

DEPARTMENT OF FISH AND GAME

**WILDLIFE CONSERVATION BOARD**

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SACRAMENTO, CALIFORNIA 95811  
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State of California  
Natural Resources Agency  
Department of Fish and Game  
**WILDLIFE CONSERVATION BOARD**  
Minutes  
November 17, 2009

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**WILDLIFE CONSERVATION BOARD**

Minutes

November 17, 2009

The Wildlife Conservation Board met on Tuesday, November 17, 2009, at the State Capitol, Room 112, in Sacramento, California. Mr. John McCamman, Acting Director of the Department of Fish and Game, called the meeting to order at 10:00 A.M., introduced Ms. Karen Finn, Program Budget Manager, Department of Finance, Mr. John Donnelly, Executive Director, Wildlife Conservation Board. Mr. Donnelly introduced his Executive Assistant, Ms. Natalya Kulagina. Mr. Donnelly welcomed Mr. McCamman and congratulated him on his new job.

## 1. Roll Call

## WILDLIFE CONSERVATION BOARD MEMBERS

Karen Finn, Program Budget Manager  
Vice, Michael C. Genest, Member  
Director, Department of Finance  
John McCamman, Member  
Acting Director, Department of Fish and Game

## JOINT LEGISLATIVE ADVISORY COMMITTEE

Brooke Armour  
Vice, Senator Abel Maldonado

Maurie Liu  
Vice, Senator Fran Pavley

Chelsea Minor  
Vice, Assembly Member Sam Blakeslee

Susan McEntire  
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  
Nancy Templeton, Staff Counsel  
Brian Gibson, Senior Land Agent  
Robert Kane, Senior Land Agent (R.A.)  
Dawn Drowne, Contracts and Grants Coordinator  
Mary Westlake, Staff Services Analyst

Erin Ingenthron, Office Technician  
Chad Fien, Public Land Management Specialist IV  
Scott Clemons, Public Land Management Specialist IV (R.A.)  
Roland Shield, Research Analyst II  
Celestial Baumbach, Office Technician  
Catherine Caldwell, Senior Land Agent  
Teri Muzik, Senior Land Agent  
Jon Wilcox, Senior Land Agent  
Pat Dyas, Senior Land Agent  
Jasen Yee, Budget Analyst  
Randy Nelson, Senior Land Agent (R.A.)

**Others Present:**

Jeff Calvert, CAL FIRE  
Chris Fischer, The Nature Conservancy  
Jane Barnwell, Chalk Mountain Ranch  
Erik Grotte, Conservation Resources LLC.  
Dave Feliz, Department of Fish & Game  
John Kopchik, East Contra Costa County Habitat Conservancy  
Tasha Newman, Conservation Strategy Group  
Sandra Morey, Department of Fish & Game  
Vinton Hawkins, Conservation Resources LLC.  
Lucas Frerich, Assembly Member Chesbro Office

Amy Chesnut, Sonoma Land Trust  
Ed Sauls, The Sauls Company  
Les Barnwell, Chalk Mountain Ranch  
Jessica Little, Conservation Strategy Group  
Mike Connor, The Nature Conservancy  
Marlyce Myers, The Nature Conservancy  
Chris Fichtel, The Nature Conservancy  
Michael & Lynn Gould, Property owners  
Ralph Benson, Sonoma Land Trust  
Bryan Landgraf, Environmental Stewardship Foundation

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.....	\$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 said that he will be happy to answer any questions on funding status, but first he would like to talk about a couple of the projects that will be presented later at this meeting. Mr. Donnelly reported that earlier this fall State Coastal Conservancy and Wildlife Conservation Board (WCB) submitted a request to the Department of Finance asking for an exemption from the current bond freeze we are currently operating under. Department of Finance approved this exemption with some side boards and established criteria for projects to be conditionally approved, including: 1) significant public benefits; 2) significant matching contributions to the transactions; 3) organizations receiving conditional approval of grants, and 4) have the ability to complete and close a transaction.

Mr. Donnelly reported that Natural Heritage Preservation Tax Credit Act Program has been suspended since June 30, 2008. Assembly Member Evans carried a bill to re-authorize and restart The Tax Credit Program (Program). This bill, AB 94, was passed and signed by the Governor and will become effective January 1, 2010. Mr. Donnelly stated that there are a couple of changes to the Program associated with the bill: removal of the \$100,000,000.00 cap or ceiling and expands the opportunity for other funding sources to reimburse the General Fund, such as federal, local agency or private money. This Program is effective until 2015, and the Program materials, including the guidelines and Program applications, will be updated to reflect the new changes and available on the WCB web site as soon as possible after January 1, 2010.

Mr. Donnelly reported that Assembly Bill 94 also amends the Public Resources Code to specifically exempt the acquisition of property from willing sellers from the requirement to provide relocation assistance and benefits, where the offer for sale is not induced by planned condemnation or redevelopment of surrounding lands. Ms. Finn asked if willing sellers were eligible for relocation assistance benefits prior to this change in the law. Mr. Donnelly responded that the Relocation Act includes an exemption for willing sellers, but defines a willing seller as a person who offers property for sale by listing it in the newspaper or with a real estate broker. Assembly Bill 94 changed the law so that a person who willingly donates or sells property to protect fish and wildlife habitat, provide recreational areas, or preserve cultural or agricultural resources and open space is no longer entitled to relocation assistance or benefits unless the sale is in response to condemnation.



Mr. Donnelly asked if there were any questions on the funding status. There were none. Mr. Donnelly moved the meeting to the next item on the agenda – Consent Calendar.

\*3. Proposed Consent Calendar (Items 3—7)

Mr. Donnelly asked if there were any questions about this item. There were none.

**Mr. McCamman moved that the Board approve Consent Calendar items 4 through 7, as proposed in the individual agenda explanations, including the funding therein.**

**Motion carried.**

\*4. Approval of Minutes — September 8, 2009 Meeting

**As one of the consent items heard at the beginning of the meeting, it was moved by Mr. McCamman that the Board approve the minutes of the September 8, 2009 meeting.**

**Motion carried.**

\*5. Recovery of Funds

The following projects previously authorized by the Board are now completed, and some have balances 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**  
**\$119,909.65** to the **Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund**  
**\$62,624.38** to the **Habitat Conservation Fund**  
**\$1,110,453.20** to the **California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund**  
**\$372,996.90** to the **Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002**

**GENERAL FUND**

San Joaquin River Parkway, Lewis S. Eaton Trail, Fresno County

Allocated	\$101,790.00
Expended	<u>-101,790.00</u>
Balance for Recovery	\$0.00

**Total General Fund** **\$0.00**

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

San Joaquin River Parkway, Lewis S. Eaton Trail, Fresno County

Allocated	\$644,640.00
Expended	<u>-526,922.35</u>
Balance for Recovery	\$117,717.65

Western Riverside County MSHCP, Expansion 3, Riverside County

Allocated	\$5,000.00
Expended	<u>-2,808.00</u>
Balance for Recovery	\$2,192.00

**Total Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund** **\$119,909.65**

**HABITAT CONSERVATION FUND**

Gray Lodge Wildlife Area Wells, Butte County

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

Riparian Habitat Restoration, Cache Creek, Lower Reach, Phase II, Yolo County

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

Sacramento River Riparian Restoration, Drumheller Slough Unit, Glenn County

Allocated	\$648,000.00
Expended	<u>-640,138.12</u>
Balance for Recovery	\$7,861.88

San Jacinto Wildlife Area Wetland Restoration, Riverside County

Allocated	\$680,000.00
Expended	<u>-625,237.50</u>
Balance for Recovery	\$54,762.50

**Total Habitat Conservation Fund** **\$62,624.38**

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

Dobe Swale Riparian Restoration, Modoc County

Allocated	\$226,000.00
Expended	<u>-225,936.78</u>

Balance for Recovery \$63.22

Elkhorn Slough Ecological Reserve, Expansion 13 and Augmentation, Monterey County

Allocated \$156,500.00  
 Expended -137,876.00  
 Balance for Recovery \$18,624.00

Elkhorn Slough Ecological Reserve, Expansion 14, Monterey County

Allocated \$670,000.00  
 Expended -663,582.00  
 Balance for Recovery \$6,418.00

Elkhorn Slough Ecological Reserve, Expansion 15, Monterey County

Allocated \$770,000.00  
 Expended -758,769.00  
 Balance for Recovery \$11,231.00

La Posta, Department of Defense, Department of the Navy, San Diego County

Allocated \$270,000.00  
 Expended -207,699.00  
 Balance for Recovery \$62,301.00

San Joaquin River Parkway, Habitat Restoration and Public Access, Jensen River Ranch, Phase I, Fresno County

Allocated \$2,118,226.00  
 Expended -2,118,226.00  
 Balance for Recovery \$0.00

San Joaquin River Parkway, Habitat Restoration and Public Access, Jensen River Ranch, Phase I Augmentation, Fresno County

Allocated \$1,699,158.00  
 Expended -738,253.49  
 Balance for Recovery \$960,904.51

San Joaquin River Parkway, Weed Eradication, Jensen River Ranch, Fresno County

Allocated \$146,500.00  
 Expended -145,302.52  
 Balance for Recovery \$1,197.48

San Joaquin River Riparian Habitat, Expansion 14, Fresno County

Allocated \$6,435,500.00  
 Expended -6,386,604.50  
 Balance for Recovery \$48,895.50

Walters Creek Habitat Restoration, San Luis Obispo County

Allocated	\$290,000.00
Expended	<u>-290,000.00</u>
Balance for Recovery	\$0.00

Working and Learning Among Oaks, San Luis Obispo County

Allocated	\$107,618.00
Expended	<u>-106,799.51</u>
Balance for Recovery	\$818.49

**Total California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund \$1,110,453.20**

**WATER SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION FUND OF 2002**

Bahia Wetland Restoration, Phase I, Marin County

Allocated	\$835,800.00
Expended	<u>-835,800.00</u>
Balance for Recovery	\$0.00

Bair Island Ecological Reserve, Outer Bair Tidal Wetland Restoration, San Mateo County

Allocated	\$563,000.00
Expended	<u>-563,000.00</u>
Balance for Recovery	\$0.00

Russian River Watershed Riparian Habitat Restoration, Sonoma and Mendocino Counties

Allocated	\$1,389,600.00
Expended	<u>-1,354,926.21</u>
Balance for Recovery	\$34,673.79

Topanga State Park Rodeo Grounds Stream Restoration, Los Angeles County

Allocated	\$1,591,300.00
Expended	<u>-1,591,300.00</u>
Balance for Recovery	\$0.00

Wetland Habitat Restoration, Eden Landing Ecological Reserve, Alameda County

Allocated	\$2,260,000.00
Expended	<u>-2,260,000.00</u>
Balance for Recovery	\$0.00

Wetland Habitat Restoration, Eden Landing Ecological Reserve, Augmentation,  
Alameda County

Allocated	\$1,300,000.00
Expended	<u>-961,676.89</u>
Balance for Recovery	\$338,323.11

**Total Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 \$372,996.90**

**As one of the consent items heard at the beginning of the meeting, it was moved by Mr. McCamman that the Wildlife Conservation Board approve the Recovery of Funds for the projects listed on pages 8 through 12 of the agenda and close the project accounts. Recovery totals include \$0.00 to the General Fund; \$119,909.65 to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund; \$62,624.38 to the Habitat Conservation Fund; \$1,110,453.20 to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund; and \$372,996.90 to the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002.**

**Motion carried.**

- \*6. Willow Hole Conservation Area \$10,000.00  
Riverside County

This proposal was to consider the acceptance of a Habitat Conservation Planning Land Acquisition Grant from the U. S. Fish and Wildlife Service (USFWS) and the authorization to enter into an Agreement to Subgrant the federal funds to the Coachella Valley Conservation Commission (CVCC) to acquire two privately-owned properties totaling 154± acres as the initial acquisition project for the Willow Hole Conservation Area, in Riverside County. A cooperative project with the USFWS, the CVCC, the Wildlife Conservation Board (WCB), and the California Department of Fish and Game, the acquisition project will allow for the protection of blowsand habitat essential for recovery of the fringe-toed lizard and protection from development that is occurring in the southern and western reaches of the Coachella Valley. This acquisition is part of the Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan approved for the Coachella Valley portion of Riverside County.

The project area is located southeast of Desert Hot Springs and just north of Highway 10. Desert Dunes golf course lies roughly one mile north of the subject parcels and the City of Palm Springs is located about six miles to the southwest.

The acquisition of subject parcels will provide core habitat, linkages, and fluvial and Aeolian sand transport corridors important for the Coachella Valley fringe-toed lizard (CVFTL). Although the CVFTL is the only federally listed species covered under the USFWS grant, the conserved land provides habitat for several

species of special concern. These include the Palm Springs pocket mouse, Coachella Valley round-tailed ground squirrel, Flat-tailed horned lizard, Barrow's dune beetle, Coachella giant sand-treader cricket, Coachella Valley grasshopper, Coachella Valley Jerusalem cricket, and the Coachella Valley milk-vetch.

This vital CVFTL habitat continues to be threatened by ongoing urban development, off-road vehicle use, invasive species and loss of sand source. A majority of the lizard's historic habitat has been eliminated or degraded by the direct and indirect effects of development. Structures and non-native plant species restrict the once free-moving sand deposits and prevent replenishment of the blowsand habitat which the lizard relies upon. Acquisition of these parcels will also help to establish a protective buffer against the encroaching residential and agriculture lands surrounding this project.

When acquired, the properties will be managed by the CVCC. The habitat is to be maintained in conjunction with other properties to form the Coachella Valley Multiple Species Conservation Plan/Natural Community Conservation Plan. The area may be appropriate for passive recreational uses.

The CVCC proposes to purchase the two properties from the owners at the appraised fair market value of \$1,234,240.00 as approved by the Department of General Services (DGS). The proposed Agreement to Subgrant the federal funds provided by the USFWS Habitat Conservation Planning Land Acquisition Grant will provide 75% of the approved appraised value of the properties or \$925,680.00. The matching fund requirement will be provided by the CVCC through the use of an EEMP Grant. The CVCC will also provide all funds necessary for escrow related expenses including title insurance and escrow fees from EEMP funds. It is estimated that \$10,000.00 will be needed for project related expenses, which includes the DGS appraisal review costs. The recommended allocation for this proposal is \$10,000.00. The proposed funding source allows for grants to implement or assist in the establishment of Natural Community Conservation Plans and is consistent with the purposes of this project.

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

Staff recommended that the Wildlife Conservation Board approve the project as proposed; approve the acceptance of a Habitat Conservation Planning Land Acquisition Grant from the U. S. Fish and Wildlife Service in the amount of \$925,680.00 and approval of the Agreement to Subgrant the federal funds to the Coachella Valley Conservation Commission; allocate \$10,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood

Control, River and Coastal Protection Fund of 2006 (Proposition 84), Section 75055 (c) for internal project-related expenses; authorize staff to enter into agreements necessary to carry out this acquisition as described; 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. McCamman that the Wildlife Conservation Board approve the project as proposed; approve the acceptance of a Habitat Conservation Planning Land Acquisition Grant from the U. S. Fish and Wildlife Service in the amount of \$925,680.00 and approval of the Agreement to Subgrant the federal funds to the Coachella Valley Conservation Commission; allocate \$10,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 (Proposition 84), Section 75055 (c) for internal project-related expenses; authorize staff to enter into agreements necessary to carry out this acquisition as described; and authorize staff and the Department of Fish and Game to proceed substantially as planned.**

**Motion carried.**

- \*7. Trabuco Canyon, Expansion I \$0.00  
Orange County

This proposal was to consider the State's acquisition of fee title to 50± acres of privately-owned land located in Orange County. The purpose of this acquisition is to protect critical low elevation wildlife corridors, protect California gnatcatcher habitat, provide connectivity to other protected lands in the area, and prevent habitat fragmentation located in the foothills of the Santa Ana Mountains. This proposal also requests authorization to enter into an assignment and assumption of the second phase of an option agreement between The California Land Conservancy (CLC) and the landowner regarding the sale of the property.

The subject property is located in rural Trabuco Canyon, in southeastern Orange County, within the foothills of the Santa Ana Mountains. It is approximately equidistant to the city boundaries of Lake Forest, Mission Viejo and Rancho Santa Margarita. Orange County's O'Neill Regional Park and Wilderness Area and the Cleveland National Forest are within one-half mile of the property. Access to the parcel is located along Live Oak Canyon Road, a county designated Scenic Highway.

The Foothill/Trabuco Specific Plan (FTSP), adopted in 1991, comprises 6,500± acres of undeveloped land that serves as a buffer between suburban development and the Cleveland National Forest. The subject property is contained within the boundary of the FTSP. Land within the FTSP is known for its significant landform, biological and scenic resources, as well as for its recreational opportunities. The subject property is also within the planning area of the approved Southern Orange County Habitat Conservation Plan.

Acquisition of this property would secure a large portion of a wildlife corridor associated with southern Orange County; Trabuco Canyon to Cleveland National Forest. Corridors have been designated in the FTSP to ensure linkages among the following large habitat areas: Cleveland National Forest, Arroyo Trabuco, O'Neill Regional Park, Whiting Ranch Wilderness Regional Park and Santiago Creek. Large mammals using habitat that occurs within these corridors include mule deer, mountain lions, bobcats, coyotes, gray foxes, badgers, raccoons and skunks. Two designated wildlife corridors run through the subject property and the property is considered important as a low elevation habitat link for the region.

The Department of Fish and Game (DFG) will acquire and manage the property to protect the wildlife connectivity and a low elevation linkage for gnatcatchers from Southern Orange to the Cleveland National Forest, FTSP area and central Coastal NCCP planning area. The U.S. Fish and Wildlife Service (USFWS) and DFG (collectively, the wildlife agencies) jointly control the "Southern Orange County Coastal California Gnatcatcher in Lieu Fee Account" that was created through the inception of the State coastal sage scrub NCCP and the corresponding Federal listing of the gnatcatcher as threatened. The fees are collected to mitigate the impacts to gnatcatchers within the Southern Orange planning area and used to fund acquisition, management and restoration projects in Southern Orange County. From this account, the wildlife agencies committed \$100,000.00 toward the management of the initial purchase and the subject acquisition property. The funds may be used for any management work that may be necessary which may include fixing or erecting gates and fences, signage and non-native species removal.

The CLC has negotiated with the landowner to sell the property in three phases and currently holds an option agreement with the landowner for the phased purchase. The property is a total of 150± acres and each acquisition phase covers 50± acres. The negotiated purchase price for the entire property is \$5,300,000.00, with each phase being 50± acres for \$1,773,050.00. CLC will assign its purchase option for the second phase to the State. The Board approved acquisition of the initial 50± acres at its August 28, 2008 meeting. The subject property is adjacent to that initial acquisition.

The property was appraised and the appraisal was reviewed by the Department of General Services (DGS). DGS found the appraised value was not supported, and instead established and approved a reduced fair market value of at least \$5,300,000.00. This DGS-approved value is the same as the agreed upon purchase price. The DGS review found the negotiated value of each of the three phases to be acceptable as well. It is estimated that an additional \$26,950.00 will be needed for administrative expenses by the Wildlife Conservation Board (Board), which includes the DGS' review costs, escrow and title insurance fees bringing the total cost for this proposal to \$1,800,000.00. The acquisition costs as well as the internal project-related expenses associated with this acquisition are being paid for with funds from the DFG's "Reservoir Escrow Account" which was established to mitigate the loss of habitat associated with the Santa Margarita Water District building an expanded water reservoir.



The DFG has reviewed the project and highly recommends acquisition of the second phase. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA) requirements and is proposed as exempt under CEQA Guidelines Section 15313, Class 13, as an acquisition of land for wildlife conservation purposes, and under 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 recommended that the Wildlife Conservation Board approve the project 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.

**As one of the consent items heard at the beginning of the meeting, it was moved by Mr. McCamman that the Wildlife Conservation Board approve the project 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.**

8. Cosumnes River Wildlife Area – Oneto/Denier Property \$0.00  
Sacramento County

This proposal was to consider the consent to the sale of an Emergency Watersheds Protection Program Floodplain Warranty Easement by The Nature Conservancy (TNC) to the Natural Resources Conservation Service (NRCS). Mr. Jon Wilcox of the Wildlife Conservation Board briefly described the project and its location.

The subject properties, totaling 475± acres, were acquired in 2001 by TNC through the use of Wildlife Conservation Board (WCB), CALFED, and U.S. Fish and Wildlife Service (USFWS) grants under the title of Cosumnes River Wildlife Area, Expansion 9. The proposed floodplain easement will cover a total of 617± acres. The original parcel was adjusted and combined to include additional acreages acquired with a separate CALFED grant for 142± acres.

The purpose of the floodplain easement is to restore, protect, manage, maintain and enhance the functional values of floodplains, wetlands and riparian areas. This correlates to and does not conflict with the goals set forth in the original Wildlife Conservation Board (WCB) grant agreement, which was intended for “wildlife habitat preservation, restoration, and management, wildlife-oriented education and research, and for compatible public uses, all as may be consistent with wildlife habitat preservation.” The sale of the floodplain easement will provide federal funds to projects consistent with the management plan. These projects include restoration of existing preserve lands to riparian and floodplain habitats. These uses are consistent with the WCB grant agreement.

The first Cosumnes River Wildlife Area acquisition by the WCB was approved May 10, 1990. Subsequently, through cooperative effort with various entities including the TNC, the Department of Fish and Game (DFG), the U.S. Bureau of Land Management (BLM), the Ducks Unlimited, the Department of Water Resources, the USFWS, and the County of Sacramento, the WCB completed eleven expansions for a total of 7,308± acres. In addition to actions taken by the WCB, other public and private partners have worked to conserve 46,000± acres of property within the Cosumnes River Preserve (Preserve).

Today the Preserve and the surrounding conservation holdings represent one of the most significant habitat corridor connections between the Sacramento River Valley and the slopes of the lower Sierra Nevada Foothills. The types of habitats found within the Preserve include wetlands, riverine, riparian, irrigated pastures, vernal pools, annual grasslands and valley oak woodlands (bottomland). These areas provide habitat for a variety of federal and state listed special status species including the sandhill crane, the Swainson's hawk, the giant garter snake, the Sacramento splittail and Chinook salmon. The Preserve also provides important wintering and foraging areas for numerous waterfowl and other migratory birds.

The primary threat to the area is from increasing development pressures, as evidenced by the recent residential development boom. Development of lands within the area would increase the need for flood control structures, which would reduce river flows in the winter and early spring, reducing flooding and lowering the water table. Such changes would adversely impact the riparian areas, marshes and ponds.

The WCB staff has prepared a consent to easement and amendment to the grant agreement. The DFG, as lead agency, prepared a Negative Declaration for the project pursuant to the provisions of the California Environmental Quality Act (CEQA). Staff considered the Negative Declaration and has prepared the proposed written findings documenting the WCB's compliance with CEQA.

Staff recommended that the Wildlife Conservation Board adopt the written findings documenting its compliance with CEQA and approve this project as proposed; authorize the sale of the easement to the Natural Resources Conservation Service and amendment of the Wildlife Conservation Board grant; 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.

Mr. Wilcox introduced Mr. Mike Conner, Project Director of The Nature Conservancy, who was in the audience and available to answer questions.

Mr. McCamman asked if there were any questions or comments on this item. Mr. McCamman asked if there was neither income nor expenses associated with this transaction. Mr. Wilcox answered that this is correct. Mr. Donnelly clarified that the Natural Resources Conservation Service (NRCS) will be paying The Nature Conservancy for the easement, but The Nature

Conservancy will be using those funds for restoration and enhancement projects on the property consistent with the management plan. Mr. McCamman asked if nothing out of the allocations was available to the Board. Mr. Donnelly and Mr. Wilcox confirmed.

**It was moved by Ms. Finn that the Wildlife Conservation Board adopt the written findings documenting its compliance with CEQA and approve this project as proposed; authorize the sale of the easement to the Natural Resources Conservation Service and amendment of the Wildlife Conservation Board grant; 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.**

9. Humboldt Coastal Nature Center, \$150,000.00  
Public Access Facilities Augmentation  
Humboldt County

Mr. Donnelly mentioned that this project was presented before the Board at its previous meeting on May 28, 2009 and briefly summarized the project. Mr. Donnelly reported that letters of support were received for this project from the following people: Honorable Wesley Chesbro, Assembly Member, and from Ms. Kaitilin Gaffney, Pacific Ecosystem Protection Program Director, Ocean Conservancy. Mr. Donnelly also reported that he received a phone call from Mr. Mark Lovelace, Third District Supervisor, Humboldt County Board of Supervisors, in support of this project.

This proposal was to consider the allocation for a grant augmentation to Friends of the Dunes (Friends) to further fund and complete development of a public parking area, trails, and accessible public restroom facilities at the Humboldt Coastal Nature Center. The project site is located near Humboldt Bay, immediately to the north of the community of Manila, in Humboldt County. Mr. Chad Fien of the Wildlife Conservation Board briefly described the project and its location.

On May 24, 2007, the Wildlife Conservation Board (Board) approved funding to acquire the 38±-acre project site that included a residential building to be used as office space and a nature center. Subsequently the Board approved funding to acquire expansions 1, 2, and 3, adding 76± acres to the nature center site, for a total of 114± acres. These combined projects helped preserve beach and sand dune habitat, ensure continuity of land managed for conservation, and provided a visitor center for information about Humboldt Bay. The site also provides recreational opportunities and public access linkages with adjacent publicly owned properties.

The current project and augmentation will help fund the development of public restroom facility, covered outdoor area, parking lot improvements and

signage/trail markers to enhance public access and use of the site. The parking improvements will consist of a lower parking area to include 25 public parking spaces, 1 ADA compliant parking space and parking for 2-3 buses. The upper parking area will be reserved for staff parking and provide two additional ADA-compliant parking spaces.

At the Board's May 9, 2009 meeting an original allocation of \$126,652.00 was approved for this project. The total project cost was \$307,300.00 and included \$140,648.00 in private donations from the grantee and \$40,000.00 from the County of Humboldt. The funds were for project planning and design, restroom improvements and site work. As part of the project, the grantee had also hoped to make upgrades to the parking lot and trails; however, at that time neither the WCB nor the grantee had enough funding available to cover the cost of all the upgrades to the parking and trails. It was contemplated that if additional private funds were made available and if additional funds became available to the WCB through the 2009/2010 budget, the WCB might consider an augmentation to help complete the parking lot and trail portions of the project. As part of this additional funding the Board was also looking for additional funding and match from the Friends.

Since the original proposal the Friends have made available an additional \$127,848.00 in donations for a total of \$267,848.00 in private funding match. Under the 2009/2010 budget the Board received a new appropriation of funding and it is a portion of this funding that is now being considered for this project augmentation. With the addition of these funds a more permanent and improved parking area can now be developed and improvements to the trail system and restrooms can be completed.

The total project cost is now \$584,500.00. This includes the Board's original allocation of \$126,652.00 and the \$150,000.00 proposed under this augmentation.

The proposed funding breakdown for the project is as follows:

Wildlife Conservation Board (original allocation)	\$126,652.00
Wildlife Conservation Board (augmentation)	150,000.00
Humboldt Co. Div. of Environmental Health	40,000.00
Private Donations/Landowner	<u>267,848.00</u>

**TOTAL AVAILABLE FUNDING** **\$584,500.00**

The Friends have 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 Friends are unable to manage and maintain the project improvements, they will be required to refund to the State of California an amortized amount of funds based on the number of years left on the project life. Both the original and proposed funding sources for this project are the Wildlife Conservation Board's Wildlife Restoration Fund which provides

funding for local assistance grants for the development and construction of public access facilities for hunting, fishing and other wildlife-oriented recreational uses and is consistent with the objectives of this project.

The DFG has reviewed this proposal and recommends it for funding by the Board. A coastal development permit has already been obtained from the California Coastal Commission for this project. Humboldt County, as lead agency, prepared a Negative Declaration for the project pursuant to the provisions of the California Environmental Quality Act (CEQA). Staff considered the Negative Declaration and has prepared proposed written findings documenting WCB's compliance with CEQA.

Staff recommended that the Wildlife Conservation Board adopt the written findings and approve this project as proposed; allocate \$150,000.00 from the Wildlife Restoration Fund (Minor Capital Outlay and Local Assistance); 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.

Mr. Fien introduced Mr. Lucas Frerichs, Legislative Staffer of Office of Assembly Member Wesley Chesbro, who was in the audience and available to answer questions.

Mr. Frerichs spoke in support of this project. Mr. Frerichs said that the parking area would accommodate visitors to the site and enable Friends of the Dunes to conduct their school education program at the Nature Center (Center), serving over 2,000 Humboldt County school children with outdoor field experiences, focusing on the ecology and natural diversity of the coastal environment. When the Center is complete, it is anticipated that local eco-tours will visit the facility and will also need adequate parking space for buses. Mr. Frerichs said that the project will be a great asset to the community and visitors to the area.

Mr. McCamman asked if there were any other public comments. There were none. Ms. Finn asked if buses come to the site now. Mr. Fien confirmed, but mentioned that there is not enough space for them to turn around, so the passengers have to get dropped off and walk up the road. Ms. Finn asked what paving in that area does. Mr. Fien answered that grass pavers keep the water from running off. Other options include a hard top surface which has increased run-off, or gravel, which requires more maintenance and periodic resurfacing. Ms. Finn asked if the Board has a policy or a formula for matching funds or is there a requirement for matching funds. Mr. Donnelly responded that there is no policy or formula regarding matching funds, but we encourage matching funds. Ms. Finn asked that this project is being approved in two separate phases, but if we had approved it all at once, would it have met any of the Board's criteria for funding and matching funds. Mr. Donnelly confirmed, but mentioned that he is not sure if the matching would be at the level that it is now. Mr. McCamman asked if there is a 50% match at this point. Mr. Fien confirmed this. Mr. McCamman

asked about the ability of The Friends of the Dunes organization to manage the project. Mr. Fien answered that Friends of the Dunes is a local non-profit and a land trust. Mr. McCamman asked how do we know they are going to be able to manage the improvements 20 years from now in terms of their ability to run it for public benefit. Mr. Fien responded that most of the money comes from private donations. Mr. McCamman asked if there was someone from the Friends of the Dunes in the audience. Mr. Donnelly replied that they were not able to make it today. Mr. Donnelly said that in the instance the Friends of the Dunes are not able to maintain the property, the Board can direct another eligible party to take over operations or require the Friends to repay the funding that the Board provided.

Mr. Donnelly pointed out that in the agenda write-up it indicates that the funding comes from the Wildlife Restoration Fund, and that Fund provides for both Minor Capital Outlay projects and local assistance grants. In the agenda, it indicates that we are making a Minor Capital Outlay payment, when in actuality this is a local assistance grant.

Mr. McCamman asked if there were any questions about this item. There were none.

**It was moved by Ms. Finn that the Wildlife Conservation Board adopt the written findings and approve this project as proposed; allocate \$150,000.00 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.**

- |  |             |
|--|-------------|
| 10. Six Rivers (Chalk Mountain Ranch)<br>Humboldt County | \$35,000.00 |
|--|-------------|

Mr. Donnelly reported that Mr. Mark Lovelace, Third District Supervisor, Humboldt County Board of Supervisors, expressed his enthusiastic support for this project during a phone call with Mr. Donnelly earlier this week.

This proposal was to consider a cooperative project with the California Department of Forestry and Fire Protection (CAL FIRE) and the North Coast Regional Land Trust (NRLT) wherein the State proposes to administer federal Forest Legacy Program funds pursuant to the California Forest Legacy Program (Public Resources Code section 12240 *et seq.*), through an interagency agreement (IA) between the Wildlife Conservation Board (WCB) and CAL FIRE, and the approval to apply the federal funds to acquire a conservation easement over 3,268± acres in favor of CAL FIRE. The conservation easement would protect forest land, important scenic, fish, wildlife, riparian areas and other ecological values near the City of Fortuna and community of Bridgeville, in Humboldt County. Ms. Catherine Caldwell of the WCB briefly described the project and its location.

The property, known as Chalk Mountain Ranch, is located in the mountains of south-central Humboldt County, between the Six Rivers National Forest and Humboldt Redwoods State Park, and is accessed by Highway 36 and Alderpoint Road. The terrain varies from moderately to steeply sloping, ranging from 800 to 3,000 feet in elevation. Current uses include commercial timber operations, cattle grazing and some low impact commercial recreation, such as guided deer hunting, an annual horseback ride and limited camping.

Approximately 63 percent of the property is forested, the majority in young growth Douglas-fir. The remainder of the property is predominately oak woodland and open grassland. The ranch lies between Larabee Creek and the Van Duzen River, both important salmonid spawning tributaries to the Eel River system. Miles of seasonal and year-round creeks support diverse riparian ecosystems. The property provides habitat for a number of species, including mountain lions, black bear, blacktail deer, flying squirrels, ring-tailed cats, northern spotted owl, Pacific fisher and peregrine falcons. In combination with nearby National Forest, Bureau of Land Management, State Parks and other protected properties, this project contributes toward a corridor from the Six Rivers National Forest to the Pacific Ocean.

CAL FIRE would be the holder of the conservation easement and would contract with the NRLT to monitor compliance with the terms and conditions of the easement. The property would remain in private ownership and current grazing and timber management would continue. Without the conservation easement, it would remain vulnerable to ownership fragmentation and residential development.

The fair market value of the conservation easement interest is \$3,925,000.00, as determined by an appraisal approved by the Department of General Services (DGS). The property owner has agreed to sell the conservation easement for \$3,100,000.00, to be funded entirely by federal Forest Legacy funds. The WCB is asked to approve an allocation for \$35,000.00 to cover transaction expenses, including DGS' appraisal review costs, title insurance and escrow fees, which will be reimbursed by CAL FIRE as agreed in the IA entered into pursuant to California Public Resources Code, Section 12240. The proposed funding source allows for the acquisition or restoration of forest lands and is consistent with the project objectives.

As provided in the IA, staff of the WCB would review all proposed title documents, appraisal, preliminary title report, agreements for purchase and sale, escrow instructions and the instruments of conveyance prior to authorizing the disbursement of funds directly to the escrow holder for the purchase of the conservation easement.

There are no claims of sovereign State land ownership on the subject property. The proposed acquisition is exempt from the California Environmental Quality Act (CEQA) requirements under CEQA Guidelines

Section 15313, Class 13, as an acquisition of lands for fish and wildlife conservation purposes, and under Section 15325, Class 25, as a transfer of an ownership interest in land to preserve open space. Subject to approval by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

Staff recommended that the Wildlife Conservation Board administer federal Forest Legacy Program funds pursuant to the California Forest Legacy Program and apply the federal funds to acquire a conservation easement over 3,268± acres in favor of CAL FIRE as proposed; allocate \$35,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Proposition 12), Section 5096.350 (a)(4)(1) to cover internal project-related expenses until reimbursed by CAL FIRE; 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.

Ms. Caldwell introduced Mr. Jeff Calvert, Stewardship Forester of CAL FIRE, and Mr. & Mrs. Barnwell, the landowners, who were in the audience and available to answer questions.

Mr. McCamman asked if there were any questions about this item. Ms. Finn asked if CAL FIRE has the resources necessary to contract with the North Coast Regional Land Trust to monitor the conservation easement. Ms. Caldwell confirmed that CAL FIRE will use federal funds for this purpose. Ms. Caldwell also explained that federal funds cover both the acquisition and the project transaction costs and CAL FIRE will enter into a contract with a local land trust to monitor the easement. Mr. Calvert joined the discussion at this point, introduced himself and provided more explanation on the topic. Mr. Calvert stated that the federal law does not allow the use of federal funds to monitor a project. Mr. Calvert explained that CAL FIRE will enter into a Memorandum of Understanding with a local land trust who will monitor the easement for CAL FIRE. Mr. Calvert said that he is also one of the two foresters employed by CAL FIRE specifically to perform the monitoring associated with this program. Ms. Finn asked if these additional 3,300 acres will require any additional resources from CAL FIRE to do the monitoring. Mr. Calvert confirmed that no additional resources will be required.

At this moment, Mr. McCamman acknowledged and thanked Assembly Member Ira Ruskin for joining the Board today.

Mr. McCamman asked if there were any other public comments or questions about this item. There were none.

**It was moved by Ms. Finn that the Wildlife Conservation Board administer federal Forest Legacy Program funds pursuant to the California Forest Legacy Program and apply the federal funds to acquire a conservation easement over 3,268± acres in favor of CAL FIRE as proposed; allocate \$35,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Proposition 12), Section 5096.350 (a)(4)(1) to cover internal project-**



**related expenses until reimbursed by CAL FIRE; 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.**

11. Truckee Basin (Independence Lake) \$5,510,000.00  
Nevada and Sierra Counties  
**Conditional Authorization – Subject to Availability of Funds**

Mr. Donnelly said that this is one of the two projects he discussed at the beginning of the meeting to consider conditional approval.

This proposal was to consider the conditional allocation for a grant to The Nature Conservancy (TNC) for a cooperative project with the Federal Desert Terminal Lake Fund, the California Natural Resources Agency, the Morgan Family Foundation, the Northern Sierra Partnership (contingent on the Partnership's approval of the grant application submitted to it), and the Sierra Nevada Conservancy, to acquire 2,325± acres to protect Lahontan cutthroat trout habitat and critical deer migration corridors west of Highway 89, in Nevada and Sierra Counties. Mr. Brian Gibson of the Wildlife Conservation Board briefly described the project and its location.

The property, consisting of 2,325± privately owned acres surrounding the 625±-acre State sovereign Independence Lake, is situated within the eastern slopes of the Sierra Nevada mountain range. The Independence Lake property is located off Henness Pass Road approximately five miles west of Highway 89. Topography of the property ranges from nearly level around the lake to steep slopes, with elevation at approximately 6,900 feet.

This glacial lake property had been utilized for fishing, camping, boating, hiking and bird and wildlife viewing since the 19<sup>th</sup> century. Structures on the property consist of a lodge building constructed around 1910, two small cabins, approximately 30 public campsites and a caretaker's residence. Upon acquisition, TNC will secure the lodge and cabins to insure public safety. Eventual use or removal of these structures will be determined in the future. TNC has created a draft recreation plan which will permit day use by the public and perhaps ten primitive, hike-in camping spots. Motorboats will not be allowed on the Lake and all small watercraft will have to be hiked in a quarter of a mile from the parking to the lake. The caretaker's residence is intended to be occupied seasonally by a steward who may oversee the camping operation and assist with fish and forest management activities.

The Independence Lake watershed supports pine forests, aspen forests, riparian habitat, montane meadow habitat and nesting sites for the state endangered willow flycatcher and mountain yellow-legged frogs. Independence Lake contains the last natural lake population of the federally threatened Lahontan cutthroat trout in California and supports a variety of native fishes from the Truckee River

watershed. The property is a critical fawning area for the Loyalton-Truckee deer herd. Much of the critical summer range for this herd has been lost to development as the town of Truckee expands. These deer are also pressured on their winter range as the town of Reno expands toward the California border and development compromises deer migration corridors in that area.

The WCB has supported significant area fee and conservation easement acquisitions such as 741± acres for the Truckee River Wildlife Area, 1,481± acres known as Waddle Ranch, 4,011± acres for the Truckee River Canyon Wildlife Area, 1,350± acres known as Gray Creek Canyon and 982± acres at Perazzo Meadows. While Independence Lake is not adjacent to these other areas, the property is connected to large tracts of U. S. Forest Service land and is part of an overall objective to protect critical habitat and migration corridors in the greater Truckee Basin.

The proposed acquisition will protect a critical deer fawning area and riparian habitat and allow for fish and wildlife passage through protected linkages and corridors. It will also help to preserve one of the few remaining native strains of Lahontan cutthroat trout. Meadow protection would ensure adequate breeding habitat for willow flycatchers. TNC proposes to manage the property for habitat and species protection combined with continued recreational access.

The property owners have agreed to sell the property to TNC for the Department of General Services (DGS)-approved appraised fair market value of \$15,000,000.00. The proposed funding breakdown for the project is as follows:

Wildlife Conservation Board (WCB)	\$5,500,000.00
Federal Desert Terminal Lake Fund	6,079,706.00
Natural Resources Agency	1,320,294.00
Morgan Family Foundation	100,000.00
Northern Sierra Partnership (if approved)	1,000,000.00
Sierra Nevada Conservancy	<u>1,000,000.00</u>
<b><u>TOTAL AVAILABLE FUNDING</u></b>	<b><u>\$15,000,000.00</u></b>

It is estimated that an additional \$10,000.00 will be needed to cover project-related costs by the WCB, including the DGS' appraisal review fees, bringing the total proposed allocation for this project to \$5,510,000.00. The purposes of this project are consistent with the proposed funding source which allows for the acquisition of habitat that promotes the recovery of threatened and endangered species, provides corridors linking separate habitat areas to prevent habitat fragmentation, and protects significant natural landscapes and ecosystems.

In August 2009, the State Coastal Conservancy and the WCB requested an exemption from the Department of Finance Budget Letters 08-33 and 09-15 in order to allocate funds for high-priority future projects that offer significant public benefits and provide opportunities for third-party matching funds. The Department of Finance granted an exemption, allowing the WCB to review such

projects, possibly approve them, and enter into new grants conditioned upon (and without any guarantee of) the future availability of State bond funding. Independence Lake is significant in that it supports the only wild lake population of Lahontan cutthroat trout left in California, and one of only two such lake populations in the world. Although this species is supported by hatcheries, wild and self-sustaining populations of Lahontan cutthroat trout have declined by 99% relative to their historic range.

TNC may identify private sources willing to provide financing to complete the acquisition, all subject to their respective boards' approval. Funding from the Federal Desert Terminal Lake Fund, as well as the Morgan Family Foundation, is available for use by TNC without immediate threat of expiration. The Natural Resources Agency has an approved grant, and due to the unavailability of bond funds, is in the process of extending the grant until mid-2010. Grants from the Northern Sierra Partnership and the Sierra Nevada Conservancy are being reviewed and are subject to approval. Should TNC complete the proposed transaction using private loan funds, State bond funds could be applied to repay the principal on the loan(s), if such State funds become available during the term of the grant. Otherwise any loan(s) would need to be repaid from non-state sources. The terms and conditions of the proposed conditional grant specify that grant funds shall not be disbursed unless and until sufficient proceeds from the designated fund source become available to WCB for such purpose, and require that WCB staff review and approve all proposed title documents, appraisals, preliminary title reports, documents for purchase and sale, escrow instructions and the instruments of conveyance prior to disbursement of funds directly into the escrow account established for the acquisition. In addition, the conditional grant would explicitly not guarantee the certainty or timing of any grant funds, which would only be disbursed to escrow if and when the full amount of bond funds allocated for the project are available for disbursement by the WCB.

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

Staff recommended that the Wildlife Conservation Board conditionally approve this project as proposed; allocate \$5,510,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 (Proposition 84,) Section 75055 (b) for the conditional grant and internal project-related 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.

Mr. Gibson introduced Mr. Mike Conner, The Nature Conservancy's Program

Director of Real Estate for Central Valley and Mountains, who was in the audience and available to answer questions.

Ms. Finn asked if the energy company that is selling the property has been notified that they should not be expecting funds from the State in the near future. Mr. Gibson replied that The Nature Conservancy has an agreement with Nevada Energy (selling company) which expires in May 2010.

Mr. Donnelly clarified that The Nature Conservancy will use the funding that it currently has available to it, and if the State bond funds do not become available in time for them to close in May 2010, The Nature Conservancy is prepared to secure financing or use its own funds to complete the transaction. Ms. Finn pointed out that the funding in this particular case includes more State funding than the other projects, and this is why she repeated her earlier question asking if there are any guidelines or any formulas for non-State/State funding.

At this time, Mr. McCamman acknowledged the presence of Ms. Sandy Morey, Regional Manager of Region 2, who was in the audience.

Mr. McCamman asked if there were any questions or comments about this item. There were none.

**It was moved by Ms. Finn that the Wildlife Conservation Board conditionally approve this project as proposed; allocate \$5,510,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 (Proposition 84), Section 75055 (b), for the conditional grant and internal project-related 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.**

12. Jenner Headlands \$8,010,000.00  
Sonoma County

**Conditional Authorization – Subject to Availability of Funds**

Mr. Donnelly mentioned that this is the other project for which Wildlife Conservation Board is requesting conditional approval. Mr. Donnelly reported that several letters of support have been received for this project from the following people: Honorable Barbara Boxer, U. S. Senator; Honorable Lynn Woolsey, Member of Congress; Honorable Patricia Wiggins, Member of Senate; Honorable Wesley Chesbro, Member of Assembly; Mr. Eric Carrillo, current Supervisor, Fifth District, County of Sonoma Board of Supervisors; Mr. Mike Riley, prior Supervisor, Fifth District, County of Sonoma Board of Supervisors; Ms. Michele Luna, Executive Director, Stewards of the Coast and Redwoods; Ms. Sharon A. Chang, Chair, Jenner Water Citizens Advisory Committee; Ms. Fran Gibson, President, Coast Walk of California Board; Mr. David S. Kenly, President, Jenner Community Club; Ms. Dixie Lewis, Pole Mountain Coalition; Ms. Luana J. Presler of

Bodega, CA; Ms. Norma Jellison of Bodega Bay, CA; and Mr. Richard Retecki, retired Coastal Conservancy Project Analyst.

Mr. McCamman asked what are the prospects relative to timing for actually having funds available. Mr. Donnelly responded that we don't know yet, but he was told that after the first of the year another bond sale will be considered and there is a hope to get more funding at that time.

Mr. Donnelly stated that the grantees are aware that the State is not in a position to provide funding, and there is no indication when funds will become available. These organizations are assuming all risk associated with the prospect that bond funds will not become available, and it is reflected in a grant agreement with the Sonoma Land Trust for this cooperative project. Ms. Finn added that after the budget is released for the 2010 year, there will be another bond sale. Ms. Finn mentioned that even though the bond sale is planned, the next step is prioritization of what the proceeds should be used for. She said the number one goal is to keep projects going that are already underway, which are mostly State contracted projects such as State highways, flood projects, etc. The rest will be provided for other high priority projects.

Mr. McCamman asked about the public benefits of this particular project.

Mr. Donnelly responded that the benefits are potential public access, conservation of wildlife habitat, and riparian and fishery resources.

Mr. Donnelly mentioned that matching funds and the ability of these organizations to complete the transaction, regardless of the availability of State funding, are also public benefits.

This proposal was to consider the conditional allocation for a grant to the Sonoma Land Trust (Land Trust) for a cooperative project with the U. S. Forest Service's Forest Legacy Program (FLP), the National Oceanic and Atmospheric Administration's Coastal and Estuarine Land Conservation Program (CELCP), the State Coastal Conservancy (SCC), the Sonoma County Agricultural Preservation and Open Space District (District), and the Gordon and Betty Moore Foundation, to acquire fee title to the 5,630± acre Jenner Headlands property approximately 30 miles northwest of Santa Rosa, immediately north and east of the community of Jenner, in Sonoma County. Ms. Catherine Caldwell of the Wildlife Conservation Board briefly described the project and its location.

The property is located in unincorporated western Sonoma County, 11 miles north of Bodega Bay, just north of the termination of the Russian River into the Pacific Ocean. The property is east of and adjacent to State Highway 1, and varies from gentle to moderate slopes 120 to 1,800 feet above sea-level, with spectacular ocean views. The property has supported cattle grazing and timber harvesting since the mid- to late-1800's to the present. Existing development includes two small ranch houses and typical ranch structures for livestock management. The property is accessed by unpaved roads as well as from Highway 1.

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, commonly referred to as Proposition 84, identified the Wildlife Conservation Board (WCB) as the responsible entity to implement a grant program for forest conservation and protection projects, now known as the Forest Conservation Program. Procedures were developed for accepting applications and evaluating proposals, which measure the project's contribution to the purposes of the program. This project was reviewed and recommended under these procedures and would be the first to be funded under the program. In addition to recommendation through the WCB's Forest Conservation Program, the project was also reviewed and recommended for funding by the Department of Fish and Game (DFG) in the Jenner Headlands Land Acquisition Evaluation.

Mixed redwood and Douglas fir forest and oak woodland make up the approximately 3,200 wooded acres on the property. The balance of the property is coastal prairie and other grasslands. The property is adjacent to significant corridors of protected lands including the 10,000-acre Sonoma Coast State Beach, the Land Trust's 560-acre Little Black Mountain Preserve, and thousands of acres of other protected lands in western Sonoma County. The property includes 13 types of habitats and portions of 8 watersheds, much of which has been designated as Significant Natural Area by the DFG. This variety of forests, grasslands, wetlands and riparian areas is home to Coho salmon, steelhead, red tree vole, fox, bobcats and mountain lions, red-legged frogs, peregrine falcon and osprey, as well as six known nesting sites for northern spotted owl. Sheephouse Creek is especially noteworthy, as it is one of only three locations where the DFG is operating a collaborative reintroduction program for Coho.

The risk of development of the Jenner Headlands is high due to the existence of 42 perfected certificates of compliance on the property, the desirability of Sonoma's coast for homes and its proximity to the Bay Area. If successful, the project would include protection by a conservation easement to be granted by the Land Trust to the District, which would be consistent with and further strengthen protections required with State funding. In addition to protecting and restoring the property's forests, water resources and natural habitats, the project would also be suitable to provide educational opportunities and limited public recreational access through interpretive programs of the Land Trust and a potential future 2.5 mile link in the California Coastal Trail on the coastal terrace portion of the property.

The property would be owned and managed by the Land Trust, which intends to manage the forest to speed transition to more age-diverse and fire resistant stands of redwood and healthy, functioning forest. The Land Trust has received grants and donations to create an endowment for the ongoing stewardship and management of the property. Under the terms of the grant agreement, the WCB would visit the property at least every three years to evaluate compliance with the terms and conditions of the grant agreement.

The property is appraised at \$36,100,000.00, and that value has been approved by the Department of General Services (DGS). The landowners are willing to sell the property for \$36,000,000.00. Funding contributions are as follows:

U. S. Forest Service	\$1,000,000.00
National Oceanic and Atmospheric Administration	5,850,000.00
State Coastal Conservancy	8,000,000.00
Sonoma County Agricultural Preservation and Open Space District	9,150,000.00
The Moore Foundation	4,000,000.00
Wildlife Conservation Board (WCB)	8,000,000.00
Landowner donation of value	<u>100,000.00</u>

**TOTAL AVAILABLE FUNDING** **\$36,100,000.00**

It is estimated that an additional \$10,000.00 would be needed to cover project-related costs by the WCB, including appraisal review charges by the DGS, bringing the total proposed allocation for this project to \$8,010,000.00. The proposed funding source allows for grants to protect forests, water resources and natural habitats, and is consistent with the purposes of this project.

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

Pursuant to Section 9.45 of the Budget Act of 2009, staff of the WCB has provided written notification of the proposed acquisition to the Department of Finance and the Joint Legislative Budget Committee (JLBC). Disbursement of the conditional funding to be used for the acquisition of the Jenner Headlands property is conditioned upon the availability of bond funds sufficient to award the bond funds to the Land Trust and expiration of the JLBC 30-day review period.

Project partners recognize that it is unlikely that State bond funds will be available before the December 31, 2009 deadline for acquisition. In August 2009, the SCC and the WCB requested an exemption from the Department of Finance Budget Letters 08-33 and 09-15 in order to allocate funds for this project. The Department of Finance granted the exemption, allowing the State agencies to review the Jenner project, possibly approve it, and enter into a new conditional obligation for State bond funding.

The Land Trust identified private sources willing to provide financing to complete the acquisition, all subject to their respective boards' approval; these potential lenders include the Save the Redwoods League, The Wildlands Conservancy, and the David and Lucille Packard Foundation. The SCC approved a grant at its

September 24, 2009 meeting, conditioned upon the availability of sufficient bond funds. Should the Land Trust complete the transaction using private loans, State bond funds could be applied to repay the principal on the loans, if such State funds become available during the term of the grant. Otherwise the loans would need to be repaid from non-state sources.

The terms and conditions of the proposed conditional grant specify that grant funds shall not be disbursed unless and until sufficient proceeds from the designated fund source become available to WCB for such purpose, and require that Board staff review and approve all proposed title documents, appraisals, preliminary title reports, agreements for purchase and sale, escrow instructions and instruments of conveyance prior to disbursement of funds directly into the escrow account for the acquisition. In addition, the conditional grant would explicitly not guarantee the certainty or timing of any grant funds, which would only be disbursed to escrow if and when the full amount of bond funds allocated to the project are available for disbursement by the WCB.

Staff recommended that the Wildlife Conservation Board conditionally approve this project as proposed; allocate \$8,010,000.00 from Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006, (Proposition 84), Section 75055 (a), for the conditional grant and internal project-related expenses; find that funding is subject to availability of bond funds and expiration of the 30-day review period by the Department of Finance and the Joint Legislative Budget Committee; 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.

Ms. Caldwell introduced Mr. Lucas Frerichs, Legislative Staffer of Assembly Member Wesley Chesbro Office; Mr. Ralph Benson, Executive Director of Sonoma Land Trust; and Ms. Amy Chestnut, Director of Acquisitions, Sonoma Land Trust, who were in the audience and available to answer questions.

Ms. Chestnut introduced herself and spoke in support of this project. Ms. Chestnut stated that this conservation easement will provide additional lands along the coast for wildlife migration in anticipation of climate change. Ms. Chestnut reported that nine government agencies and six non-government agencies are involved in the acquisition process, and does not include dozens of other organizations which Sonoma Land Trust have been working with to assist with post-closing stewardship and public access. According to Ms. Chestnut, it has definitely been quite a collaboration and spoke to the volume and importance of this project. Ms. Chestnut personally thanked Mr. Donnelly and Ms. Caldwell for their vision, professionalism, commitment and assistance.

Mr. Frerichs spoke in support of this project. Mr. Frerichs listed several benefits of a conservation easement on this property, which include protection of over 5,000 acres of diverse habitat and significant water



resources.

Mr. McCamman asked if there were any comments or questions about this item. Ms. Finn commented that she was on a tour with Sonoma Land Trust and found this property to be very beautiful. Mr. McCamman mentioned that he noticed that there is no parking lot on this property and asked if there are any plans to provide public access to the property. Ms. Caldwell replied that there is a developed pull out area off Highway 1, and while there is some work to do, it is a great start. Mr. McCamman stated that public access with the use of public funds is an important component of this conservation easement.

Mr. McCamman asked if there were any other questions or comments on this item. There were none.

**It was moved by Ms. Finn that the Wildlife Conservation Board conditionally approve this project as proposed; allocate \$8,010,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006, (Proposition 84), Section 75055 (a), for the conditional grant and internal project-related expenses; find that funding is subject to availability of bond funds and expiration of the 30-day review period by the Department of Finance and the Joint Legislative Budget Committee; 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.**

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|---|-------------|
| 13. San Joaquin Multi-Species Conservation Plan (2007), (2008), (2009)<br>San Joaquin and Contra Costa Counties | \$90,000.00 |
|---|-------------|

This proposal was to consider the acceptance of three Habitat Conservation Planning Land Acquisition Grants (Grants) from the U.S. Fish and Wildlife Service (USFWS) and the authorization to enter into Agreements to Subgrant the federal funds to the East Contra Costa County Habitat Conservancy (Conservancy) to facilitate the acquisition of properties as identified in the Grants. These projects will help implement the East Contra Costa County Natural Community Conservation Plan/Habitat Conservation Plan (Plan) by protecting critical wildlife corridors and habitat for threatened and endangered species. Ms. Teri Muzik of the Wildlife Conservation Board briefly described the project and its location.

In San Joaquin County, nine local agencies have partnered to implement the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSHCP). The SJMSHCP was adopted in February of 2001 and will conserve approximately 100,000 acres to mitigate for impacts to 97 covered species. The planning area encompasses more than 900,000 acres and 1,400 square miles.

In Contra Costa County, adjacent to San Joaquin County on the west, eight local agencies have developed a regional conservation plan to address the potential conflict between future growth and protection of endangered species habitat. The plan proposes to conserve approximately 30,000 acres to benefit 28 covered species in the watersheds that drain the east side of Mount Diablo and flow to the Sacramento-San Joaquin Delta at the boundary with San Joaquin County.

Acquiring habitat land that spans the boundaries of the San Joaquin and Contra Costa conservation planning areas is important to complement the mitigation actions of the SJMSCHCP and to promote the long term survival of a variety of listed and at-risk species whose conservation is the focus of both conservation plans.

The properties identified in the Grants will ensure conservation of critical habitat and establish linkages between neighboring conservation planning areas. The acquisition focus areas have very high conservation priority due to high habitat value on-site, and the potential to provide essential habitat and connectivity for multiple species that move across county boundaries or whose populations or habitat span the two counties covered by the two habitat conservation plans.

These acquisitions will help establish a northwest-southeast movement corridor for the endangered San Joaquin kit fox and will protect habitat for the conservation of the threatened California red-legged frog. The acquisition focus areas support a large, contiguous patch of annual grasslands and vernal pool habitat in the area.

The terms and conditions of the proposed Agreements to Subgrant will set out the requirements each property must meet prior to acquisition. Among those requirements are appraisals approved by both the Department of General Services (DGS) and USFWS, and review by the Wildlife Conservation Board (Board) of all documents related to each specific acquisition. The Grants allow the non-federal match to be in the form of non-federal dollars or in-kind matching properties. Staff of the Board will ensure the non-federal match meets the requirements of the Grant program. Staff of the Board will also review and approve all documents and related reports prior to disbursement of funds directly into an escrow established for each property. Each federal grant identifies multiple properties within the Plan. Staff proposes to accept the three federal grants, totaling \$15,500,000.00, and enter into individual Agreements to Subgrant each property selected for acquisition. Following close of escrow, staff will return to the Board to provide, on an informational basis, details regarding the purchased properties.

It is estimated that \$90,000.00 will be needed to cover internal project-related costs by the Board. The proposed funding source for the costs allows for grants to implement or assist in the establishment of Natural Community Conservation Plans and is consistent with the purpose of this Grant.

The DFG has reviewed the projects and recommends approval of the subgrants. The projects are exempt from the California Environmental Quality Act (CEQA)

under CEQA Guidelines Section 15313, Class 13, as the acquisition of land for wildlife conservation purposes, and Section 15325, Class 25, as a transfer of ownership interest in land to preserve open space. A Notice of Exemption will be filed with the State Clearinghouse on each individual project.

Staff recommended that the Wildlife Conservation Board approve this project as proposed; authorize acceptance of the three Habitat Conservation Planning Land Acquisition Grants from the U.S. Fish and Wildlife Service in the amounts of \$7,000,000.00, \$6,000,000.00 and \$2,500,000.00 and authorize the Agreements to Subgrant the federal funds to the East Contra Costa County Habitat Conservancy; allocate \$90,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006, (Proposition 84), Section 75055 (c) for internal project-related expenses; direct staff to provide periodic reports to the Board, on an informational basis, providing details on the properties purchased under the individual Agreements to Subgrant; 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.

Mr. McCamman asked if there was anyone from the public wishing to speak on this project. Mr. John Kopchik, Executive Director of East Contra Costa County Habitat Conservancy, introduced himself and spoke in support of the project. Mr. Kopchik stated that the purpose of this project is to conserve the ecosystem in East Contra Costa County which is at threat from various forces including some of the fastest suburban growth in the greater Bay Area. Mr. Kopchik also mentioned that there is a tight timeframe for the federal grants and expressed his appreciation of staff's work to bring these grants to the attention of the Wildlife Conservation Board, the process established to disburse these funds, and asked the Board to approve this project as proposed.

Mr. McCamman asked how many acres comprise the Habitat Conservation Plan (HCP) area. Mr. Kopchik replied that there are 175,000 acres, but only 30,000 acres need to be conserved. Mr. Kopchik added that these 30,000 acres will stitch together existing preserve lands. Ms. Finn asked about a deadline. Mr. Kopchik mentioned in the federal grants. Mr. Kopchik replied that the U. S. Fish and Wildlife Service granted the money to the State and that each of those grants has a three-year time limit. Ms. Finn asked if \$19,000,000.00 in non-federal funds is a requirement of the grants. Mr. Kopchik confirmed. Ms. Finn asked if there are willing sellers in the involved properties. Mr. Kopchik replied that they already have six properties with identified willing sellers. Mr. Kopchik also stated that each of the three grants has a different timeline and they are working very hard to make sure that they spend the money beginning with the grant that will expire the soonest. Mr. McCamman mentioned that the Department of Fish and Game has been working closely with the U.S. Fish and Wildlife Service to ensure that these timelines will be met.

Ms. Finn asked about the transparency of this transaction. Mr. Kopchik responded that all of these transactions will be presented in a public forum before the governing Boards of the agencies who will own and manage the properties. For instance, East Bay Regional Park District will be the owner in most cases, so its transactions will be presented to its Board. In addition, the properties selected for acquisition and which are identified in the federal grants have been reviewed and approved by the U.S. Fish and Wildlife Service through its grant review process. Mr. Kopchik said that he thinks there is a significant amount of opportunity for the public to be aware of these projects. Ms. Muzik added that the subgrant agreements require a resolution from not only the subgrantee, but any successor subgrantees. These resolutions evidence the approval of the projects and their responsibilities under the subgrants by the respective governing boards. Mr. Kopchik stated that the East Contra Costa County HCP is a 2,000 page document which outlines the conservation strategy and which was presented at a public meeting with approximately 200 people in attendance. He said that the subgrant agreements implement the conservation strategy set forth in the HCP. Mr. Kopchik also said that acquisition of the properties identified in the federal grants would also implement the East Contra Costa County HCP/Natural Community Conservation Plan (NCCP) which had enormous public input. Ms. Finn asked if the public comments to the HCP/NCCP were controversial and if the public was adequately noticed. Mr. Kopchik replied that these kinds of plans are complicated and they do not get passed by city councils and boards of supervisors unless the public is noticed.

Ms. Finn asked if the grants require periodic progress reports. Mr. Donnelly responded that upon close of escrow and completion of transactions, staff will make a report to the Wildlife Conservation Board at its next quarterly meeting. Mr. Donnelly stated that today the federal grants are written for more complex, multiple-owner projects, and while they are consistent with HCPs and are being completed and approved, the newer grants are far more time consuming. It is difficult to spend the federal money within the three-year time limit because of the time it takes to develop these projects. Mr. Donnelly said that staff is recommending the Board approve the proposed method of accepting the grants and issuing the subgrants as a pilot project. Mr. McCamman asked historically how federal grants had been granted. Mr. Donnelly responded that there are two types of federal grants under the federal Section 6 Program which are Recovery Land Acquisition Grants and Habitat Conservation Planning Land Acquisition Grants. The grant proposals typically identified single properties. The concept of working with one property, versus multiple properties is less time consuming than acquiring multiple properties under one grant. However, oftentimes properties were not available and the process to identify and obtain approval of a substitute property was time consuming. Today, HCPs and NCCPs make it attractive for the federal grants to identify multiple properties. The Department of Fish and Game is the actual recipient of these funds because Section 6 grants have to be awarded to a State agency. Mr. Donnelly stated that the Wildlife Conservation Board acts on behalf of the Department of Fish and Game to use this funding.

Mr. McCamman asked if there were any additional questions or comments on this item. There were none.

**It was moved by Ms. Finn that the Wildlife Conservation Board approve this project as proposed; authorize acceptance of the three Habitat Conservation Planning Land Acquisition Grants from the U.S. Fish and Wildlife Service in the amounts of \$7,000,000.00, \$6,000,000.00 and \$2,500,000.00 and authorize the Agreements to Subgrant the federal funds to the East Contra Costa County Habitat Conservancy; allocate \$90,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006, (Proposition 84), Section 75055 (c) for internal project-related expenses; direct staff to provide periodic reports to the Board, on an informational basis, providing details on the properties purchased under the individual Agreements to Subgrant; 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. Los Vaqueros Ranch Conservation Easement \$8,000.00  
Monterey County

This proposal was to consider the acceptance of a Recovery Land Acquisition Grant from the U. S. Fish and Wildlife Service grant and approval to subgrant the federal funds to The Nature Conservancy (TNC) to be applied toward the acquisition of a conservation easement over 1,337± acres of property identified in the federal grant to protect critical steelhead trout habitat as well as habitat for sensitive wildlife species including the red-legged frog, yellow-legged frog, western pond turtle and intact populations of native fish, oak woodlands and grasslands in the lower watershed along the Arroyo Seco River, in Monterey County. Ms. Teri Muzik of the Wildlife Conservation Board briefly described the project and its location.

The Arroyo Seco River is a tributary to the Salinas River, the largest river system in the Central Coast. The Salinas extends over 155 miles from its headwaters in San Luis Obispo County to the Monterey Bay National Marine Sanctuary, near Moss Landing, in Monterey County. At its confluence with the Salinas, the Arroyo Seco River is approximately 44 miles from Monterey Bay. The Arroyo Seco watershed is centrally located between two primary release and recovery sites for the California condor: Pinnacles National Monument and Big Sur Coast. National Park Service biologists have documented that condors are increasingly using Arroyo Seco as a flight corridor when traveling between their inland and coastal release areas. Wide-ranging travel between the sites, mixing of condor populations and eliminating serious threats is critical to the condor's recovery.

The Department of Fish and Game (DFG) has identified the Arroyo Seco River, in Monterey County, as a conservation priority. Protection of the river and its surrounding properties would create a terrestrial and hydrologic connection between the northern boundary of the Los Padres National Forest and the Arroyo Seco River basin and would protect the last remaining known southern steelhead

trout run in the Salinas River basin, extensive riparian habitat that provides neotropical migratory songbird and waterfowl habitat, several sensitive wildlife species including the California red-legged frog, a federally threatened species, foothill yellow-legged frog, a federal and state species of concern, the western pond turtle and several intact populations of native fish.

TNC proposes to acquire and manage a perpetual conservation easement to maintain and restore habitat for breeding populations of red-legged frogs, for steelhead passage and for potential steelhead spawning and rearing.

Conservation of aquatic and riparian habitat within the Arroyo Seco watershed will help maintain red-legged frog and steelhead presence within the greater Salinas drainage, and may provide a starting point for future restoration of historic steelhead runs in other Salinas tributaries. The conservation easement will also include measures to reduce condor exposure to key threats including lead ammunition, poison and shooting, thereby directly contributing to condor recovery in California's Central Coast.

The conservation easement was appraised for \$1,700,000.00, which has been reviewed and approved by the Department of General Services. The property owner has agreed to sell the conservation easement for \$1,600,000.00.

The proposed funding breakdown for this project is as follows:

USFWS Grant	\$500,000.00
Non-federal match from TNC	<u>1,100,000.00</u>
<b><u>TOTAL AVAILABLE FUNDING</u></b>	<b><u>\$1,600,000.00</u></b>

It is estimated that \$8,000.00 will be needed to cover internal project-related costs by the WCB. The proposed funding source for this project allows for the acquisition of habitat to protect rare threatened and endangered or fully protected species, provide corridors linking separate habitat areas and protect significant natural landscapes, and is consistent with the purposes of this project.

The DFG has reviewed the project and recommends approval of the subgrant. The project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15313, Class 13, as the acquisition of land for 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 Wildlife Conservation Board, a Notice of Exemption will be filed with the State Clearinghouse.

Staff recommended the Wildlife Conservation Board approve this project as proposed; authorize acceptance of the Recovery Land Acquisition grant from the U.S. Fish and Wildlife Service in the amount of \$500,000.00 and authorize the Agreement to Subgrant the federal funds to The Nature Conservancy; allocate \$8,000.00 from the Habitat Conservation Fund , (Proposition 117), Section 2786 (b/c), for internal project-related 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.

Ms. Muzik introduced Ms. Chris Fischer, Monterey Project Director of The Nature Conservancy, and Mr. Michael and Ms. Lynn Gould, the property owners, who were in the audience and available to answer questions.

Mr. McCamman asked if there were any questions or comments about this item. There were none.

**It was moved by Ms. Finn that the Wildlife Conservation Board approve this project as proposed; authorize acceptance of the Recovery Land Acquisition grant from the U.S. Fish and Wildlife Service in the amount of \$500,000.00 and authorize the Agreement to Subgrant the federal funds to The Nature Conservancy; allocate \$8,000.00 from the Habitat Conservation Fund , (Proposition 117), Section 2786 (b/c), for internal project-related 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.**

15. 2010 Wildlife Conservation Board Meeting Schedule Informational

The tentative dates for the WCB meetings in 2010 are as follows:

February 25, 2010

May 27, 2010

August 26, 2010

November 18, 2010

Respectfully submitted,

John P. Donnelly  
Executive Director

## PROGRAM STATEMENT

At the close of the meeting on November 17, 2009, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$2,122,040,254.37. 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.....	1,948,654,656.63
Wildlife Areas (General) .....	\$397,157,721.74
Miscellaneous Wildlife Habitat Development.....	21,897,787.32
Wildlife Areas/Ecological Reserves, (Threatened, Endangered or Unique Habitat) .....	700,023,668.89



Land Conservation Area .....	12,988,962.18
Inland Wetlands Conser. Grants & Easements ....	24,841,960.64
Riparian Habitat Conser. Grants & Easements ....	63,099,320.74
Other Wildlife Habitat Grants .....	728,645,235.12
F. Hunting Access Projects .....	484,898.57
G. Miscellaneous Projects (including leases) .....	19,738,866.42
H. Special Project Allocations.....	1,712,294.13
I. Miscellaneous Public Access Projects .....	38,759,485.15
State Owned .....	\$1,813,406.19
Grants .....	36,946,078.96
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	 \$2,122,040,254.37