribution of oak woodlands.
3. Statements recognizing the economic value of oak woodlands to landowners and the community at large and encouraging and supporting farming, ranching and grazing operations that are compatible with oak woodland conservation.
4. Statements recognizing the natural resource values of oak woodlands, including the critical role oak woodlands play relative to the health and function of local watersheds, soil and water retention, wildlife habitat, open space and the reproduction or reduction of fuel loads.
5. Statements recognizing that the loss of oak woodlands has serious effects on wildlife habitat, retention of soil and water and that planning decisions for oak woodlands should take into account potential effects of fragmentation of oak woodlands.
6. The county or city shall prepare statements expressing support for landowners that participate in the Oak Woodlands Conservation Program. To qualify for funding consideration by the Wildlife Conservation Board, the county or city agree, pursuant to Section 1366 (f) of the Act to certify that individual proposals are consistent with the county or city Oak Woodlands Management Plan.
7. Statements that support and encourage education and outreach efforts designed to demonstrate the economic, social and ecological values associated with oak woodlands.
8. Agreement to review and update as necessary, the Oak Woodlands Management Plan.

Through a series of workshops and small group meetings, the stakeholder group also developed program mission and goal statements to guide the WCB in selecting projects designed to meet the legislative intent and purpose of the program.

The following program guidelines and selection criteria were recommended for adoption by the Board:

1. For a restoration, enhancement, purchase of an oak conservation easement or long-term agreement, projects must have greater than 10 percent canopy and meet one or more of the following guidelines:
 - The project is of sufficient size to provide superior wildlife values.
 - The project area contains oak woodlands and/or a diversity of oak size classes that will promote the sustainability and perpetuation of oak woodlands.
 - The property is adjacent to other protected areas or will contribute toward ease of wildlife movement across ownerships.
 - The project contributes toward regional or community goals, provides scenic open-space, protects historic or archeological values, or contains unique geologic features.
 - The property is a working landscape. The landowners have implemented or agree to implement stewardship practices that recognize and incorporate the ecological requirements of oak woodlands and associated habitats, thus promoting the economic and resource sustainability of the farming and ranching operations.
 - The property removes or reduces the threat of habitat conversion from oak woodlands to some other use.
 - The project has the potential to serve as a stewardship model for other landowners.
2. For public education, outreach or technical assistance, the projects must meet the following guidelines:
 - The project shall be designed to identify and communicate the social, economic, agricultural and biological benefits of conserving oak woodlands.
 - The project shall be designed and targeted to reach the maximum number of local landowners that could benefit from public education and outreach efforts.
 - The project shall be designed and implemented as a collective effort or partnership that, where appropriate, includes local entities, such as landowners, the Resource Conservation District, Fish and Game Biologist, UC Cooperative Extension Farm Advisor, representatives from farming or ranching organizations and the county or city planning department.
 - The project shall be designed to promote and encourage oak woodland conservation through voluntary approaches.
 - The project shall provide sources of available financial and/or technical information to assist landowners wishing to conserve their oak woodlands.

- The project will identify measurable goals and objectives to evaluate the success of the project. For projects that will not be completed within one year of approval, the design shall include specific interim deliverables or benchmarks and a timeline for completion.
- If requested by the WCB, project sponsors must be willing to make project information available online so that other project proponents may benefit from the education and outreach effort. Such information should not include private or proprietary information about private landowners or their operations.

In addition to the above guidelines, selection criteria were developed to elicit information from the applicant that would further describe the merits and value of the proposal. Questions were designed to measure the projects contribution toward a larger landscape or regional conservation effort, the “added value” associated with the project and whether or not the project contributed toward multiple objectives.

In addition to numerous custodial and reporting responsibilities, which include annual reports to the Governor and Legislature, the Board is required to designate an online repository for the Oak Woodland Management Plans. The Act requires the online repository to be easily accessible to the public and any other state agency involved in oak woodland conservation efforts.

Ms. Cundiff expressed her appreciation to those who participated in the development of the guidelines and selection criteria and the stakeholders for their dedication and commitment to setting up this program. She asked if there were any questions. There were none.

Mr. Flores asked if there was any public testimony. There was none.

Mr. Hight stated that this will be a very positive and beneficial program, having already received phone calls from potential participants.

Staff recommended approval of the suggested guidelines, authorize staff to proceed with the distribution of the application package; and authorize staff to proceed with the implementation of the program substantially as planned.

It was moved by Mr. Robert Hight that the Board approve the suggested guidelines, authorize staff to proceed with the distribution of the application package; and authorize staff to proceed with the implementation of the program substantially as planned.

Motion carried.

Mr. Wright introduced Ms. Janet Cobb of the Oaks Foundation and expressed his appreciation for her efforts in working with this program.

At this time Mr. Wright explained that the Board would consider agenda items through 34 this morning, break for lunch and reconvene at 1:00 P.M. to discuss the Cargill project.

20. San Dieguito River Valley Corridor, San Diego County \$5,573,709.00

Mr. Wright reported that this proposal was to consider the allocation of a grant to the San Dieguito River Park Joint Powers Authority (JPA) to assist in its purchase of one or more real properties, totaling up to 8,000 \surd acres. Acquisition of the property will preserve a regionally-significant wildlife corridor and sufficient habitat to support the rare and sensitive species and habitats of the San Dieguito River Valley. Ms. Debbie Townsend briefly described the project and its location.

The project area, more commonly referred to as the "Coast to Crest" trail, extends a distance of approximately fifty-five miles through the geographic middle of San Diego County. From east to west, this contiguous corridor begins at Ironside Spring on Volcan Mountain north of Julian and ends at the river's mouth at the San Dieguito Lagoon in Del Mar. The corridor contains a sequence of fourteen landscapes that have distinctly different characteristics, defined by land form, vegetation, changes in elevation and existing land uses. Together these landscapes form an entire river valley ecosystem, beginning with the highest elevations near the river's source in the mountains, extending through river gorges, ranch land and farmland, through large lakes to rocky intermittent streambeds to an estuarine lagoon at the river's mouth.

The Department of Fish and Game (DFG) has approved a Conceptual Area Protection Plan (CAPP) for the San Dieguito River Valley Corridor which proposes acquisitions of parcels in eleven of the landscapes. The DFG currently holds fee title and manages three distinct properties within the area of this CAPP. They include the San Dieguito Lagoon Ecological Reserve (98.5 \surd acres) at the western end of the San Dieguito River Valley, Boden Canyon Ecological Reserve (2,000 \surd acres) in the central portion of the valley and San Felipe Valley Wildlife Area (6,650 \surd acres) in the far eastern, Volcan Mountain and desert portion of the CAPP. The major purpose of the acquisitions recommended in the CAPP is to protect and preserve critical land parcels within the valley corridor that contain sensitive biological habitat and/or represent linkages to other preserved habitat or areas under conservation plans.

Several important habitat types that are represented in the properties range from coastal wetland habitat in the San Dieguito Lagoon to coniferous forest on Volcan Mountain. A diversity of sensitive habitat types occur on these properties including coastal salt marsh, coastal sage scrub and Engelmann oak woodland. This vegetation supports a wide array of sensitive animal species including the California least tern, Belding's savannah sparrow, western snowy plover and light-footed clapper rail.

It is envisioned that the properties will be owned and managed primarily by the JPA. The primary management objectives are to ensure long-term watershed protection, conservation and enhancement of threatened and endangered species and their habitat, a continuous wildlife corridor and the integrity of the riverine ecosystem. Other management objectives include preservation and restoration of cultural resources, retention of agriculture, provision for public access trails where appropriate and interpretation of the valley's natural and cultural resources.

The WCB, at its meeting on February 27, 2002, approved a \$4,300,000.00 grant to the JPA to assist in facilitating the acquisition of properties within the eleven landscapes. Utilizing a portion of the funds covered under the first agreement, the JPA has worked cooperatively with federal, state and local entities to expand the valley corridor an additional 410 ∇ acres. The JPA is now working on a second, cooperative project with the County of San Diego which, when complete, will provide a further expansion of approximately 350 ∇ acres.

The Board's proposed grant would provide the JPA with \$5,573,709.00 to facilitate its acquisition of one or more properties within the eleven landscapes. It is anticipated that the allocation for the first grant to the JPA previously discussed will cover any additional administrative expenses, including Department of General Services' review costs. The total recommended allocation for this proposal is \$5,573,709.00.

The terms and conditions of the proposed grant provide that the DFG will review and approve the property being proposed for acquisition by the JPA. The grant further provides that staff will review all proposed title documents, appraisals, preliminary title reports, agreements for purchase and sale, escrow instructions and the instruments of conveyance prior to disbursement of funds directly into the JPA's escrow account or accounts for the purchase of the properties. The project is exempt under CEQA under Section 15313, Class 13 as an acquisition of lands for wildlife conservation purposes and the appropriate documentation will be filed upon the Board's approval.

Ms. Townsend introduced Mr. Dick Bobertz, Executive Director of the San Dieguito River Park Joint Powers Authority. Mr. Bobertz described the organization's history and past efforts and expressed appreciation to be able to continue their work with the approval of this proposal.

Mr. Flores asked if there was any public testimony. There was none.

Staff recommended that the Board approve the award of a grant to the San Dieguito River Park Joint Powers Authority to be applied toward the acquisition of up to 8,000[∇] acres as proposed; allocate a total of \$5,573,709.00 [\$5,000,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Prop. 12), Section 5096.350 (a)(6)–NCCP, and \$573,709.00 from the River Protection Subaccount (Prop. 13)]; authorize staff to enter into appropriate agreements to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Miyashiro that the Board approve the award of a grant to the San Dieguito River Park Joint Powers Authority to be applied toward the acquisition of up to 8,000[□] acres as proposed; allocate a total of \$5,573,709.00 [\$5,000,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Prop. 12), Section 5096.350 (a)(6)–NCCP, and \$573,709.00 from the River Protection Subaccount (Prop. 13)]; authorize staff to enter into appropriate agreements to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

21. East Elliott Preserve (City of San Diego), San Diego County \$5,010,000.00

Mr. Wright reported that this proposal was to consider the allocation of a grant to the City of San Diego to assist in its purchase of up to 3,067[∇] acres, to preserve critical habitat and a key open space and wildlife corridor in the East Elliott area. This proposal would further implement the joint federal, state and local Natural Community Conservation Planning (NCCP) efforts in the San Diego area. Ms. Debbie Townsend briefly described the project and its location.

The East Elliott area is located in the east-central portion of the City of San Diego north of State Route 56 between the City's Mission Trails Regional Park and the Marine Corps' Miramar Air Station. It consists of surplus military land sold to private citizens in the 1970's and is characterized by north-south trending canyons and ridges dominated by native vegetation, including coastal sage scrub, mixed chaparral, native grassland and oak and sycamore riparian woodland. The area constitutes one of the largest and most biologically important open space areas remaining within the City of San Diego. East Elliott is also surrounded by and provides linkages to significant habitat lands protected immediately to the north by the Marine Corps under its Comprehensive Natural Resources Management Plan, to the east by Sycamore Park and to the south by Mission Trails Regional Park. The two parks are within the Multiple Species Conservation Plans (MSCP) of the cities of Santee and San Diego, respectively.

Key biological resources within the acquisition area include coastal sage scrub, maritime succulent scrub, riparian oak woodland, grasslands, scrub oak/mixed chaparral and vernal pools. These habitats support numerous threatened and endangered species, among which are the California gnatcatcher, least Bells vireo, San Diego fairy shrimp, Del Mar manzanita, San Diego button-celery, San Diego mesa mint and Otay mesa mint. The properties proposed for acquisition will increase conservation within the City's MSCP core biological areas while reducing the development edge effects and development potential in or adjacent to the area. The resulting enhancement to the preserve will increase the protection afforded the threatened and endangered species by the City's MSCP.

It is proposed that the City assume full management responsibilities in conjunction with the adjacent Mission Trails Regional Park system. As identified in the City's MSCP Subarea Plan for the acquisition area, specific management objectives include providing public access, invasive species control/removal and flood control. The City's MSCP also has a biological monitoring component that identifies monitoring requirements for the various native habitats, covered species and wildlife corridors within the preserve, which assures protection of the long-term biological value of the acquired lands.

The WCB, at its meeting on November 2, 2000, approved a \$3,020,000.00 grant to the City to assist in facilitating the acquisition of properties in the East Elliott area. The City is currently working toward the completion of acquisitions in the western section of the area. The City would like to continue this momentum and has requested additional assistance from the State. To help leverage the WCB grant, the City is proposing to contribute \$1,000,000.00 of City monies towards this effort.

The Board's proposed grant, in the amount of \$5,000,000.00, would be used to facilitate the acquisition of one or properties within the East Elliott area. It is anticipated that an additional \$10,000.00 will be needed to cover additional administrative expenses, including Department of General Services' review costs. Therefore, the total recommended allocation for this proposal is \$5,010,000.00.

The terms and conditions of the proposed grant provide that the selection of sites will be subject to approval of staff of the Wildlife Conservation Board in consultation with the Department of Fish and Game. The grant further provides that staff will review all proposed title documents, appraisals, preliminary title reports, agreements for purchase and sale, escrow instructions and the instruments of conveyance prior to disbursement of funds directly into escrow.

This project is exempt from the California Environmental Quality Act under Section 15313 as the acquisition of land for wildlife conservation purposes. A Notice of Exemption will be filed upon approval by the Board.

Mr. Wright reported that the Board received a letter of support from Dan Silver, Executive Director of the Endangered Habitats League in Southern California. Ms. Townsend stated Keith Greer, representing the City of San Diego, was in the audience should there be any questions.

Mr. Miyashiro requested clarification regarding the City's contribution and partnership in this acquisition. Ms. Townsend explained that the proposed grant agreement identifies the City's contribution. She stated that the grant is for \$5 million and the City can apply it toward one or more properties, provided that they do maintain their contribution of \$1 million somewhere before the last purchase.

Mr. Hight expressed his enthusiasm for this project and that it will further the Department's work in the San Diego area.

Staff recommended that the Board approve the award of a grant to the City of San Diego to be applied toward the acquisition of up to 3,067^v acres as proposed; allocate \$5,010,000.00 for the grant amount and to pay for project expenses from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act (Prop. 12), Section 5096.350 (a)(6)–NCCP; authorize staff and the Department of Fish and Game to enter into appropriate agreements to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Hight that the Board approve the award of a grant to the City of San Diego to be applied toward the acquisition of up to 3,067^v acres as proposed; allocate \$5,010,000.00 for the grant amount and to pay for project expenses from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act (Prop. 12), Section 5096.350 (a)(6)–NCCP; authorize staff and the Department of Fish and Game to enter into appropriate agreements to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

At this time Mr. Wright welcomed Mr. Syrus Devers of Senator Sheila Kuehl's office.

22. San Jacinto Wildlife Area, Expansions 23, 24 and 25, \$1,815,000.00
Riverside County

Mr. Wright reported that this proposal was to consider the acquisition of two properties in fee title totaling 88± acres and one conservation easement totaling 223± acres over private land as a cooperative project for further expansion of the Department of Fish and Game's (Department) San Jacinto Wildlife Area (WLA), in western Riverside County. The acquisition will allow for the further protection of Mystic Lake and its associated flood plain habitat. Mr. William Gallup briefly described the project and its location.

The project area is located in the San Jacinto Valley of southern California, approximately 18 miles southeast of downtown Riverside and just north of the community of Lakeview. To the northwest is the City of Moreno Valley, whose corporate limits reach the northern boundary of the San Jacinto Wildlife Area. Initial land acquisitions for the WLA were completed during the period of 1981 - 82 as part of a mitigation package developed to compensate for wildlife habitat losses resulting from the construction of the State Water Project. As opportunity and circumstance allowed, the Board has acquired additional properties. Since 1995, the Board has acquired nearly 4,000 acres adjacent to or within Mystic Lake for the WLA. The western boundary of the 10,000 acre WLA is contiguous with the Lake Perris State Recreation Area, placing a total of approximately 17,500 acres under public ownership and protection. The current proposal being considered will add approximately 88± acres of land in fee to the WLA and protect approximately 223± acres under conservation easement on additional adjacent land.

The upland areas and hills surrounding the flood plain of Mystic Lake are dominated by Riversidian sage scrub. There are areas of intermixed patches of non-native grasslands which are found in both the upland and alkali flat areas. There are numerous sensitive plants associated with the Mystic Lake area, including the thread-leaved brodiaea (state listed endangered and federally proposed threatened), San Jacinto saltbush (federally proposed endangered) and spreading navarretia (federally proposed threatened). The WLA and adjoining lands support 38 species of amphibians and reptiles. Mammal species are well represented and range from the desert shrew to the southern mule deer. The Stephens= kangaroo rat (State listed threatened and federally listed endangered) is a resident mammal of the WLA.

Over 240 species of birds have been recorded on or adjacent to the WLA since 1982. Twenty-two over-wintering raptor species are known to utilize the San Jacinto Valley, including the osprey, ferruginous hawk, golden eagle and short-eared owl. The San Jacinto Valley consistently ranks in the top 1 to 2 percent in species diversity for the North American Christmas bird counts. Historically, the San Jacinto Valley has always been an important southern California wintering and nesting area for migratory shorebirds and waterfowl. There are three federally or state listed endangered birds sighted on the WLA and those are the bald eagle, Peregrine falcon and the California brown pelican.

The Department has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property, which would be incorporated into and managed as part of the existing WLA. Agreement has been reached with the owner of the property proposed for the conservation easement and the WLA management will play an active role in managing the property for wildlife and indigenous plant life. It is anticipated that the area will offer both non-consumptive and consumptive recreational uses, as the habitat is restored, maintained and developed in conjunction with WLA.

Therefore, consistent with long range planning purposes, the following three proposals are presented to the Board for consideration:

San Jacinto Wildlife Area, Expansion 23:

This proposal is to consider the acquisition of a conservation easement totaling 223± acres located within the Mystic Land flood plain. The grantor has agreed to sell for the Department of General Services' (DGS) approved appraised value of \$772,000.00. An additional \$10,000.00 will be needed for appraisal, escrow, title insurance and the DGS' review costs.

San Jacinto Wildlife Area, Expansion 24:

This proposal is to consider the acquisition of 50± acres of land adjacent to Mystic Lake. The grantor has agreed to sell for the DGS' approved appraised value of \$563,000.00. An additional \$10,000.00 will be needed for appraisal, escrow, title insurance and the DGS' review costs.

San Jacinto Wildlife Area, Expansion 25:

This proposal is to consider the acquisition of 38± acres of land adjacent to Mystic Lake. The grantor has agreed to sell for the DGS' approved appraised value of \$450,000.00. An additional \$10,000.00 will be needed for appraisal, escrow, title insurance and the Department of General Services' review costs.

There are no claims of sovereign State land ownership within the subject properties. The proposed acquisitions are exempt from CEQA under Section 15313, Class 13 as an acquisition of land for wildlife conservation purposes and the appropriate documentation will be filed upon the Board's approval.

Mr. Wright reported that the Board received several letters of support for this project, including letters from Dan Silver, Executive Director of the Endangered Habitats League, George Hague, Conservation Chair of the Moreno Valley Group of the Sierra Club, the California Waterfowl Association, Susan Nash, Conservation Chair of the San Bernardino Audubon Society, and Ann Turner McKibben, President of Friends of Northern San Jacinto Valley.

Mr. Flores asked if there was any public testimony. There was none.

Staff recommended that the Board approve the acquisition of Expansions 23, 24 and 25 as proposed; allocate \$1,815,000.00 from Habitat Conservation Fund, Section 2786 (b/c) to cover acquisition and project costs; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department to proceed substantially as planned.

It was moved by Mr. Robert Hight that the Board approve the acquisition of Expansions 23, 24 and 25 as proposed; allocate \$1,815,000.00 from Habitat Conservation Fund, Section 2786 (b/c) to cover acquisition and project costs; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department to proceed substantially as planned.

Motion carried.

23. Port Hueneme Fishing Pier Improvements, Ventura County \$200,135.00

Mr. Wright reported that this proposal was to consider a cooperative project with the City of Port Hueneme to make improvements for public access at the Port Hueneme Fishing Pier, located less than 10 miles south of Oxnard, along the Southern California coast. The project includes the replacement of up to 92 piles (pier supports), which have recently failed or show signs of cumulative deterioration from winter storms and marine organisms over the years. Ms. Bonnie Turner briefly described the project and its location.

In 1967, the Board partnered with the City of Port Hueneme and Ventura County by matching funds for the construction of an extension to and repairs of the original wooden pier. The pier has existed here since 1871 when Hueneme was an important locale for coastal trade. The pier heads straight out from the beach, then turns left for 50 feet, then heads out straight again to the end, which terminates in a wide T-shaped platform. This odd shape is a result of the pier following an existing seawall which was constructed to prevent the periodic erosion of the beach. In 1989, the Board allocated funds for repair and renovation of the pier approach section and minor repairs to the pier itself. The City of Port Hueneme operates and maintains the pier under a Lease and Operating Agreement with the State that expires on February 23, 2014.

The subject repairs will replace broken piles and severely compromised piles which were discovered during a pier inspection and described in the "Pier Underwater Inspection Summary Report," completed for the Port in September 2002. Based on the report, the Port Hueneme City Council closed the pier until repairs could be made. It is anticipated that the work will be completed by the fall of 2004.

The pier is 1,400 feet long, extends out into water that is 22 feet deep, and yields the normal mix of southern California fish. Inshore, there is some surfperch, while mid-pier, anglers catch halibut, white croaker, thornback skates, small perch and queenfish. The end area sees all of these species plus jack and Pacific mackerel, Pacific sardines, and an occasional bonito or small barracuda. In the year 2000, over 600,000 users visited the Port Hueneme Fishing Pier, the only such structure between Malibu and Ventura. The pier draws visitors from a large regional area and has always provided excellent fishing opportunities as well as a popular visitor serving destination.

Cost estimates for the project, which have been reviewed by staff, are as follows:

Description:	Estimated Cost
Pile replacement on pier	\$500,000.00
Project Management.	20,000.00
Contingencies	65,000.00
TOTAL ESTIMATED COSTS:	\$585,000.00

Proposed Funding Breakdown:

Wildlife Conservation Board	\$200,000.00
City of Port Hueneme	385,000.00
TOTAL AVAILABLE FUNDING:	\$585,000.00

In addition to the costs listed above, an additional \$135.00 will be required for the Department of General Services' review costs, bringing the allocation necessary for the Board's portion of the project to \$200,135.00.

The Department of Fish and Game has reviewed this proposal and recommends it for funding by the Board. The City of Port Hueneme has completed the appropriate notice to satisfy the California Environmental Quality Act requirements and will obtain all necessary permits.

Mr. Wright reported that the Board received a letter of support for this project from Supervisor Kathy Long, Ventura County Board of Supervisors.

Mr. Flores asked if there was any public testimony. There was none.

Mr. Flores expressed his enthusiasm for this public access project that will also provide children with the opportunity to enjoy fishing.

Staff recommended that the Board approve this project as proposed; allocate \$200,135.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act, Section 5096.350(a)(5); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Michael Flores that the Board approve this project as proposed; allocate \$200,135.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act, Section 5096.350(a)(5); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and Department of Fish and Game to proceed substantially as planned. Motion carried.

24. East Delta Wildlife Area, San Joaquin County \$455,000.00

Mr. Wright reported that this proposal was to consider a cooperative project with The Nature Conservancy (TNC) and CALFED to acquire a 649± acre conservation easement, for the protection of delta wetland habitat and foraging areas for threatened, endangered and special status species. The conservation easement is located approximately two miles southeast of the City of Walnut Grove, south of Walnut Grove Road, in San Joaquin County. Mr. Dave Means briefly described the project and its location.

The subject property is located within the eastern region of the Sacramento – San Joaquin River Delta. Other conservation holdings in the general vicinity include the 20,000± acre Cosumnes River Preserve, located 3± miles northeast of the subject property, managed by a consortium of State, Federal and Non-Profit Organizations; the 9,100± Staten Island conservation easement, managed by TNC, located southwest of the subject property, along the Mokolumne River; the 145± acre Woodbridge Ecological Reserve, managed by the Department of Fish and Game (DFG), located 3± miles to the south; and the 880± acre White Slough Ecological Reserve located 7± miles south of the subject property. This region of the eastern delta is also located within CALFED's Ecosystem Restoration Program Plan, referred to as the East Delta Habitat Corridor, and is identified as an area instrumental in meeting CALFED's goals, targets and stage one milestones.

One of the main objectives of acquiring conservation easements in this region of the delta is to preserve natural habitat areas, while maintaining wildlife friendly agriculture production through conservation easements. Habitats and wildlife in the region consist mainly of open field farm lands, with remnant strips of wetland and riparian habitat found along rivers, sloughs, ditches and small isolated areas of un-reclaimed natural marshes. A large portion of the historical farming in the area includes field and row crops, which are generally flooded in the winter, and provide good winter foraging habitat for a variety of waterfowl and migratory birds.

Wildlife includes federal and state listed species, such as the sandhill crane, Swainson's hawk, black rail, chinook salmon, Delta smelt, valley elderberry long horn beetle, western pond turtle, tri-colored blackbirds, splittail, white faced ibis, Aluetian Canada geese, Delta mudwort, rose mallow and Delta tule pea. The DFG is also considering reintroducing the giant garter snake into the eastern Delta, a listed species. In addition to these species there are a large number and variety of other waterfowl and migrating birds that utilize habitat within the region.

The subject property is currently farmed and contains one homestead. The improvements include a residence and farm related structures, all situated on the northern portion of the property along Walnut Grove Road. Located along the southern boundary of the property is a levee and levee road that separates the property from Beaver Slough, a major waterway in the area. The current and historical farming of the property has been field and row crops. The proposed easement will allow for the continued use of farming based on historical crops, and related maintenance of roads, equipment and fencing. No other development or improvements will be permitted. The homestead area along Walnut Grove Road is not included within the boundaries of the conservation easement.

One of the primary reasons for acquiring the conservation easement is protection of foraging areas for sandhill cranes. A number of flocks have been tracked and observed to migrate from as far away as Alaska to roost on nearby Staten Island during the winter. From Staten Island the cranes disperse out in the morning to the neighboring properties and farmlands, including the subject property, to forage for food. Flocks have been observed foraging on the subject property over a number of years. In addition to supporting cranes, the easement will also preserve hunting areas for Swainson's hawks, another listed species. Swainson's hawks migrate from South America in the spring with noted populations nesting in and around the Cosumnes River Wildlife Area during the summer. The hawks as part of their summer hunting range utilize open farmland within the Delta region, including the subject property.

The urgency and need to protect the property with an easement arises from the recent trend in and around the eastern Delta region of converting open field farmland to orchards and vineyards that have little or no habitat value. This conversion has significantly reduced foraging areas and food supplies for wildlife. This conversion also condenses wildlife species that flock together into smaller areas, having a detrimental effect in terms of their vulnerability to the spread of disease and sickness. The proposed conservation easement will preserve the property's foraging and wildlife potential in perpetuity.

The Nature Conservancy has an option to acquire the conservation easement from the owner for \$827,200.00. This value was established, based on a fair market value appraisal approved by the Department of General Services (DGS). If approved by the Board, TNC intends to exercise their option and transfer the easement directly to the DFG for ownership and management responsibilities. To fund this cooperative project the proposed participation from the WCB is \$445,000.00. The remaining balance will come from a \$382,200.00 grant from CALFED. TNC has already applied for and received approval of the CALFED grant.

The funding breakdown is shown below:

CALFED Grant	\$382,200.00
Wildlife Conservation Board	445,000.00
TOTAL PURCHASE PRICE	\$827,200.00

Supplemental to the purchase amount, an additional \$10,000.00 is estimated to be needed for title, escrow and DGS' review costs, for a total allocation of \$455,000.00.

The proposed acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition of land for wildlife conservation purposes and the appropriate Notice of Exemption will be filed upon Board approval of this project.

Mr. Means stated that Mr. Chris Unkel, representing The Nature Conservancy, was in the audience should there be any questions.

Mr. Flores asked if there was any public testimony. There was none.

Mr. Flores stated that he flew over the project area this morning, observed a large number of waterfowl and sandhill cranes and expressed his enthusiasm for the project.

Staff recommended that the Board approve this project as proposed; allocate \$455,000.00 from the Habitat Conservation Fund, Section 2786 (b/c), for the acquisition and related costs; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Hight that the Board approve this project as proposed; allocate \$455,000.00 from the Habitat Conservation Fund, Section 2786 (b/c), for the acquisition and related costs; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

25. Riparian Habitat Restoration, Lagoon Valley Lake, \$220,000.00
Solano County

Mr. Wright reported that this proposal was to consider an allocation for a grant to the City of Vacaville (City) for a partnership project to restore riparian habitat along six tributary streams that drain into Lagoon Valley Lake, located on property owned by the City, approximately two miles southwest of Vacaville and along Interstate Highway 80 in Solano County. The partners in this proposal include the City, CalFed Bay Delta Program and the Wildlife Conservation Board (Board). Mr. Scott Clemons briefly described the project and its location.

Historically Lagoon Valley was subject to annual flooding and contained a year-round shallow lake. In the 1890's the natural outlet channel was deepened to drain the lake for agricultural purposes and the historic lake area only filled with water for a short period each year. In 1978, the County of Solano, who owned a 273-acre portion of the Valley that included the lake bed, requested funding from the Board to construct the Lagoon Valley Lake. The Board approved funding in 1978 and in 1980 to partner with the County of Solano to construct the warm water lake and related public access facilities. The lake construction and improvements were completed in 1982 and the County agreed to operate and maintain the project as a public fishing lake under a 25-year agreement. In 1994 the City of Vacaville assumed total operation and maintenance responsibilities for the lake and incorporated the management of the lake with their adjacent holdings in the area. The City now owns and manages a total of 670 acres in the Lagoon Valley area which is open to the public.

The fishery in Lagoon Valley Lake has declined over the years, primarily due to poor water quality and sediments from degraded upper watershed drainages. The City has developed a management plan for the entire watershed, and is in a position to begin correcting the problems affecting the lake. In general, the proposed project will address sedimentation control and habitat restoration in six of the streams that drain the upper watershed and contribute much of the sediment to the lake.

Portions of the watershed have also become invaded by yellow star thistle, a nonnative plant that is toxic to horses and avoided by cattle. These plants are concentrated in and along drainages, obstructing flow, contributing to erosion problems, preventing the growth of more desirable native plants, and limiting access by the public park visitors. Restoration measures have been developed for the upper watershed, including removal of the yellow star thistle, cattle exclusion from the riparian corridors, replacement of existing footbridges, and various erosion control and channel stabilization techniques designed specifically for each stream channel. These actions will improve riparian habitat to benefit many species of wildlife, including migratory and resident birds, small mammals, deer, reptiles and amphibians. The sediment control activities will directly benefit the water quality conditions in the lake and the improvements will also enhance the quality of the experience for visitors to the park. The City is planning more restoration activities in the lower watershed, including the lake, to be implemented in a later phase.

Cost estimates for this project, which have been reviewed by staff, are as follows:

Description	WCB	City	CALFED	Estimated Cost
Design and permits	\$10,000		\$48,000	\$58,000
Grazing plan development		3,000		3,000
Cattle exclusion fencing			95,000	95,000
Stream restoration	190,000	50,000		240,000
Drainage stabilization and erosion control			170,000	170,000
Runoff treatment basin			50,000	50,000
Maintenance, repair and inspections			150,000	150,000
Project management		25,000	8,000	33,000
Bids and related documents		20,000		20,000
Record and reports		143,000	10,000	153,000
Project sign	1,500			1,500
Contingencies	18,500			18,500
TOTAL ESTIMATED COST	\$220,000	\$341,000	\$431,000	\$992,000

Proposed Funding Breakdown:

Wildlife Conservation Board	\$220,000.00
City of Vacaville	341,000.00
CALFED	431,000.00
TOTAL AVAILABLE FUNDING	\$992,000.00

The Department of Fish Game has reviewed this proposal and recommends it for funding by the Board. The City of Vacaville approved a Mitigated Negative Declaration for this project, as part of their Lagoon Valley Master Plan, on July 2, 2002. The City has agreed to manage and maintain the property for 25 years, pursuant to the terms and conditions of the grant agreement. If at any time during the life of the project, the City is unable to manage and maintain the project improvements, they will refund to the State of California an amortized amount of funds based on the number of years left on the project life.

Mr. Clemons reported that Mr. Larry Emerson and Ms. Kerry Walker, representing the City of Vacaville, and Mr. Duke Foster, representing National Grants, were in the audience should there be any questions.

Mr. Flores asked if there was any public testimony. There was none.

Mr. Hight expressed his enthusiasm for this project which will restore recreational fishing to the area.

Staff recommended that the Board approve this project as proposed; allocate \$220,000.00 from the Safe Neighborhood, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Section 5096.350 (a)(2); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Miyashiro that the Board approve this project as proposed; allocate \$220,000.00 from the Safe Neighborhood, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Section 5096.350 (a)(2); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

26. Habitat Restoration and Public Access, Sun River Unit, \$500,000.00
Stone Lakes National Wildlife Refuge, Sacramento County

Mr. Wright reported that this was a proposal to consider an allocation for a grant to the California Waterfowl Association (CWA) for a cooperative project to enhance and/or restore 369 acres of wetland, upland and riparian habitat and construct public access improvements on the American Land Conservancy's (ALC's) 537-acre Sun River property. The partners in this proposal include CWA, ALC, the U.S. Fish and Wildlife Service (Service), the Central Valley Project Conservation Program, the Packard Foundation, the Bureau of Reclamation, Wildlands Inc., and the Wildlife Conservation Board (WCB). The Sun River property is located approximately twenty miles south of Sacramento, one mile west of the Interstate 5, immediately north of Lambert Road and south of the Stone Lakes National Wildlife Refuge in Sacramento County. Mr. Tony Chappelle briefly described the project and its location.

The ALC acquired the subject property in 2000 under a cooperative agreement with the Service. Under the agreement, ALC is to restore wetland and riparian habitat and construct public access improvements on the site, prior to transferring title to the land to the Service for inclusion in the Stone Lakes National Wildlife Refuge. The transfer is to take place no later than 2005. The CWA has partnered with ALC and Wildlands, Inc., to design, construct and administer the habitat restoration and public access improvements for the site.

The parcel is located adjacent to and includes part of the South Stone Lake which is currently inaccessible to the public. It is otherwise surrounded by private farmland with the Stone Lakes National Wildlife Refuge to the north. Primarily grazing land, much of the parcel is often flooded making these parts excellent candidates for wetland and riparian restoration. Other higher elevations onsite will be restored to grasslands and will continue to be grazed. It is anticipated that these upland areas will also provide sandhill crane habitat.

The proposed project will restore and/or enhance approximately 120 acres of seasonal marsh, 20 acres of perennial marsh, 14 acres of open water, 3 acres of channels, 143 acres of irrigated pasture, 37 acres of riparian forest, 32 acres of grasslands, and 143 acres of irrigated pasture. Wetland habitat will be restored by constructing levees and excavating swales and potholes to provide habitat diversity. The upland areas will be planted with native perennial grasses to provide nesting cover for mallards, pheasants, and other ground nesting birds.

These habitat improvements should provide for a broad range of wildlife species. Mixtures of riparian, open shallow water, permanent marsh and seasonal wetlands will provide ideal habitat for many species of waterfowl including mallards and American widgeon. Shorebirds such as greater yellowlegs and long-billed dowitchers will benefit from the shallow water and mudflats created by the project. Riparian dependent species that will benefit from such a project include yellow-breasted chats, black-headed grosbeaks, and ringtailed cats.

The public access improvements include a car top boat launch creating access to South Stone Lake, wildlife viewing blinds, hunting blinds, barrier-free hunting blinds, paths, roads, parking lots, gates and signage. Cost estimates for the proposal, which were developed by the CWA and reviewed by staff, are as follows:

Description:	Estimated Cost
Engineering services/project design	\$147,961.00
Demolition/Site clean up	15,000.00
Water control structures	187,843.00
Gauges	1,020.00
Lift pump repair	10,500.00
Ditch and canal gate rehabilitation	4,000.00
Levee compacted fill	61,495.00
Vegetation plantings	210,472.00
Barbed wire fencing	2,125.00
Burrowing owl boxes	1,350.00
Access control gates	2,250.00
Roads/Parking lots/Paths	195,650.00
Signage	2,300.00
Car top boat access	94,000.00
Blinds (wildlife viewing and hunting)	20,900.00
Construction supervision	59,363.00
Contingencies	30,000.00
TOTAL ESTIMATED COST:	\$1,046,229.00

Proposed Funding Breakdown:

Wildlife Conservation Board	\$500,000.00
Central Valley Project Conservation Program	285,000.00
Packard Foundation	50,000.00
Bureau of Reclamation	50,000.00
Wildlands, Inc.	161,229.00
TOTAL AVAILABLE FUNDING:	\$1,046,229.00

The Department of Fish and Game (DFG) has reviewed this proposal and recommends it for funding by the Board. Wildlands, Inc. will be responsible for obtaining all necessary permits. As part of the grading permit process, Sacramento County will be preparing the necessary environmental documents to comply with the California Environmental Quality Act. The Management Plan requires the site to be dedicated for the purposes of improving and managing for wildlife and wildlife-dependent visitor uses, including hunting, fishing, wildlife observation, photography, environmental education and interpretation. These management responsibilities will transfer to the USFWS once they take title to the land. If at any time during the life of the project, the landowners desire to alter their management practices on the site, they must first obtain approval from the State.

Mr. Wright reported that the Board received letters of support for this project from the California Waterfowl Association; Chuck Solomon and Bob Shaffer, Bureau of Reclamation, Department of Interior; Karen Miller, U.S. Fish and Wildlife Service; Bruce Kennedy, Stone Lakes Refuge Alliance; Chris Tooker, Sacramento Open Space; Cynthia Miller, North Delta Conservancy and Ron Suter, County of Sacramento.

Mr. Chappelle reported that Dave Patterson, representing the California Waterfowl Association, Tom Harvey, representing the U.S. Fish and Wildlife Service and Banky Curtis, Regional Manager, Department of Fish and Game, were in the audience should there be any questions.

Mr. Flores asked if there was any public testimony. There was none.

Mr. Flores requested clarification regarding when this project would be completed and open to the public. It was explained that the project would take approximately one year and the area would be open some time during the fall season.

Mr. Hight commented that it is always a pleasure to work in partnership with the U.S. Fish and Wildlife Service. Mr. Wright thanked Dave Patterson for his vision and participation in this project which will provide recreational public access close to a metropolitan area.

Staff recommended that the Board approve this project as proposed; allocate \$500,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act for project costs; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Hight that the Board approve this project as proposed; allocate \$500,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Section 5096.350 (a)(5) for project costs; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

27. East Sacramento County Blue Oak Legacy Area, \$2,010,000.00
Expansion 1, Sacramento County

Mr. Wright reported that this proposal was to consider the allocation of a grant to the Sacramento Valley Open Space Conservancy (SVOSC) to assist in a cooperatively funded project to acquire up to 2,008 acres of privately-owned property located adjacent to the community of Rancho Murrietta, for the protection of oak woodlands, grasslands and riparian habitat for numerous threatened, endangered and rare species located on the property. Mr. William Gallup briefly described the project and its location.

The East Sacramento County Blue Oak Legacy Area (Legacy Area) generally includes properties bounded by State Highway 50 and the City of Folsom on the north, the Sacramento County Urban Services boundary on the west and the Cosumnes River on the south. The Sacramento/El Dorado County line is the easterly boundary of the area. Specifically, the subject property is located in the northeast quadrant of Scott Road and Latrobe Road intersection, southerly of the Folsom corporate limits in eastern Sacramento County. This grant will contribute toward funding Phase 2, a 2,008 acre purchase in the Legacy Area. The Board approved a grant to the SVOSC to assist in its acquisition of Phase 1 (2,034 acres) during its meeting of May 23, 2002 and escrow closed on October 9, 2002.

The Legacy Area links to the upper Cosumnes River Basin in El Dorado County where the Department of Fish and Game (DFG) has participated with other agencies to acquire properties. Those projects are part of an ongoing effort to preserve a hydrological intact ecosystem running the 80-mile length of the Cosumnes River from its headwaters in the El Dorado National Forest through the Cosumnes River Preserve to its confluence with the Mokelumne River and ultimately the Sacramento River in San Joaquin County. The Cosumnes River is the only free flowing river on the western slope of the Sierra Nevada mountain range.

The area consists of several habitat types including vernal pools, grasslands, blue oak woodland, blue oak savannah and riparian. These habitats support many endangered threatened and rare species, such as the vernal pool fairy shrimp, vernal pool tadpole shrimp, western pond turtle, valley elderberry longhorn beetle, western spadefoot toad and Swainson's hawk.

The appraised fair market value, as approved by the Department of General Services (DGS), is \$5,622,400.00 and the property owners have agreed to sell to the SVOSC for this amount. In addition to the Board's grant in the amount of \$2,000,000.00, other funds have been secured by the SVOSC, including funds from the County of Sacramento. It is anticipated that an additional \$10,000.00 will be required for administrative expenses, including DGS review services and other miscellaneous expenses bringing the Board's total allocation for this proposal to \$2,010,000.00

The terms and conditions of the proposed grant provide that staff will review the appraisal and all proposed title and transfer documents prior to disbursement of funds to escrow. This project is exempt from CEQA under Section 15313, Class 13 as an acquisition of lands for wildlife conservation purposes and the appropriate documentation will be filed upon the Board's approval. After acquisition, a study will be conducted by all agencies concerned to determine a long-term management plan.

Mr. Gallup reported that Aimee Rutledge, Executive Director of the Sacramento Valley Conservancy, was in the audience should there be any questions.

Mr. Flores asked if there was any public testimony. There was none.

Mr. Miyashiro requested clarification regarding public access and habitat preservation. Ms. Rutledge explained that there will be public recreation on the property and that the Conservancy is currently holding a series of docent lead tours every fourth Saturday and they are training docents to expand that program. She stated that in the long term, there is a Memorandum of Understanding that was recorded at the close of escrow on the first half of the property, between the County of Sacramento, the Department of Fish and Game and the Sacramento Valley Conservancy, that determines some overall goals for the property. She stated the management plan is to be developed within three years of acquisition, if not sooner, and it will prioritize wildlife habitat conservation, farming and ranching as appropriate and compatible with that goal, and public recreation that is also compatible with that goal. She added that currently the only modifier to public recreational access is that no motorized vehicle access would be allowed. But other than that, there has been no final determination about what types of public recreation will be allowed on the property. She stated that it is a goal of all the parties in the acquisition to make sure that public recreation is occurring on the property. Mr. Miyashiro asked what would be a likely activity for the public. Ms. Rutledge stated likely activities would be passive recreational activities such as hiking, picnicking, and possibly more extensive activities that might take more development including equestrian.

She added that public input would be welcomed through the management plan process to help determine what the community feels is appropriate, including input from the current landowners around the property and potential users. Mr. Flores asked if that would include hunting. She stated the uses have not yet been determined but there would need to be a mix of uses that were deemed to be compatible on the property, that will be developed through public input in the management plan process. She stated all stakeholders would be welcomed to participate in the planning process and there is some speculation they may be working with the Center for Public Dispute Resolution at California State University Sacramento, which has participated in some other local major planning efforts. Mr. Flores stated that he wanted to make sure we make this area as multi-use as possible, providing as an example the Spenceville Wildlife Area, where they have equestrian use as well as turkey and quail hunting in the same area. He emphasized the need for input in the management planning process.

Staff recommended that the Board approve the award of the grant to the Sacramento Valley Open Space Conservancy to be applied toward the purchase of up to 2,008 acres of land as proposed; allocate \$2,010,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act (Prop 12), Section 5096.350 (a) (5), for the grant amount and related expenses; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Hight that the Board approve the award of the grant to the Sacramento Valley Open Space Conservancy to be applied toward the purchase of up to 2,008 acres of land as proposed; allocate \$2,010,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act (Prop 12), Section 5096.350 (a)(5), for the grant amount and related expenses; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

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| 28. | Habitat Restoration, Sacramento Valley Grasslands,
Colusa, Glenn and Yolo Counties | \$287,000.00 |
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Mr. Wright reported that this proposal was to consider an allocation for a grant to the Colusa County Resource Conservation District (CCRCD) for a partnership project to restore native grasslands on twenty separate privately owned properties in the Sacramento Valley. The project proponent, the CCRCD, asked for assistance from the Board for this project by funding the purchase of native grass seeds. Other partners in the project include the U. S. Department of Agriculture's Natural Resources Conservation Service (NRCS) and Farm Services Agency (FSA), the Department of Fish and Game (DFG), California Waterfowl Association (CWA) and the landowners. The FSA will provide yearly payments to landowners for 10 years.

The CCRC and the NRCS will restore the grasslands, the DFG and CWA will assist with the monitoring of the site and the Board will provide funds to purchase native grass seed. Eighteen of the twenty project sites are located near the Colusa Drain in Colusa, Glenn and Yolo Counties, one is located in Glenn County near the Sacramento National Wildlife Refuge, and the last is near Cache Creek in Yolo County. Mr. Peter Perrine briefly described the project and its location.

This proposal is part of the North Central Valley Conservation Reserve Enhancement Program (CREP), a new program set up by the U.S. Department of Agriculture (USDA). The North Central Valley CREP areas of operation are Butte, Colusa, Glenn, Placer, Sacramento, Solano, Sutter, Yolo and Yuba Counties. Under the program the FSA is to enter into contracts with area farmers to take marginal farmlands out of production for 10 to 15 years to restore approximately 10,000 acres of upland nesting habitat. The FSA will provide yearly payments to compensate these farmers for loss of production income during this time period. The program requires a state and local cost share focused on the restoration of more than 1,600 acres of the planned 10,000 acres of upland habitat. The USDA, through the FSA, will provide approximately \$19 million of the estimated \$24 million total project cost, allowing the State and non-federal partners to leverage an 80 percent federal cost share.

All 10,000 acres of the proposed upland habitat restoration will be planted with a mix of perennial grasses and forbs, with 1,600 acres of that total being planted to California natives. Since native grasses provide superior biological benefit and are somewhat easier to maintain after they are established, the landowners involved in the project prefer to plant the native species. The non-native seed costs \$10/acre, while native seeds are considerably more expensive, approaching \$200 per acre. Due to the federal CREP guidelines requiring a 50:50 restoration cost share, the planting of natives increases the landowners' portion of the total restoration costs from \$75 per acre for the introduced species to \$250 per acre for native species. These higher costs could effectively eliminate the planting of natives for all interested landowners. Together with a contribution from the Board, however, landowners are willing to increase their per acre restoration cost to allow for the establishment of the more desirable native species.

Restoring the uplands to a mix of native California grasses and forbs would be substantially more beneficial than planting to non-native perennials. The native grasses spread by both seed and underground rhizomes making them more likely to survive for long periods of time after they are established. Native grasses also show a more uniform growth pattern than the introduced bunchgrasses, providing a denser nesting substrate, which is ideal for many upland nesting birds. Additionally, the native plant species are highly tolerant of flooding, drought, fire, grazing, and other disturbance regimes often experienced in the North Central Valley.

While native grasses have definite habitat benefits, they also improve erosion control, flood control and reduce long-term land maintenance cost to the landowners. In addition to the planting of 1,600 acres of upland grasslands, the project also includes the restoration of approximately 133 acres of shallow water areas. These wetland sites will be flooded from early February through the middle of July to provide the critical brood and foraging habitat for the birds that nest in the dense cover of the native grasslands. Together, this patchwork of habitat types should provide the habitat diversity necessary for these birds to successfully hatch and raise their broods. Wildlife species that should benefit from this project include several species of nesting waterfowl such as mallards and gadwalls. Other grassland nesting birds include northern harriers, western meadowlarks and pheasants. In winter, the short grasslands provide foraging areas for geese and widgeon, and should support many raptors, including red-tailed and rough-legged hawks.

The program requires that the plantings be closely monitored. Surveys will occur annually for the first three and last three years of the ten-year program to monitor waterfowl and other upland nesting species for production and success. Vegetative surveys to establish species diversity and restoration success will also be conducted annually. The monitoring program will involve representatives from the NRCS, the CWA, DFG, and other partnering groups. During the 2002 nesting season, both nest dragging and pheasant count surveys were conducted to establish pre-CREP population information. Since the entire 10,000 acres will be monitored, the program will help to quantify the value of native California grasslands in comparison to non-native perennials.

Cost estimates for this project, which include all upland and wetland restoration costs and ten years of USDA rental payments, have been reviewed by staff and are as follows:

Description:	Estimated Cost
Upland restoration	\$803,850.00
Wetland restoration	206,181.00
Ten years of rental payments	2,412,870.00
Project management	342,091.00
TOTAL ESTIMATED COST:	\$3,764,992.00

Proposed Funding Breakdown:

Wildlife Conservation Board	\$287,000.00
U.S. Department of Agriculture	3,209,674.00
Landowners	268,318.00
TOTAL AVAILABLE FUNDS:	\$3,764,992.00

The Department of Fish Game has reviewed this proposal and recommends it for funding by the Board. The grantee will complete the appropriate notice to satisfy CEQA requirements and will acquire any necessary permits. The landowners have agreed to enter into contracts with the NRCS to manage and maintain the properties for a minimum of ten years.

Mr. Wright reported that the Board received a letter of support for this project from the California Waterfowl Association.

Mr. Perrine stated that Jessica Groves of the Natural Resources Conservation Service and Ed Burns of the California Waterfowl Association were in the audience should there be any questions.

Mr. Flores asked if there was any public testimony. There was none.

Mr. Miyashiro requested clarification regarding a previous written statement appearing in this project description which read, "...the FSA is to enter into contracts with area farmers to take marginal farmlands out of production for 10 to 15 years to restore approximately 10,000 acres..." He asked if that was part of the condition for this grass seeding. Mr. Perrine explained that the Conservation Reserve Enhancement Program is a federal program which is an offshoot of the Conservation Reserve Program of the Farm Bill. He stated that farmers enter into contracts with the FSA to provide some benefit to wildlife, also to assist with erosion control and other benefits and, in turn, the farmers receive annual payments from the federal government for this land, in order for them to be allowed to take the land out of production. Mr. Perrine explained that all of the 10,000 acres will be required to be planted to grasslands, some of which will be planted to native grasses, native to California, and that is where the Board's participation is. He stated the Board would be buying the native grasses, the other approximately 8,300 acres will be planted to non-native perennial grasses, but that acreage will be planted to grasslands and it will be managed and maintained as grasslands for ten years.

Staff recommended that the Board approve this project as proposed; allocate \$287,000.00 from the Inland Wetlands Conservation Fund; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Miyashiro that the Board approve this project as proposed; allocate \$287,000.00 from the Inland Wetlands Conservation Fund; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

29. Musty Buck Ridge, Butte County \$1,920,000.00

Mr. Wright reported that this proposal was to consider the acquisition of 3,868± acres of land for the protection of oak woodlands, threatened and endangered species habitat and deer and mountain lion habitat, located approximately three miles northeast of the City of Chico. Mr. John Donnelly briefly described the project and its location.

The Board has previously allocated funding and approved three projects in the same general area as the subject property. In May of 2000, the Board allocated funding and authorized a grant to the California State University, Chico Research Foundation (Foundation) to acquire 2,724± acres of wildlife habitat located along Big Chico Creek. As a condition of the grant, the Board accepted a conservation easement over the property. In May of 2001, the Board approved a grant to the Foundation to assist with the acquisition of an additional 1,226± acres of property as an expansion of the Big Chico Creek property. A conservation easement over the property in favor of the Department was also approved as a condition of the grant. At the same meeting, the Board approved the acquisition of a conservation easement over 3,884± acres of land in the Musty Buck Ridge area for the protection of oak woodlands, threatened and endangered species habitat and deer and mountain lion habitat. That property is located immediately adjacent to the Big Chico Creek property. As a result of the Board approving those three projects, a total of 7,834± contiguous acres of land were protected. If approved, the subject property will increase the total contiguous protected area to 11,702± acres.

The key habitat types benefiting from this proposed acquisition include blue oak woodlands, mix oak/pine forest, scrub oak/ceanothus chaparral and grassland. There are a number of springs that supply permanent water throughout the year and are of critical importance to wildlife because they represent the only sources of permanent water for many wildlife species.

The property is also considered significant winter range for the East Tehama deer herd which is the largest migratory herd in California with current numbers reaching 45,000. The deer migrate over 100 miles and use the property as wintering area during the months of October through March. Mountain lions consistently use the subject property and are drawn to the rock outcropping and cliffs, vegetated ridge tops and brush thickets that provide cover for hunting. Other wildlife species found on the property include black bear, coyote and number of species of raptors. In addition, the springs and wet areas support a diversity of reptiles and amphibians including the California red-legged frog and western pond turtle.

The landowner has agreed to sell the property for \$1,908,250.00, the appraised value approved by the Department of General Services (DGS). It is estimated that an additional \$11,750.00 will be needed for appraisal costs, DGS' review fees, escrow fees and other related costs, bringing the total allocation requested for this project to \$1,920,000.00.

This acquisition is exempt from the California Environmental Quality Act under Section 15313, Class 13 as an acquisition of land for wildlife conservation purposes. A Notice of Exemption will be filed upon approval by the Board.

Mr. Donnelly reported that Mr. Banky Curtis, Regional Manager for the Department of Fish and Game, was in the audience should there be any questions.

At this time Mr. David Gardner addressed the Board. Mr. Gardner stated that he owns property just north of the proposed project area and expressed his concern regarding future plans for public access because he has a hunting club and is running cattle on their 3400 acre property. Mr. Curtis explained that staff is still in the process of developing a management plan for the property and that public access and public hunting is a major goal on this property. He stated that exactly how they do that and how it will be managed has not been determined yet. Mr. Curtis stated that the Department has a hunting program on the property that is cooperatively managed by Chico State University. The University has expressed some interest in becoming involved in the management of this property as well. He stated that it is their goal to manage the property for some level of public access but they have not yet determined what that will be. He reported that they have traditionally and will continue to clearly mark the boundaries to make sure the hunters know where they are and then try to provide as much enforcement as they can to keep the hunters on the appropriate land and off the neighbors' property. Mr. Curtis stated the area provides premium deer and quail hunting. He assured Mr. Gardner there will be an opportunity for public input during the management plan process, especially from the neighbors, and they will be talking with those neighbors regarding placement of gates and access points. Mr. Gardner expressed concern that when the property is surveyed an existing fence that may not follow correct property lines might cause a problem with a cattle ranch in the area. Mr. Curtis stated he would be happy to work with Mr. Gardner regarding his concerns and the fencing. Mr. Flores thanked Mr. Curtis for his assistance in working with the property owners.

Staff recommended the Board approve the acquisition as proposed; allocate \$1,920,000.00 from the Habitat Conservation Fund, Section 2786(a), to cover the acquisition costs and related project expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Hight that the Board approve the acquisition as proposed; allocate \$1,920,000.00 from the Habitat Conservation Fund, Section 2786(a), to cover the acquisition costs and related project expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

30. Riparian Habitat Restoration, Sacramento River, \$915,000.00
Turtle Bay Exploration Park, Shasta County

Mr. Wright reported that this proposal was to consider an allocation for a grant to the Turtle Bay Exploration Park (TBEP), a nonprofit corporation, for a project to restore approximately 340 acres of riparian habitat on both sides of the Sacramento River in the City of Redding, in Shasta County. The partners in this proposed project include TBEP, the McConnell Foundation, the City of Redding, the U.S. Army Corps of Engineers, the Department of Fish and Game and the Wildlife Conservation Board. The project is located on properties owned by the City of Redding and the McConnell Foundation Ownership. TBEP manages the property under long-term leases from both owners. The project is located at Sacramento River Mile 297, approximately two miles from the Turtle Bay East Boat Ramp in the City of Redding. Mr. Scott Clemons briefly described the project and its location.

The Board provided funding to the City of Redding in 1970 to help develop the boat ramp on the left bank of the Sacramento River at the Interstate 5 freeway and State Highway 299 interchange in Redding. More recently, the Board has been working with the City of Redding to perform improvements at the Turtle Bay boat ramp and fishing access site located just upstream from the TBEP on the right bank of the Sacramento River. Much of the project area has been degraded by past gold mining and dredging activities and the entire site is notable as the location for the beginning of the material transport system that provided aggregate for the construction of Shasta Dam. The entire project area suffers from varying levels of non-native plant invasions, especially from Himalayan black berry, tree of heaven, black locust, star thistle and annual grasses.

In general, the project will remove non-native plants and restore native riparian vegetation in the appropriate areas within the project area. Specifically, the project will plant native riparian vegetation at several locations within the project area, and will perform irrigation, weed control and field monitoring for approximately two years. Successful restoration of the various natural communities on this property will likely benefit a wide range of wildlife species, including California red-legged frog, Swainson's hawk, neotropical migratory birds, shore birds, waterfowl, valley elderberry longhorn beetle, white and green sturgeon, Chinook salmon, wild turkey, bats, many small predators (opossum, raccoon, gray fox, skunks, weasel), and black-tailed deer. The project is consistent with the goals of the California Riparian Habitat Conservation Program, the Central Valley Habitat Joint Venture, the California Riparian Habitat Joint Venture, CALFED's Ecosystem Restoration Program Plan, and the Sacramento River Conservation Area Handbook. The project area will be open to the public, and TBEP will be conducting an active interpretation program for the public as the project unfolds. Many local area volunteers are also expected to participate in various features of the project.

Cost estimates for this project, which have been reviewed by staff, are as follows:

Description:	Estimated Cost
Planning and permitting	\$70,000.00
Field preparation	55,000.00
Irrigation systems	118,000.00
Planting activities	240,000.00
Maintenance and non-native species removal	300,000.00
Interpretive signage	75,000.00
Monitoring (two-year term)	77,358.00
Project management	82,000.00
Project sign	5,000.00
Contingencies	66,000.00
Administrative costs	20,000.00
TOTAL ESTIMATED COST	\$1,108,358.00

Proposed Funding Breakdown:

Wildlife Conservation Board	\$915,000.00
Turtle Bay Exploration Park	75,000.00
TBEP/City of Redding	20,000.00
McConnell Foundation	68,000.00
U.S. Army Corps of Engineers	30,358.00
TOTAL AVAILABLE FUNDING:	\$1,108,358.00

The Department of Fish Game has reviewed this proposal and recommends it for funding by the Board. The City of Redding will complete the appropriate notice to satisfy the requirements of the California Environmental Quality Act (CEQA) and obtain all necessary permits. The TBEP has agreed to manage and maintain the property for twenty-five years pursuant to the terms and conditions of the grant agreement. If at any time during the life of the project, the grantee is unable to manage and maintain the project improvements, they will refund to the State of California an amortized amount of funds based on the number of years left on the project life.

The proposed project has good support in the community, with letters of support to the Board from Senator K. Maurice Johannessen, Assemblyman Dick Dickerson, the City of Redding, the McConnell Foundation, the Western Shasta Resource Conservation District and the Sacramento Watersheds Action Group.

Mr. Wright reported that this project received letters of support from U.S. Senators Boxer and Feinstein; Congressmen Wally Herger, Jerry Lewis, Doug Ose and Mike Thompson; former Senator Maurice Johannessen; John Mancasola, The McConnell Foundation; Burt Bundy, Sacramento River Conservation Area; John McCullah, Sacramento Watershed Action Group; Mary Schroeder, Western Shasta Resource Conservation District and Assembly member Dick Dickerson.

Mr. Clemons reported that Terry Hanson representing the City of Redding, Beverly Stupek from the Turtle Bay Exploration Park and Don Koch, Regional Manager for the Department of Fish and Game were in the audience should there be any questions.

Mr. Flores asked if there was any public testimony. There was none.

Staff recommended that the Board approve this project as proposed; allocate \$915,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act, Section 5096.350 (a)(2); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Miyashiro that the Board approve this project as proposed; allocate \$915,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act, Section 5096.350 (a)(2); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned. Motion carried.

31. Fitzhugh Creek, Modoc County

This item was withdrawn from consideration at this time.

32. San Jacinto Wildlife Area, Expansion 26 (Potrero Canyon Unit), Riverside County

This item was withdrawn from consideration at this time.

33. North Peak Preserve, Riverside County \$355,000.00

Mr. Wright reported that this proposal was to consider the allocation of a grant to the County of Riverside to assist in its acquisition of the first phase, or 193 acres of a larger 915 acre property, to preserve critical habitat and a key open space and wildlife corridor in southwestern Riverside County. The proposal is also to consider the acceptance of a Habitat Conservation Plan (HCP) Assistance Grant, in the amount of \$1,000,000.00, from the U. S. Fish and Wildlife Service (USFWS), to be applied toward the acquisition. Ms. Debbie Townsend briefly described the project and its location.

The property, more commonly referred to as the North Peak Ranch, is located within the City of Lake Elsinore, northeasterly of the intersection of Interstate 15 and Highway 74. The area lies in the heart of the Western Riverside County Multiple Species Plan area and provides linkages to various reserves across the broader Interstate 15 intersection. A portion of the subject fronts Highway 74 which provides access from several points.

Western Riverside County is experiencing unprecedented growth and rapid development. The amount of open space and natural lands is declining as these areas are converted to housing and commercial uses. Containing a diversity and abundance of wildlife and plant species, western Riverside County is also one of the most ecologically important areas in the United States. These factors combined create an urgent need to conserve remaining available lands to support populations of native species and habitats as well as to ensure recovery of listed species. This has resulted in the development of several multiple species habitat conservation plans in the region.

The North Peak Habitat Conservation Plan located in the City of Elsinore was developed and approved because of the dire need to conserve habitat for the multitude of listed species which are known to occur in the area. The property is currently occupied by the coastal California gnatcatcher, least Bell's vireo, Stephen's kangaroo rat and Munz's onion. The property is comprised of high quality sage scrub, including Riversidean sage scrub, grasslands and riparian communities. Each of these habitats is rapidly disappearing in southern California, which is causing a decline in associated wildlife species. The acquisition and conservation of the subject property would contribute toward the recovery efforts of the many listed species. The opportunity to acquire the North Peak Ranch and conserve the ecological processes that support the imperiled habitats on this property will most likely be lost within five to ten years.

The County has agreed to assume full responsibility for management of the property for the long-term protection of the natural resources on the site. The County may, consistent with protection of the resources, provide the public with interpretative information and allow limited recreational uses of the site including hiking, photography and bird watching.

The North Peak Ranch comprises a total of 915 acres and has an appraised value of \$7,763,000.00. The property owner, to assist the County in coordinating the various funding sources available for the property, has agreed to sell a 610-acre portion of the property in three phases and has entered into three purchase agreements for each phase. The remainder of the 915 acres may be subject to an option to purchase in favor of the County, sometime in the future.

The property owner has agreed to sell the first 193 acres, appraised at \$1,656,000.00, to the County for \$1,350,000.00. The USFWS has awarded one HCP Assistance Grant to assist with the County's purchase of the subject property and the State's purchase of the Potrero Canyon property. The proposed grant by WCB, in the amount of \$350,000.00 would provide the balance of the funding for the County's purchase of Phase 1 of the North Peak property, and constitute a portion of the non-federal match required under the HCP Assistance Grant to the State. The remainder of the non-federal match will be realized by the State's

funding participation in the Potrero Canyon purchase under previous agenda item 32. In addition to the proposed \$350,000.00 grant, it is estimated that \$5,000.00 will be needed for administrative expenses, including Department of General Services' review costs, bringing the total allocation for this proposal to \$355,000.00.

The terms and conditions of the proposed grant to the County provide that staff will review all title documents, appraisals, preliminary title reports, agreements for purchase and sale, escrow instructions and the instruments of conveyance prior to disbursement of the grant funds. The project is exempt under CEQA under Section 15313, Class 13 as an acquisition of lands for wildlife conservation purposes and the appropriate documentation will be filed upon approval by the Board.

Mr. Flores asked if there was any public testimony. There was none.

Staff recommended that the Board approve the proposed \$350,000.00 grant to the County of Riverside, as proposed; authorize acceptance of a \$1,000,000.00 Habitat Conservation Program Assistance Grant from the U.S. Fish and Wildlife Service to cover a portion of the purchase price; allocate \$355,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act (Prop. 12), Section 5096.350 (a)(5)–T&E Matching for the balance of the purchase price and associated costs; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Miyashiro that the Board approve the proposed \$350,000.00 grant to the County of Riverside, as proposed; authorize acceptance of a \$1,000,000.00 Habitat Conservation Program Assistance Grant from the U.S. Fish and Wildlife Service to cover a portion of the purchase price; allocate \$355,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act (Prop. 12), Section 5096.350 (a)(5) for the balance of the purchase price and associated costs; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

34. Donations to Wildlife Restoration Fund Informational

Mr. Wright reported that in August of 2002, the Board was asked by the family of Brandon C. Moffatt to consider accepting donations in Mr. Moffatt's memory to further the purposes of the Wildlife Conservation Board. According to the family, Mr. Moffatt was an avid hunter and fisherman and enjoyed the outdoors immensely. Pursuant to Article 3, Section 1348 (c) (1), the Board is authorized to accept donations from private sources provided that the proceeds are deposited into the Wildlife Restoration Fund.

To date the Board has received 35 separate donations in Mr. Moffatt's memory, totaling \$1,915.00. These donations were deposited into the Wildlife Restoration Fund and will be used to administer the land acquisition, public access and habitat enhancement programs of the Board. The Board acknowledges the generous donations in memory of Brandon C. Moffatt, which will assist the Board in furthering its goals.

Mr. Wright recommended the Board adjourn at this time and reconvene at 1:00 P.M. to discuss the Cargill acquisition. Meeting adjourned.

The Board reconvened at 1:00 P.M. Chairman Flores welcomed Senator Byron Sher. Chairman Flores then turned over the meeting to Mr. Wright.

35. San Francisco Baylands (Cargill Salt Ponds), \$74,000,000.00
Alameda, Napa, Santa Clara and San Mateo Counties

Mr. Wright reported that this was a proposal to consider the allocation for a cooperative project with the U.S. Fish and Wildlife Service (FWS), the Hewlett, Moore and Packard Foundations and the Goldman and Resources Legacy Funds, the California Department of Fish and Game (DFG) and the Board for the acquisition of 16,500± acres of properties and property interests in the South San Francisco Bay and along the Napa River in Alameda, San Mateo, Santa Clara and Napa Counties. The properties are owned by Cargill, Incorporated, and consist of approximately 1,400 acres on the Napa River, known as the Napa plant site and approximately 15,100 acres of salt ponds, tidal marshes and mudflats on the San Francisco Bay located south of State Highway 92 and between State Highways 880 and 101. The State will take title to the Napa plant site and approximately 5,500 acres of the salt pond property (a combination of fee title, salt making and other rights) in Alameda County known as the Baumberg evaporating ponds. The United States will acquire approximately 9,600 acres of property (a combination of fee title, salt-making and other rights) in Alameda, San Mateo and Santa Clara Counties known as the Alviso evaporating ponds and the West Bay evaporating ponds.

Mr. Wright provided a brief history of the salt ponds, presented several pictures and maps of the area and then described the proposal. He reported that approximately 9,600 acres of the property and salt making rights will go to the FWS, mostly in the south bay and on the west side of the bay, and approximately 6,900 acres of property and salt making rights will go to the Department of Fish and Game. He stated that approximately 1,400 acres of that will be at the Napa plant site.

Mr. Wright reported that the Board and many others have been enthusiastically working on this project for many months and for some, many years. He explained that this project got underway in a definitive way with the signing of a framework agreement in May 2002. Mr. Wright stated that the salt ponds originated around the time of the Gold Rush and they have been producing salt in one form or another for the last century or longer. He added that this project is very unique to the Board - typically the Board works on an acquisition, completes the transaction, closes

escrow, the title passes to the State and we move on to the next property. He stated what was interesting, unique and challenging about this property is that it included much more than a transaction or sale between a willing seller and buyer. He explained there were three major components to the deal, first, the conveyance agreement, the terms, the contract with the seller between the FWS and the State, the second part of it was the Phase Out Agreement including the initial stewardship of the ponds, and then the third part is beginning the long-term restoration. Mr. Wright continued by restating significant terms of the conveyance agreement and discussing the phase out and long-term restoration planning.

Prior to this meeting and for the reader's reference, documents and summaries relating to this project were available at the following locations:

1. Resources Agency, 1416 Ninth Street, (Suite 1311,) Sacramento CA 95814 (916-653-3636)
2. USFWS, Don Edwards National Wildlife Refuge, #1 Marshlands Road, Fremont CA 94536 (510-792-0222)
3. Dept. of Fish and Game, Central Coast Region 3, 7329 Silverado Trail, Napa CA 94558 (707-944-5517)
4. Wildlife Conservation Board, 1807 13th Street, (Suite 103,) Sacramento CA 95814 (916-445-1117)
5. California Coastal Conservancy, 1330 Broadway, (Suite 1100,) Oakland CA 94612 (at 12th Street BART station.) (510-286-1015)

Documents and summaries were also available on the Internet at www.resources.ca.gov.

Conveyance Agreement

Following Board approval, the parties will finalize a Conveyance Agreement for the acquisition which contains conditions of closing the transaction. Cargill will have continued responsibilities for the properties, including the following:

1. Cargill is responsible for removing shallow soil contamination from isolated areas of the 20-acre upland portion of the Napa plant site;
2. Cargill is not released from liability for cleanup of hazardous materials required under applicable environmental law after close of escrow;
3. Cargill is responsible for addressing over 30 wells in Alameda County to the satisfaction of applicable government authorities;
4. Cargill will provide financial security for the work listed above that will be performed after closing;
5. Cargill will remove certain specified debris and other items from the property, including some structures at the Napa plant site; and

6. One of the West Bay ponds will not be conveyed to the federal government until lead shot and clay pigeon debris is removed from the property by the third party responsible for cleaning up problems created by an adjacent skeet club.

Phase Out Agreement

The properties have been used for solar salt-making, which involves moving Bay waters through a series of ponds and allowing evaporation to increase salinity levels. It takes time not only to make salt, but also to stop the salt-making process and to transition the ponds to a flow-through water circulation system. The Phase Out Agreement among Cargill, the FWS and DFG addresses this transition or phase out, which will occur over several years after the State and Federal governments acquire the property. The Phase Out Agreement describes the condition of the ponds at transfer; responsibilities for operating and maintaining the ponds; performance standards; schedules for completion, reporting and certification requirements; and the financial security Cargill will provide FWS and DFG to assure all obligations are met. The Phase Out Agreement calls for Cargill to reduce salinity levels in the South Bay ponds such that pond waters could be discharged to the Bay (the Transfer Standard). RWQCB will determine the appropriate salinity level through issuance of a discharge permit. In general, Cargill will be responsible for operation and maintenance of the ponds until the Transfer Standard is met. If the RWQCB has not acted by March 15, 2004, DFG and FWS will assume financial responsibility for operation and maintenance of the "low salinity" ponds. However, Cargill would retain responsibility to meet the Transfer Standard with assurances that the ponds could be managed to prevent a build up of salt. An independent third party must certify that the Transfer Standard has been met before Cargill's operation and maintenance responsibilities are ended.

The Napa property consists of Cargill's salt plant site and is therefore significantly different than the South Bay properties. The plant site is operationally and geographically distinct from the South Bay salt-making operations. As a result, performance requirements have been set that are specific to the Napa property. Those requirements, included in the Phase Out Agreement, call for Cargill to remove salts, brines and salt-harvesting byproducts in the ponds by harvest or other agreed upon methods consistent with the restoration plan and goals to be developed for the site.

Interim Stewardship and Long-term Restoration Planning

The salt ponds, which were historically tidal marshes, are being acquired to protect the existing wildlife values of the salt ponds. Upon completion of the acquisition the Coastal Conservancy's San Francisco Bay Program will lead a collaborative planning effort, described below, for the future restoration of the acquired properties. Long-term restoration is envisioned to be a major step toward recovery of a variety of endangered species of plants, birds and mammals, including the California clapper rail, the western snowy plover, the California least tern and the salt marsh harvest mouse. Protection and restoration, as determined through the long-term restoration planning effort, is also envisioned to provide open space, recreational and educational benefits in this highly urbanized area. The acquisition

will set the stage for a major contribution to the restoration of San Francisco Bay as described in the Baylands Ecosystem Habitat Goals Report, prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project, a cooperative effort among nine state and federal agencies and nearly 100 Bay Area scientists that described the kinds, amounts, and distribution of habitats needed to sustain healthy populations of fish and wildlife in and around San Francisco Bay. The acquisition also addresses recommendations in the Comprehensive Conservation and Management Plan of the San Francisco Estuary Project, the San Francisco Bay Joint Venture Implementation Strategy, and various endangered species recovery plans and the goals of the Coastal Conservancy's San Francisco Bay Area Conservancy Program.

The FWS and DFG, with technical assistance from Cargill, have developed a proposed initial stewardship plan for the properties to be acquired. The plan is designed to maintain existing habitat values and prevent a build up of salt in the ponds in a cost-effective manner while long-term restoration planning is underway. To achieve these objectives, the ponds will be managed to allow water to circulate in and out of subgroups of the ponds. The FWS and DFG will need to construct some additional water control structures in order to manage the acquired properties during the initial stewardship period. Installation of those structures and discharge of pond waters to the Bay will require permits from the U.S. Army Corps of Engineers, the San Francisco Bay Conservation and Development Commission and the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Once the salt ponds have been acquired, the Coastal Conservancy's San Francisco Bay Program will lead a collaborative planning effort for the long-term restoration planning of the south bay salt ponds with FWS and CDFG. Initial funding for the planning effort will be provided by the Coastal Conservancy and the Hewlett, Packard and Moore Foundations, through the Resources Legacy Fund. Additional restoration funding has been identified in the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50), which was recently approved by the voters in November, 2002. The State's San Francisco Bay portion will be managed as part of DFG's Eden Landing Ecological Reserve and the federal portion will be managed by the FWS as part of the Don Edwards National Wildlife Refuge.

In order to ensure the development of a scientifically sound, widely supported restoration, flood management, and public access plan, the Coastal Conservancy has designed a long-term restoration planning project team which will include trustee and regulatory agencies, local governments, nongovernmental organizations, the scientific community, and the public in the restoration planning process. There will be frequent opportunities for organizations, agencies, and individuals to be involved in the planning process, which is expected to take approximately five years. The web site for the South Bay Salt Pond Restoration Project is www.southbayrestoration.org. Meeting notices, project updates, and other resources are now available on the web site.

A separate planning process will be undertaken for the Napa plant site. In cooperation with the Coastal Conservancy and private foundations, the DFG will initiate a restoration planning process for the Napa plant site taking advantage of technical and environmental analysis conducted as part of the ongoing Napa Marsh Restoration Project. Ponds surrounding the Napa plant site will be restored to tidal circulation or maintained for migratory birds and threatened or endangered species as determined through the long-term restoration plan. The Napa County portion will be managed as part of DFG's Fagan Slough Ecological Reserve.

Funding

The acquisition, if approved, is scheduled to close escrow by March 6, 2003. The total purchase price for the acquisition of the properties is \$100 million, to be funded as follows:

Wildlife Conservation Board	\$ 72,000,000
Hewlett, Moore, Packard Foundations and the Goldman and Resources Legacy Funds	\$ 20,000,000
United States Fish and Wildlife Service	\$ 8,000,000
TOTAL ACQUISITION	\$100,000,000

The purchase price of \$100,000,000.00 has been approved by the Department of General Services (DGS). Mr. Wright reported DGS' approval of the negotiated purchase price was received in May 2002. It is estimated that an additional \$2 million will be required for administrative expenses, including Department of General Services' review costs, survey costs, escrow fees and closing costs, bringing the Board's total allocation for this proposal from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50) to \$74,000,000.00. There will be one payment made at closing on March 6, 2003.

Mr. Wright addressed several questions that are commonly asked:

Q: Is Cargill getting a tax break on this project?

A: Mr. Wright stated that the contract does say that Cargill intends to claim tax deductions for the transaction. It is Cargill's responsibility to substantiate any deductions it claims. Neither the State nor the FWS is making any warranty or representation about the treatment of the tax issue.

Q: Why did you release the agreements and environmental studies?

A: Mr. Wright stated that in the middle of January we did release most of the documents except the conveyance agreement and while we had it done in principle, we had not finished the fine touches of it and finally released it on January 31. This not only is a unique project in the sense that there is long-term public investment that is going to be needed in the future for these lands to be returned to the tidal marshes that we hope they will be, but it has also been a very open process. Reiterating that Senator Feinstein had negotiated the purchase price with Cargill, in the beginning there was a framework established at that time and that information was made public last spring. Shortly after that Senator Sher established his select

committee to review the San Francisco Baylands acquisition, he held five hearings at which time he led us through a number of discussions about what we were doing with the transaction to try to keep the public updated on this also. This project has been very unique in that respect that it has been very exposed to the public through the whole process. In addition to that, once the agreements were signed we had an agreement with the USFWS and with Cargill about the release of the documents. That is why this is a different transaction than we typically do - the main reason is that it was a very open process as we went through this.

Q: Why are the agencies co-applicants with Cargill on the Regional Water Quality Control Board discharge permit application?

A: Mr. Wright stated that Cargill takes water into the ponds, which is how they make salt, through solar evaporation. The FWS and DFG want to release waters eventually, so there is a mutual need to manage the ponds. It was appropriate for all three to submit the application and work with the water board and other appropriate agencies ultimately about how the initial stewardship would be managed for the ponds.

Q: How do the financial assurances work?

A: Al reported that the financial assurances are to make sure the well work and environmental work is done and also for making certain that the obligations for operation and maintenance and meeting the discharge standards for the Phase Out Agreement are met. Generally speaking, if either the FWS or DFG sees a breach of contract in any way, we would notify Cargill and then they would have thirty days from the receipt of the notice to respond. If at the end of that period of time we believe that Cargill has failed to take the necessary action, the agencies must give Cargill what is called a Notice of Failure to Cure. The parties will then have ten days to meet and confer to attempt to resolve their differences. If after ten days the dispute is unresolved, the agency is entitled to proceed against its security. Essentially, this is a sixty-day process. The working relationship on the ground between the FWS, DFG and Cargill in the past has been very good and we expect that will continue in the future. The exception to this could be that if we didn't reach agreement resolving the dispute, there is a provision for arbitration in the contract which Cargill could initiate and that clearly would take more time to get done, but the reason the attorneys working on the contract believe that was the appropriate way to go on both sides is that they believe it would happen faster than if we were to go through a court action.

Senator Byron Sher stated that it was a genuine pleasure to be sitting here with the Board reviewing this very important public acquisition of these salt ponds, many of which are in his Senate District, adding that this is a project that is important to all of northern California and to the State as well, particularly with the restoration plans that are an important aspect of this acquisition. He stated that we wouldn't be acquiring these lands if we didn't have a commitment to restore them to wetlands and to reverse the process that has occurred around the San Francisco Bay, over decades these lands have been filled or altered for salt making or other purposes. He added that he agreed with Mr. Wright's comment that this is a very unique

acquisition for the Board and the State and there are two aspects of the process. Senator Sher stated that first of all because the intention is to pay the State's share of the purchase price out of bond money, there was no occasion when this proposal was made for legislation and, therefore, there was a possibility that the legislature would not be involved in the process at all and that is why he asked Senator Burton, President Pro Tem of the Senate to create the select committee to give us a forum for legislative review and even more importantly a forum for public input which was done. Senator Sher thanked Mr. Wright and Mr. Robert Hight, Director of Department of Fish and Game, for helping him facilitate that process and for being so cooperative and making it clear to him that at least they wanted him to be satisfied that this deal was in the best interests of the public and citizens of California. Senator Sher stated his concern was to make sure the public generally was convinced that it was a good deal. He stated he was pleased to have the opportunity to make this point because there was a lot of uncertainty about how we could accomplish this public input and Mr. Wright mentioned that this is unique in that the documents were released, many in January, the environmental assessments and the Phase Out Agreement, and then later in the month the conveyance or purchase agreement. Senator Sher stated that he felt it was important to release these documents before today's meeting when the final approval will be acted on and in the process he has had occasion to think about these kinds of acquisitions and what the legislative involvement and public participation should be. He realizes that every transaction is different and that customarily in regard to the matters the Board votes on, the documentation is not actually released, obviously available to members of the Board who have to vote on it, but based on this experience that he wants to take a look at this question about under what circumstances the agreements ought to be available to the general public before the final vote is taken. He stated that he is a lawyer and he recognizes that it is not always helpful, and that it can be very harmful to release drafts of documents being negotiated and under consideration and it could have an adverse effect on trying to complete the transaction. However, he feels that it is another thing where the parties have reached an agreement and even though it is subject to final approval by the appropriate authority, so this is a question that does need a little examination in the months ahead and his office will be taking a look at it. In spite of those comments, he expressed appreciation for the fine cooperation and involvement that was provided by the Board's staff and the Department of Fish and Game and was pleased to be able to raise questions which he thinks have been adequately addressed in the agreements that are before the Board and also wants to make it clear that he is an enthusiastic supporter of this acquisition and he thinks it is a very good thing for his district, the State and the people generally. Senator Sher suggested that the group in his district, a group that has worked on the salt ponds for thirty years, when the initial refuge was created, The Citizens Committee to Complete the Refuge have written a letter to the Board, dated February 6, raising some questions about the documents as they were released and Mr. Wright has responded to the Chair of the Committee in a letter dated February 10. Senator Sher said he would appreciate it and knew that the Committee would too if that letter to the Board and Mr. Wright's response could be made a part of the record of these proceedings. (See Attachments A and B) The other letter that the

Citizen's Committee sent to him recently relates to the next phase of the project, the initial stewardship and the restoration planning, and raises some question. Senator Sher stated he would forward that letter to the Coastal Conservancy, adding that the Board would be involved in that process, both in participating in the deliberations and discussions with the Coastal Conservancy but also in providing monies to support that activity, which will take five years. He stated that Mr. Wright said it is the intention that those monies, the Board's contribution, will also be provided out of Proposition 50. Senator Sher wished the Board well in approaching today's decision, having a good feeling what it is going to be, and that they will be active participants in the next phase of the stewardship of the interim five-year period, working with Cargill on the responsibilities under the Phase Out Agreement and then, most importantly, planning for the long-term restoration of these properties that are being acquired. Chairman Flores thanked Senator Sher for his comments and for further explaining the process and elevating this matter to the Select Committee level.

Preston Lee Leslie III addressed the Board and stated that he disapproved of not being allowed to review the salt pond appraisal prior to this hearing. He thanked the Board for the opportunity to speak.

David Lewis, Executive Director of Save the Bay, addressed the Board. He stated that Save the Bay has been working for four decades to protect and restore San Francisco Bay and this project has been a high priority for the organization and its members for decades and for people who preceded the organizations' existence a half century ago.. He stated the organization is a strong supporter and encouraged the Board to approve the proposal. He expressed appreciation to all those people involved in the project, Mr. Robert Hight, Mr. Al Wright, Senator Sher and his committee, Cargill Salt Company and all of the agency officials who worked so hard to bring this project to this stage, culminating many years of work. Echoing Senator Sher's comments about the process, Mr. Lewis wanted to underscore that not only has the process been appropriate but that it has been extremely helpful in creating a context for strong support for this purchase beyond the Board and beyond the agencies. He encouraged the approval of the acquisition and expressed appreciation for all of the work behind this proposal.

Ron Davis representing the Santa Clara Water District, explained that his organization is the water resources management agency for Santa Clara County, and they are particularly interested in the South Bay portion of the South Bay acquisition. He stated that his organization is responsible for the wholesale water supply as well as flood protection for Santa Clara County. Expressing appreciation for a bill that Senator Sher carried in 1999, SB 449, they were able to add to their powers and authorities the responsibility of watershed protection and environmental stewardship in their riparian corridors, as well as providing the specific authority to work on tidal flooding issues, which is why they are interested in addressing the Board. Mr. Davis then read from the written testimony of James Fiedler, Deputy

Operating Officer, Watershed Management Division, of the Santa Clara Valley Water District. (See Attachment C.) Mr. Lewis thanked the Board for the opportunity to express the District's opinion.

Mark Holmes, Bay Restoration Program Manager for the Bay Institute, addressed the Board stating that the last time he addressed the Board it was many years ago when John Schmidt was the Executive Director and the item under consideration for purchase was known then as the Baumberg Tract, which has now become identified as a smaller portion of the larger Baumberg Tract, known as Eden Landing. He stated there was a large battle going on at the time over the future of the disposition of the salt ponds in San Francisco Bay, in court with the Army Corps of Engineers, Cargill and others, over whether those lands were developable or not. He stated that at that time it was not clear at all whether the events we are witnessing today were ever going to occur, although all those who recognized the need to restore the Bay knew that in order to be successful, they had to occur. He commented about the large number of people who displayed opposition to the sale of the Baumberg Tract at that time. He stated that the Board and the Executive Director had the vision and the courage to proceed with the acquisition and he recognized that today's action equals in importance the acquisition of the North Bay area. He stated that in order for the estuary to be restored, this really was the third piece after protection of Suisun Marsh, the acquisition of the North Bay Salt Ponds and now this proposal that is essential in order for estuary wide restoration to occur. Mr. Holmes stated that the Board should be mindful of the position in history that they are taking, this being a very significant event. He stated that the Bay Institute fully supports the acquisition and echoed the sentiments of Senator Sher when he recognized the Citizens to Complete the Refuge as well as other organizations that have fought the legal battles in the grassroots campaigns that have enabled us to come to this point today. He urged the Board's positive vote on this acquisition and thanked the Board for its visionary approach to this and ,in particular, thanked Mr. Wright and Mr. Hight for their leadership and the details of this, and Senator Sher for his insistence that the public be involved in a meaningful and appropriate way.

Mr. Wright addressed Mr. Davis' comments regarding integrating the importance of flood control with the restoration project. He stated that in talking with Sam Schuchat, Executive Director of the State Coastal Conservancy, that will have the lead on the restoration planning, he and his staff are very committed to doing that and he was encouraged to hear that there are ongoing discussions right now about that and how that might take place. Mr. Wright stated he did not want to speak for the FWS and welcomed Marge Kolar, the refuge manager, to speak about this, but he presumed the FWS was also committed to working with the flood control district to help insure that the mutual needs are addressed as we go through this process. Mr. Wright expressed his appreciation for the very constructive comments, acknowledging the letters to Senator Sher in the past, which have been helpful in shaping how we put all of this together.

Mr. Wright addressed Mr. Leslie's comment regarding seeing the appraisal. He stated that issue has been raised a number of times. Mr. Wright explained that in the beginning there were two appraisal contracts, Cargill contracted for an appraisal and the FWS contracted for an appraisal. When those appraisals were completed, the Wildlife Conservation Board contracted with an appraisal firm to review both of the appraisals and, in turn, they accepted both appraisals as meeting appraisal standards, both federal and State standards, but they accepted the appraisal that was prepared by the FWS. The approved appraisal was contracted by the FWS and belongs to the Service, not WCB. Mr. Wright emphasized that appraisals are done by contractors who are licensed in the State of California to do that work, that it is their profession and their business. Appraisals are also reviewed by the Department of General Services for the State, just as they are reviewed by reviewing appraisers with the FWS. He stated there has been extensive professional work that went into the appraisals as well as review by the agencies after the appraisals were completed. The appraisal for the Salt Ponds was approved and accepted by the FWS, and subsequent to that, as mentioned earlier in May 2002, the Department of General Services concluded that the negotiated purchase price of \$100 million was approved by the Department of General Services. The question has been asked about why we don't release appraisals. Mr. Wright stated that both by federal and State code, and by policy, appraisals are protected from release, particularly in the State's instance, if we believe that the release of the appraisal could in some way jeopardize the consummation of the project. When appraisers look at properties, they also look at the business part of the company and often appraisals have information in them that is confidential. Mr. Wright added that if appraisals were released prematurely, prior to the close of escrow, that could not only hurt the negotiations of either party, but it could also potentially impact the future of the private landowner to begin negotiations with another party. In other words, they have exposed themselves and it could perhaps hurt them in the future. Mr. Wright also believes, in this instance, in a letter to Senator Sher probably some time last summer, Cargill responding that they did not believe it was in their interests to have the appraisals released, and they have also told us they didn't want the appraisal released on this property. The appraisal will be available for the public to view after the transaction is closed.

CEQA

This activity is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 15061(b)(3). Under the terms of the conveyance and Phase Out Agreements there will be no project-related changes in the existing conditions in and around the acquired properties prior to completion of CEQA review for any activity raising the possibility of such impacts.

This activity is also categorically exempt from CEQA under Classes 7, 8, 13 and 25 of categorical exemptions, California Code of Regulations, Title 14, Sections 15307, 15308, 15313 and 15325. Classes 7 and 8 of categorical exemptions consist of actions taken by regulatory agencies for protection of natural resources and the environment, to assure the maintenance, restoration, enhancement or protection of a natural resource where the regulatory process involves procedures for protection

of the environment. Class 13 of categorical exemptions consists of acquisitions of land for wildlife conservation purposes. Class 25 of categorical exemptions consists of transfers of land in order to preserve open space, habitat, or historical resources. Subject to approval by the Board, the appropriate Notice of Exemption will be filed with the State Clearinghouse. Environmental analysis (CEQA and NEPA) will be accomplished as part of subsequent permitting processes.

Mr. Flores asked if there were any questions or public testimony. There were no further questions or testimony from the audience.

Mr. Flores requested clarification that the State Coastal Conservancy would be taking the lead in the restoration efforts and asked if there would be public access to the area. Mr. Wright stated that public access would be considered as part of the long-term restoration process.

Mr. Hight expressed enthusiasm in recommending approval for this project, reflecting on his previous experience at State Lands Commission and familiarity with the salt ponds thirty years ago.

Staff recommended that the Board approve this project as proposed; allocate \$74,000,000.00 from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, for acquisition amount and related project expenses; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Robert Hight that the Board approve this project as proposed; allocate \$74,000,000.00 from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, for acquisition amount and related project expenses; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

Mr. Hight recognized the hard work and diligence of all those involved in this project, in particular, from the State - Al Wright, Nancy Templeton, Carl Wilcox, Linda Drake, Paul Mosley, an attorney for O'Melveny and Myers who volunteered his efforts to help with this acquisition, and Maureen Rivera; federal employees Marge Kolar, attorneys Ralph Mihan and Carolyn Lown, Steve Dyer and Steve Thompson. Mr. Hight thanked Senator Sher for his assistance in this process, Senator Feinstein and her chief of staff Mark Kadesh, and Michael Mantell and Mary Scoonover of the Resources Law Group. Mr. Hight stated that the National Audubon Society funded David Nawi to help in this process, and he thanked Bill Britt, Barbara Ransom, Bob Douglass and Neal Sawatzke of Cargill.

With no further business to discuss, the meeting was adjourned at 2:05 PM.

Respectfully submitted,

Al Wright
Executive Director

Attachments

PROGRAM STATEMENT

At the close of the meeting on February 11, 2003, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$1,111,043,639.46. This total includes funds reimbursed by the Federal Government under the Accelerated Public Works Program completed in 1966, the Land and Water Conservation Fund Program, the Anadromous Fish Act Program, the Sport Fish Restoration Act Program, the Pittman-Robertson Program, and the Estuarine Sanctuary Program.

The statement includes projects completed under the 1964 State Beach, Park, Recreational and Historical Facilities Bond Act, the 1970 Recreation and Fish and Wildlife Enhancement Bond Fund, the Bagley Conservation Fund, the State Beach, Park, Recreational and Historical Facilities Bond Act of 1974, the General Fund, the Energy Resources Fund, the Environmental License Plate Fund, the State, Urban and Coastal Park Bond Act of 1976, the 1984 Parklands Fund, the 1984 Fish and Wildlife Habitat Enhancement Bond Act, the California Wildlife, Coastal and Park Land Conservation Act of 1988, Cigarette and Tobacco Products Surtax Fund of 1988, California Wildlife Protection Act of 1990, the Safe, Clean, Reliable Water Supply Act of 1996, the Natural Resources Infrastructure Fund, the Harbors and Watercraft Revolving Fund, Forest Resources Improvement Fund, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000, Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000, California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund, Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 and the Wildlife Restoration Fund. In addition to projects completed with the above funding sources, this statement includes tax credits awarded under the Natural Heritage Preservation Tax Credit Act of 2000. The tax credits are not reflected in the total amount allocated to projects.

A. Fish Hatchery and Stocking Projects	\$16,006,219.06
B. Fish Habitat Preservation, Development & Improvement	23,425,641.88
Reservoir Construction or Improvement	\$ 5,518,592.00
Stream Clearance and Improvement.....	14,788,961.69
Stream Flow Maintenance Dams	547,719.86
Marine Habitat	646,619.07
Fish Screens, Ladders and Weir Projects	1,923,749.26
C. Fishing Access Projects.....	44,626,707.02
Coastal and Bay	\$ 3,215,000.08
River and Aqueduct Access	12,417,663.99
Lake and Reservoir Access.....	9,015,637.69
Piers	19,978,405.26
D. Game Farm Projects.....	146,894.49
E. Wildlife Habitat Acquisition, Development and Improvement	1,002,173,346.99
Wildlife Areas (General)	\$275,669,725.50
Miscellaneous Wildlife Habitat Development.....	5,596,933.74
Wildlife Areas/Ecological Reserves, (Threatened, Endangered or Unique Habitat)	343,461,660.80

Land Conservation Area	1,971,557.18
Inland Wetlands Conser. Grants & Easements	15,430,226.29
Riparian Habitat Conser. Grants & Easements	14,037,823.28
Other Wildlife Habitat Grants.....	346,005,420.20
F. Hunting Access Projects	484,898.57
G. Miscellaneous Projects (including leases)	11,191,890.29
H. Special Project Allocations.....	1,389,820.29
I. Miscellaneous Public Access Projects	11,049,132.80
State Owned	\$1,244,851.07
Grants	9,804,281.73
J. Sales and/or exchanges	549,088.07
K. Natural Heritage Preservation Tax Credit Act (tax credits awarded)...	(33,508,511.50)
Statutory plans	(0.00)
Corridors, wetlands, wildlife habitat, streams and riparian habitat	(6,232,435.50)
Agricultural lands	(712,726.00)
Water and water rights.....	(269,500.00)
State and local parks, open space and archaeological resources	(26,293,850.00)
Total Allocated to Projects	\$1,111,043,639.46