

DEPARTMENT OF FISH AND GAME

WILDLIFE CONSERVATION BOARD

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State of California
Natural Resources Agency
Department of Fish and Game
WILDLIFE CONSERVATION BOARD
Minutes
September 8, 2009

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WILDLIFE CONSERVATION BOARD

Minutes

September 8, 2009

The Wildlife Conservation Board met on Tuesday, September 8, 2009, at the State Capitol, Room 112, in Sacramento, California. Mr. Donald Koch, Director of the Department of Fish and Game, called the meeting to order at 1:00 P.M., introduced Ms. Karen Finn, Program Budget Manager, Department of Finance, Mr. John Donnelly, Executive Director, Wildlife Conservation Board, his Executive Assistant, Ms. Natalya Kulagina, and mentioned that Mr. Jim Kellogg, President of Fish and Game Commission, was unable to attend this meeting. As a result, election of the Chair of the Wildlife Conservation Board was postponed until next meeting on Tuesday, November 17, 2009. Mr. Koch turned the meeting over to Mr. Donnelly.

1. Roll Call

WILDLIFE CONSERVATION BOARD MEMBERS

Jim Kellogg, Member
President, Fish and Game Commission
Karen Finn, Program Budget Manager
Vice, Michael C. Genest, Member
Director, Department of Finance
Donald Koch, Member
Director, Department of Fish and Game

JOINT LEGISLATIVE ADVISORY COMMITTEE

Senator Abel Maldonado
Senator Fran Pavley
Senator Patricia Wiggins

Assembly Member Sam Blakeslee

Diane Colborn
Vice, Assembly Member Jared Huffman

Erin Shaw
Vice, Assembly Member Ira Ruskin

EXECUTIVE DIRECTOR

John P. Donnelly

Wildlife Conservation Board Staff Present:

John P. Donnelly, Executive Director
Debra Townsend, Assistant Executive Director
Dave Means, Assistant Executive Director
Roxanne Woodward, Budget and Fiscal Officer
Natalya Kulagina, Executive Assistant
Janell Bogue, Staff Counsel

Peter Perrine, Public Land Management Specialist IV
Chad Fien, Public Land Management Specialist IV
Bonnie Turner, Public Land Management Specialist IV
Roland Shield, Research Analyst II
Ashley Lackey, Staff Services Analyst
Brian Gibson, Senior Land Agent
Robert Kane, Senior Land Agent (R.A)

Others Present:

John Ranlett, Ducks Unlimited, Inc.
Ryan Luster, The Nature Conservancy
Vene Thompson, Feather River Rec. & Park District
Bill Connelly, Butte County Board of Supervisors

Kelly Maroney, U.S. Fish and Wildlife Service
Jan Hill, Feather River Rec. & Park District
Maureen Gorson, Alston & Bird, LLP
Vern Goehring, Tuolumne River Trust

Mr. Donnelly pointed out that this agenda was the shortest in WCB's history and moved to the second item on the agenda. Mr. Donnelly said that he'll be happy to answer any questions about this item.

2. Funding Status — Informational

(a) 2009-10 Wildlife Restoration Fund Capital Outlay Budget

Budget Act.....	\$1,000,000.00
Less Previous Board Allocations	(\$0.00)
Unallocated Balance	\$1,000,000.00

(b) 2008-09 Wildlife Restoration Fund Capital Outlay Budget

Budget Act (2009-10 Reappropriation).....	\$1,000,000.00
Less Previous Board Allocations	(\$681,596.00)
Unallocated Balance	\$318,404.00

(c) 2006-07 General Fund Capital Outlay Budget

Budget Act.....	\$5,000,000.00
Less Previous Board Allocations	(\$3,465,000.00)
Less 2009-10 Budget Act Reversion	(\$1,535,000.00)
Unallocated Balance	\$0.00

(d) 2009-10 Habitat Conservation Fund Capital Outlay Budget

Budget Act.....	\$20,668,000.00
Less Previous Board Allocations	(\$0.00)
Unallocated Balance.....	\$20,668,000.00

(e) 2008-09 Habitat Conservation Fund Capital Outlay Budget

Budget Act.....	\$20,668,000.00
Less Previous Board Allocations	(\$405,000.00)
Unallocated Balance.....	\$20,263,000.00

(f) 2007-08 Habitat Conservation Fund Capital Outlay Budget

Budget Act.....	\$20,674,000.00
Less Previous Board Allocations	(\$13,270,192.68)
Unallocated Balance.....	\$7,403,807.32

(g) 2006-07 Habitat Conservation Fund Capital Outlay Budget

Budget Act.....	\$20,699,000.00
Less Previous Board Allocations	(\$9,332,884.32)
Unallocated Balance.....	\$11,366,155.68

- (h) 1999-00 Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund Capital Outlay Budget
 - Continuously Appropriated [Sec. 5096.350 (a)(1), (2), (4) & (7)] ... \$36,100,000.00
 - Less Previous Board Allocations (\$27,480,085.39)
 - Unallocated Balance..... \$8,619,914.61

- (i) 2004-05 California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund Capital Outlay Budget (2007-08 Reappropriation)
 - Budget Act (San Joaquin River Conservancy Projects)..... \$11,000,000.00
 - Less Previous Board Allocations (\$409,302.00)
 - Unallocated Balance..... \$10,590,698.00

- (j) Chapter 983, Statutes of 2002
 - Budget Act (2009-10 Reappropriation) \$4,800,000.00
 - Less Previous Board Allocations (\$4,611,364.58)
 - Unallocated Balance..... \$188,635.42

- (k) 2001-02 California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund Capital Outlay Budget
 - Continuously Appropriated (Section 5096.650) \$273,000,000.00
 - Less Previous Board Allocations (\$182,962,544.00)
 - Unallocated Balance..... \$90,037,456.00

- (l) 2004-05 Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 Capital Outlay Budget (Section 79568)
 - Budget Act (2008-09 Reappropriation) \$13,250,000.00
 - Less Previous Board Allocations (\$13,089,784.38)
 - Unallocated Balance..... \$160,215.62

- (m) 2002-03 Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 Capital Outlay Budget
 - Continuously Appropriated (Sections 79565 and 79572), including Chapter 81, Statutes of 2005..... \$814,350,000.00
 - Less 2003-04 Budget Act Transfer to HCF from Section 79565.. (\$21,000,000.00)
 - Less 2004-05 Budget Act Transfer to HCF from Section 79565.. (\$21,000,000.00)
 - Less 2005-06 Budget Act Transfer to HCF from Section 79565.... (\$4,000,000.00)
 - Less 2005-06 Budget Act Transfer to HCF from Section 79572.... (\$3,100,000.00)
 - Less 2006-07 Budget Act Transfer to HCF from Section 79572.. (\$17,688,000.00)
 - Less 2007-08 Budget Act Transfer to HCF from Section 79572 (\$5,150,000.00)
 - Less 2008-09 Budget Act Transfer to HCF from Section 79572.... (\$1,000,000.00)
 - Less Previous Board Allocations (\$548,474,159.16)
 - Unallocated Balance..... \$96,447,297.61

- (n) 2009-10 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 Capital Outlay Budget

Budget Act (San Joaquin River Conservancy Projects)	\$10,000,000.00
Less Previous Board Allocations	(\$0.00)
Unallocated Balance.....	\$10,000,000.00

- (o) 2008-09 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 Capital Outlay Budget

Budget Act (San Joaquin River Conservancy Projects)	\$10,000,000.00
Less Previous Board Allocations	(\$0.00)
Unallocated Balance.....	\$10,000,000.00

- (p) 2007-08 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 Capital Outlay Budget

Budget Act (San Joaquin River Conservancy Projects)	\$10,000,000.00
Less Previous Board Allocations	(\$50,000.00)
Unallocated Balance.....	\$9,950,000.00

- (q) 2009-10 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 Capital Outlay Budget

Budget Act (NCCP Section 75055c).....	\$10,000,000.00
Less Previous Board Allocations	(\$0.00)
Unallocated Balance.....	\$10,000,000.00

- (r) 2008-09 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 Capital Outlay Budget

Budget Act (NCCP Section 75055c).....	\$25,000,000.00
Less Previous Board Allocations	(\$25,000.00)
Unallocated Balance.....	\$24,975,000.00

- (s) 2007-08 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 Capital Outlay Budget

Budget Act (NCCP Section 75055c).....	\$25,000,000.00
Less Previous Board Allocations	(\$13,721,722.00)
Unallocated Balance.....	\$11,278,278.00

- (t) 2007-08 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 Capital Outlay Budget
 - Budget Act (Section 75055(d)(1)) \$14,293,000.00
 - Less Previous Board Allocations (\$2,176,768.00)
 - Unallocated Balance..... \$12,116,232.00

- (u) 2007-08 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 Capital Outlay Budget
 - Budget Act (Section 75055(d)(2)) \$14,293,000.00
 - Less Previous Board Allocations (\$1,298,444.00)
 - Unallocated Balance..... \$12,994,556.00

- (v) 2007-08 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 Capital Outlay Budget
 - Budget Act (Section 75055(d)(4)) \$4,762,000.00
 - Less Previous Board Allocations (\$1,405,600.00)
 - Unallocated Balance..... \$3,356,400.00

- (w) 2006-07 Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 Capital Outlay Budget
 - Continuously Appropriated (Section 75055a) \$164,700,000.00
 - Less Previous Board Allocations (\$25,000.00)
 - Unallocated Balance..... \$164,675,000.00

 - Continuously Appropriated (Section 75055b) \$123,525,000.00
 - Less Previous Board Allocations (\$16,454,008.50)
 - Unallocated Balance..... \$107,070,991.50

RECAP OF FUND BALANCES

Wildlife Restoration Fund (a) and (b).....	\$1,318,404.00
General Fund (c)	\$0.00
Habitat Conservation Fund (d), (e), (f) and (g).....	\$59,700,963.00
Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (h)	\$8,619,914.61
California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund (i), (j) and (k)	\$100,816,789.42
Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (l) and (m).....	\$106,490,543.23
Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 (n), (o), (p), (q), (r), (s), (t), (u), (v) and (w)	\$376,416,457.50

RECAP OF NATURAL HERITAGE PRESERVATION TAX CREDIT ACT OF 2000

Natural Heritage Preservation Tax Credit Act of 2000
Chapter 113, Statutes of 2000 and Chapter 715, Statutes of 2004

Total Tax Credits Available.....	\$100,000,000.00
Less Previously Awarded Tax Credits	(48,598,734.00)
Balance of Tax Credits Available.....	\$51,401,266.00

Note: The Natural Heritage Preservation Tax Credit Program is suspended effective June 30, 2008.

Mr. Donnelly pointed out that there is some “light at the end of the tunnel” in reference to the bond funds. Mr. Donnelly said that the Wildlife Conservation Board has received two requests: one to identify WCB’s funding needs through 2010 for existing obligations, and the other one to start identifying priorities for new projects. Mr. Donnelly added that he is hopeful that we will start seeing some additional funding for new projects as we move forward through the rest of this year and to the next. Ms. Finn commented that every state agency that has bond funded projects that were approved in a current year budget, is going through the same drills as the Wildlife Conservation Board. Ms. Finn said that the number one priority is to keep things moving that are already in play and hopefully, with future bond sales, we will be able to initiate new projects. Ms. Finn mentioned that this is still probably not the opportunity to get any loans on new projects yet. Mr. Donnelly thanked Ms. Finn for her comments and asked if there were any additional questions on this item. There were none.

Mr. Donnelly moved to the next agenda item, Proposed Consent Calendar.

3. Proposed Consent Calendar (Items 4—5)

Ms. Finn moved that the Board approve Consent Calendar items 4 and 5, as proposed in the individual agenda explanations, including the funding therein.

Motion carried.

*4. Approval of Minutes — May 28, 2009 Meeting

As one of the consent items heard at the beginning of the meeting, it was moved by Ms. Finn that the Board approve the minutes of the May 28, 2009 meeting.

Motion carried.

*5. 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 is recommended that the following totals be recovered and that the projects be closed.

\$0.00 to the **General Fund**
\$19,429.00 to the **Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund**
\$5,624.00 to the **Habitat Conservation Fund**
\$271,119.21 to the **California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund**

GENERAL FUND

San Pedro Creek Fish Passage Improvement, San Mateo County

Allocated	\$300,000.00
Expended	<u>-300,000.00</u>
Balance for Recovery	\$0.00

Total General Fund **\$0.00**

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

Fieldstone Habitat Conservation Plan, San Diego County

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

Ramona Grasslands, Expansion 3, San Diego County

Allocated	\$5,000.00
Expended	<u>-0.00</u>
Balance for Recovery	\$5,000.00

Western Riverside County MSHCP, Expansion 4, Riverside County

Allocated	\$105,000.00
Expended	<u>-100,571.00</u>
Balance for Recovery	\$4,429.00

Total Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund **\$19,429.00**

HABITAT CONSERVATION FUND

Sutter Creek Riparian Restoration, Amador County

Allocated	\$25,000.00
Expended	<u>-25,000.00</u>
Balance for Recovery	\$0.00

Truckee Basin (Perazzo Meadows), Sierra County

Allocated	\$765,000.00
Expended	<u>-759,376.00</u>
Balance for Recovery	\$5,624.00

Total Habitat Conservation Fund **\$5,624.00**

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

Battle Creek Wildlife Area Bridge Replacement, Shasta County

Allocated	\$154,550.00
Expended	<u>-154,550.00</u>
Balance for Recovery	\$0.00

DFG Land Management Plan, Central Coast Region, Monterey County

Allocated	\$148,000.00
Expended	<u>-146,356.59</u>
Balance for Recovery	\$1,643.41

DFG Land Management Plans, Eastern Sierra-Inland Desert Region, Riverside and Mono Counties

Allocated	\$75,000.00
Expended	<u>-35,000.00</u>
Balance for Recovery	\$40,000.00

DFG Land Management Plans, Sacramento Valley-Central Sierra Region, Yolo and Sacramento Counties

Allocated	\$320,000.00
Expended	<u>-317,084.20</u>
Balance for Recovery	\$2,915.80

DFG Land Management Plans, San Joaquin Valley-Southern Sierra Region, Fresno, Madera and Kern Counties

Allocated	\$210,000.00
Expended	<u>-4,000.00</u>
Balance for Recovery	\$206,000.00

Gabilan Ranch, San Benito/Monterey County

Allocated	\$2,005,000.00
Expended	<u>-2,001,632.00</u>
Balance for Recovery	\$3,368.00

Rails to Trails, Modoc Line, Modoc/Lassen County

Allocated	\$420,000.00
Expended	<u>-402,808.00</u>
Balance for Recovery	\$17,192.00

Total California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund \$271,119.21

As one of the consent items heard at the beginning of the meeting, it was moved by Ms. Finn that the Wildlife Conservation Board approve the Recovery of Funds for the projects listed on pages 8 through 10 of the agenda and close the project accounts. Recovery totals include \$0.00 to the General Fund; \$19,429.00 to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund; \$5,624.00 to the Habitat Conservation Fund; and \$271,119.21 to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund.

Motion carried.

6. Honey Lake Wildlife Area Pipeline, \$0.00
Scope Change, Lassen County

This proposal was to consider a change of scope on a cooperative project with Ducks Unlimited, Inc. (DU) and the Department of Fish and Game (DFG) that will allow for the installation of an additional 4,500± feet of pipeline, to improve water delivery to 85± acres of uplands and 80± acres of wetland habitat on the Fleming Unit of the DFG's Honey Lake Wildlife Area (Wildlife Area), in Lassen County. Mr. Peter Perrine of the Wildlife Conservation Board briefly described the project and its location.

The Wildlife Area receives water from a variety of sources: surface water from braided channels of the Susan River, agricultural tailwater from adjoining agricultural lands and groundwater from several wells on site. Even so, in most years water is very limited and most surface water is only available from early March to mid-June, normally requiring DFG to use expensive well water during the remainder of the year. In response to these needs, the Wildlife Conservation Board (Board) approved a project in November, 2008 to install approximately 8,000 feet of water supply pipelines to service 140± acres of seasonal wetlands and 240± acres of uplands. That project was bid in the spring of 2009. As a result of low prices for plastic pipe and fierce competition among contractors, the project bids came in below the estimated project costs. The DFG is now requesting the Board use remaining approved grant funds (approximately \$109,000.00) to extend the pipeline further in order to provide low cost water

delivery to additional acreage. DU engineers determined that there should be sufficient funds remaining to extend the pipeline 4500± feet to the east, providing water to another 85± acres of uplands and 80± acres of wetlands.

DU has committed an additional \$1,320.00 for project planning and development, and the DFG will contribute \$9,220.00 to prepare and seed the additional upland areas and for project oversight. Items provided in this change of scope will include pipeline and valves; preparation and seeding of upland fields; and project design, construction supervision and administration.

The Honey Lake valley, including the Wildlife Area, provides crucial habitat for many species of wetland, riparian and upland grassland dependent species, both migratory and resident. The new pipeline will allow the DFG to provide improved breeding habitat for northern pintails, mallards, pheasants and meadowlarks among others. In the fall, thousands of migrating birds that stop in the valley will also benefit from the project, including American widgeon, gadwall, white-fronted geese, dowitchers and sandpipers. Antelope frequent the agricultural and upland areas on the Wildlife Area all year long. Special status species expected to benefit include the white faced ibis and sandhill cranes, both of which frequently forage on site.

The DFG has reviewed this proposal and requested that the Board approve the proposed change of scope. The 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. The DFG has filed the appropriate Notice of Exemption with the State Clearinghouse, and subject to approval by the Board, the appropriate Notice of Exemption will be filed by Board staff.

Mr. Perrine asked if there were any questions about the project and introduced Mr. John Ranlett, Regional Biologist from Ducks Unlimited, Inc., who was in the audience and available to answer questions. Ms. Finn said that she noticed that this project is exempt from CEQA as a minor alternation of land and asked the reason for that. Mr. Perrine stated there is an existing ditch and the pipeline will be put into or adjacent to it.

Ms. Finn asked if money was no object, how much more could be done to cover more property. Mr. Ranlett said that an additional 10,000 feet of pipeline could be installed. Ms. Finn said that she was curious about how much we were covering versus what is needed. Mr. Perrine added that most of the water supply for the entire Fleming Unit will be completed with the scope change.

Mr. Koch asked if there were any questions or public comments about this project. There were none.

Staff recommends that the Wildlife Conservation Board approve this change of scope as proposed; 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. Koch that the Wildlife Conservation Board approve this change of scope as proposed; 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.

7. Oroville Wildlife Area Exchange, \$0.00
Butte County

This proposal was to consider an exchange of 100± acres of State-owned property on the east bank of the Feather River at Oroville, in Butte County, for 70± acres of land owned by the Feather River Recreation and Park District (FRRPD), located on the west side of the river below Oroville and adjacent to the main portion of the Department of Fish and Game's (DFG) 11,870± acre Oroville Wildlife Area. Mr. Pat Dyas of the Wildlife Conservation Board briefly described the project and its location.

Mr. Koch introduced Ms. Diane Colborn of Assembly Member Jared Huffman's Office.

Mr. Dyas introduced Ms. Jan Hill, Chair, Board of Directors, FRRPD; Mr. Vene Thompson, Vice Chair, Board of Directors, FRRPD; and Ms. Sheryl Manies, Acting General Manager, FRRPD, who were in the audience and available to answer questions. Mr. Dyas personally thanked Ms. Manies for her wonderful job in helping with implementation of this project.

The State-owned 100± acre property was acquired in the mid-1980's via an exchange with Matthews Ready-Mix Corp., in Marysville. The site has been managed under agreement with FRRPD since 2001 and is adjacent to its Riverfront Park. The County-owned exchange parcel represents an inholding in the Wildlife Area whose development could severely impact existing management. In brief, the proposed transfers will make management of both properties more efficient and cost-effective and assure that continued public recreational opportunities are maximized.

The State property includes Wildlife Conservation Board (Board)-funded recreational improvements developed on it, most notably fishing access improvements, including parking, restrooms and a mobility-impaired fishing pier located at one of the several ponds along the river. The remainder of the land is undeveloped riparian corridor providing wildlife habitat and passive recreational activities such as hiking, bird watching and photography. Upon completion of this transaction, the DFG will take back a Conservation Easement Deed assuring perpetual protection and maintenance of the habitat and improvements and precluding further, more intense development. A portion of the Board funded improvements were provided from a Land and Water Conservation Fund grant administered by the State Department of Parks and Recreation for the National Park Service (NPS). Pursuant to the terms of the grant, transfer of the property

to the FRRPD will be subject to the approval by the NPS and will require that all improvements and public access on the site be continued in perpetuity. Staff of the Board has requested approval under the grant to transfer the property to FRRPD and is working with DPR staff to complete all requirements.

The County site is upland grasslands habitat, including at least one vernal pool. The property is next to several developed rural residential parcels. DFG ownership and management will mean that the habitat is protected from any similar future development and assure the integrity of the surrounding landscape, which is DFG-owned on three sides. The DFG has highly recommended the exchange and has requested that staff of the Board assist with the project.

The properties have been appraised and those appraisals have been approved by the State Department of General Services (DGS). The State-owned 100± acres have been valued at \$180,000.00, while the FRRPD-owned 70± acre parcel has a fair market value of \$82,000.00. The FRRPD has agreed to pay the \$98,000.00 difference in cash, in four installments spanning the course of one year from close of escrow. Payments received from the FRRPD will be deposited in the Wildlife Restoration Fund. Acquisition-related costs to be borne by the State in the exchange including the premium for title insurance on the acquisition property, escrow fees, and appraisal review charges by the DGS, totaling approximately \$5,000.00, will be paid in escrow from the proceeds the State is to receive from FRRPD. Although the Board will pay for the costs, there will be no allocation of Board funds.

The proposed exchange project has been reviewed for compliance with the California Environmental Quality Act (CEQA) requirements and is exempt under CEQA Guidelines Section 15313, Class 13, as an acquisition of lands for fish and wildlife conservation purposes, and Section 15325, Class 25, as a transfer of an ownership interest in land to preserve open space. Subject to approval by the Board, a Notice of Exemption will be filed with the State Clearinghouse.

Staff recommends that the Wildlife Conservation Board approve this exchange as proposed; authorize staff to enter into the appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Dyas asked if there were any questions on this project. Mr. Donnelly thanked Mr. Dyas and clarified that \$98,000.00 will be placed in the Wildlife Restoration Fund and will be available for use in new projects. Mr. Koch asked if there were any additional questions or comments on the project. Mr. Bill Connelly, Chair, Butte County Board of Supervisors, spoke in support of the project. Mr. Connelly pointed out the benefits and importance of this project and asked the Board to approve it.

Mr. Koch thanked Mr. Connelly for his comments and asked if there were any additional questions on this item. There were none.

It was moved by Ms. Finn that the Wildlife Conservation Board approve this exchange as proposed; authorize staff to enter into the appropriate

agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

8. Yolo Bypass Wildlife Area (Presentation), Informational
Yolo County

Mr. Donnelly introduced Mr. David Feliz, the Wildlife Manager of the Department of Fish and Game (DFG), Yolo Bypass Wildlife Area (Wildlife Area), as the presenter of an informational item about the Wildlife Area.

The presentation provided an overview of the current habitats and uses found on the Wildlife Area, including an update and summary of some of the WCB's land acquisitions and restoration projects that have taken place there; followed by a brief discussion of future plans, including the proposed Pacific Flyway Center.

The Wildlife Area is approximately 16,000± acres in size and is located in the north Delta area of California's Central Valley, 5± miles southeast of the City of Davis, in Yolo County. It comprises one of the largest and most significant wetland areas along the Pacific Flyway (an international bird migration route running through California), providing habitat for thousands of migrating birds and resident wetland-dependent species. A number of agricultural uses also operate within the Wildlife Area. This combination of wildlife and agriculture demonstrates how farming, grazing and wildlife can thrive together. The Wildlife Area also offers educational programs to local schools through the Yolo Basin Foundation and provides numerous recreational opportunities to thousands of nature lovers, hunters and anglers.

Habitats areas include a complex of permanent, semi-permanent, and seasonal wetlands, as well as a complex of vernal pools and associated grasslands that provide benefits to a large variety of waterfowl and wetland-dependent species, including northern pintails, northern shovelers, long-billed dowitchers, tri-colored blackbirds and giant garter snakes. These habitats complement each other in many ways and are managed on a landscape-level by a dedicated staff to provide food, cover, and water for thousands of sensitive species to live and thrive, and for the public to enjoy.

The WCB helped fund many of the land acquisitions and restoration projects on the Wildlife Area. Starting in 1992, the WCB participated in the initial purchase of 3,100 acres of wetlands habitat for \$4.5 million. In 1997 the DFG took over ownership and the Wildlife Area was open to the public. In 2001 the WCB and DFG acquired the Glide property of 13,000 acres. The Glide property includes Glide Tule Ranch, containing areas of original California prairie, with wild flowers and vernal pools, and a 100-year old barn. Between 2004 and 2009 over 5,300 acres of new wetlands were added to the Wildlife Area. In 2007 the Board approved funding for restoration of 350 acres of wetlands, and 2008 approved funding to enhance wetlands and hunting access to the Fireman' Unit.

Approximately \$16 million in federal money has also been secured to help restore and enhance wetland and other habitat areas. The funding provided by WCB was critical to receiving these funds by providing the required federal match. Many of the plans for the federal dollars were developed through the North American Wetlands Conservation Act, Northern America Waterfowl Management Plan, and input provided by the regional Central Valley Joint Venture. Ducks Unlimited, Inc. and the California Waterfowl Association helped with and performed much of this restoration work.

There is something going on virtually every acre in the Wildlife Area; including wetland restoration, farming, grazing, hunting, fishing, bird watching, nature trails, car and public tours, grazing leases and rice farming. It was reported that the agriculture leases, grazing, rice and tomatoes, contributes about \$400,000.00 a year toward operation costs. These agricultural areas are also managed in such a way as to provide habitat and forage benefits for Wildlife Area species.

Public use is a major part of the mission of the Wildlife Area. There is a school program on-site, which is called "Discover the Flyway", administered by Yolo Basin Foundation with the help of the DFG. This program provides knowledge about native people, use of native plants, as well as the wetland education and aquatic eco-system education. Over 35,000 kids from 5 counties and 16 school districts have visited the Wildlife Area through this program. College classes come out to the Wildlife Area on a regular basis and it is estimated that 30,000 people a year come out to view wildlife, including the popular summer Bat Tours. The other two main attractions are California Duck Days Festival and an open house at Tule Ranch. Large numbers of international visitors also come to Wildlife Area to view bird migrations along the Pacific Flyway.

Since 1997, 31,000 hunters, including 2,000 junior hunters, have visited the Wildlife Area and these numbers continue to increase on an annual basis. Thousands of anglers also use the Wildlife Area every year.

DFG is currently developing a management plan, funded by the WCB. The drafting of plan involves participation from the local community and stakeholders and is currently available to general public for comment.

As for the future of the Wildlife Area, Mr. Feliz mentioned they are working with WCB on establishing a visitor center at the northwest entrance. This will provide a unique and valuable showcase for the Wildlife Area, as part of the Pacific Flyway and as a success in terms of managing wildlife near urban areas and in cooperation with agricultural uses. The center will attract local, national and international visitors, as well as help support local educational programs. Other future plans include restoration of Putah Creek that runs through the Wildlife Area to enhance fish habitat, public access improvements projects, as well as future challenges related to climate change and adaptations strategies that may impact the future use and operations of the Wildlife Area.

Ms. Finn thanked Mr. Feliz for the presentation. Mr. Koch thanked Mr. Feliz and commented that it was very nice to actually see what is being done in Yolo Bypass Wildlife Area.

At this time, Mr. Donnelly introduced Ms. Erin Shaw of Assembly Member Ira Ruskin's Office, who was in the audience.

Mr. Donnelly thanked Mr. Feliz and moved the meeting to the Closed Session.

9. Closed Session

The Board met in closed executive session pursuant to California Government Code Section 11126(e)(1) to discuss pending litigation, *Friends of the Northern San Jacinto Valley v. California Department of Fish and Game, Wildlife Conservation Board, et al.*, Riverside County, Fourth District Court of Appeal, Case No. E045894 (Riverside County Superior Court Case No. RIC477696) (California Environmental Quality Act).

The Board returned from closed session at 1:50 P.M.

Mr. Donnelly reported that the Board conferred with legal counsel on the issues being litigated under agenda item 9 above. The formal action the Board took in closed session was to delegate the authority to negotiate on the issue of attorney's fees to Mr. Donnelly.

With no further business to discuss, the meeting adjourned at 1:55 P.M.

Respectfully submitted,

John P. Donnelly
Executive Director

PROGRAM STATEMENT

At the close of the meeting on September 8, 2009, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$2,109,893,238.50. 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, Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Fund, California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund, Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002, Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006, 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	43,072,760.90
Reservoir Construction or Improvement	\$ 5,605,699.00
Stream Clearance and Improvement.....	29,653,422.68
Stream Flow Maintenance Dams.....	542,719.86
Marine Habitat	3,046,619.07
Fish Screens, Ladders and Weir Projects	4,224,300.29
C. Fishing Access Projects.....	52,936,035.95
Coastal and Bay	\$ 4,612,013.11
River and Aqueduct Access	17,008,441.93
Lake and Reservoir Access.....	10,362,815.87
Piers	20,952,765.04
D. Game Farm Projects.....	146,894.49
E. Wildlife Habitat Acquisition, Development and Improvement.....	1,936,539,104.62
Wildlife Areas (General)	\$397,206,617.24
Miscellaneous Wildlife Habitat Development.....	16,387,787.32
Wildlife Areas/Ecological Reserves, (Threatened, Endangered or Unique Habitat)	700,390,457.00
Land Conservation Area.....	12,988,962.18

Inland Wetlands Conser. Grants & Easements	24,841,960.64
Riparian Habitat Conser. Grants & Easements	63,141,919.63
Other Wildlife Habitat Grants	721,581,400.61
F. Hunting Access Projects	484,898.57
G. Miscellaneous Projects (including leases)	19,739,684.91
H. Special Project Allocations.....	1,712,294.13
I. Miscellaneous Public Access Projects	38,727,202.80
State Owned	\$1,813,406.19
Grants	36,913,796.61
J. Sales and/or exchanges	528,143.07
K. Natural Heritage Preservation Tax Credit Act (tax credits awarded)...	(48,241,234.00)
Statutory plans	(0.00)
Corridors, wetlands, wildlife habitat, streams and riparian habitat	(6,234,658.00)
Agricultural lands	(13,775,640.07)
Water and water rights.....	(0.00)
State and local parks, open space and archaeological resources	(28,230,935.93)
 Total Allocated to Projects	 \$2,109,893,238.50