

DEPARTMENT OF FISH AND GAME

WILDLIFE CONSERVATION BOARD

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State of California
Natural Resources Agency
Department of Fish and Game
WILDLIFE CONSERVATION BOARD
Minutes
February 25, 2010

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WILDLIFE CONSERVATION BOARD

Minutes

February 25, 2010

The Wildlife Conservation Board met on Thursday, February 25, 2010, at the Department of Parks & Recreation, Redwood Conference room, in Sacramento, California. Mr. John McCamman, Director of the Department of Fish and Game, called the meeting to order at 10:00 A.M., introduced himself, Mr. Jim Kellogg, President of the Fish & Game Commission, Ms. Karen Finn, Program Budget Manager, Department of Finance, Mr. John Donnelly, Executive Director of the Wildlife Conservation Board, Ms. Natalya Kulagina, Mr. Donnelly's Executive Assistant, and Ms. Erin Shaw, Assembly Member's Ira Ruskin representative. Mr. McCamman turned the meeting over to Mr. Donnelly.

1. Roll Call/Election of Chair

WILDLIFE CONSERVATION BOARD MEMBERS

Jim Kellogg, Member
President, Fish and Game Commission
Karen Finn, Program Budget Manager
Vice, Ana Matosantos, Member
Director, Department of Finance
John McCamman, Member
Director, Department of Fish and Game

JOINT LEGISLATIVE ADVISORY COMMITTEE

Chelsea Minor
Vice, Assembly Member Sam Blakeslee

Diane Colborn
Vice, Assembly Member Jared Huffman

Erin Shaw
Vice, Assembly Member Ira Ruskin

EXECUTIVE DIRECTOR

John P. Donnelly

Wildlife Conservation Board Staff Present:

John P. Donnelly, Executive Director
Dave Means, Assistant Executive Director
Roxanne Woodward, Budget and Fiscal Officer
Natalya Kulagina, Executive Assistant
Pat Dyas, Senior Land Agent
Janell Bogue, Staff Counsel
Nancy Templeton, Staff Counsel
Brian Gibson, Senior Land Agent
Robert Kane, Senior Land Agent (R.A.)

Erin Ingenthron, Office Technician
Chad Fien, Public Land Management Specialist IV
Roland Shield, Research Analyst I
Ashley Lackey, Staff Services Analyst
Celestial Baumbach, Office Technician
Catherine Caldwell, Senior Land Agent
Teri Muzik, Senior Land Agent
Jon Wilcox, Senior Land Agent
Scott Clemons, Public Land Management Specialist IV (R.A.)

Others Present:

Jeff Stoddard, Department of Fish & Game
Karen Miner, Department of Fish & Game
Angela Donlan, Department of Fish & Game
Dave Feliz, Department of Fish & Game
David Zezulak, Department of Fish & Game
Megan Hamilton, Department of Fish & Game
Ryan Broderick, Wildlands, Inc.
Jen Santos, Yolo County
Perry Norris, Truckee Donner Land Trust
Mark Biddlecomb, Ducks Unlimited, Inc.
Joe Novari, Ducks Unlimited, Inc.
Shai Morris, Trust for Public Land

Susan Nash, Friends of N. San Jacinto Valley
David Lawrence, City of Big Bear Lake
Greg Lambron, Helly Co.
Scott Lines, Yolo County
Brian Beck, Western Riverside County
Vern Goehring, Tuolumne River Trust
Tom Paulek, Friends of N. San Jacinto Valley
Erik Vink, Trust for Public Land
David Sutton, Trust for Public Land
Kathleen Hitt, Siskiyou Land Trust
Carl Somers, Trust for Public Land

Mr. Donnelly apologized for the location change and moved to the first item on the meeting agenda. **Mr. Kellogg made a motion nominating Mr. McCamman as the new Chairman for the Wildlife Conservation Board. Ms. Finn seconded the motion.**

Motion carried.

2. Funding Status — Informational

Mr. Donnelly said that he would be happy to answer any questions about this item. Mr. Donnelly indicated that we are still operating under the bond freeze and we are not able to advance bond funding for new projects; we were hopeful that there was going to be a potential bond sale occurring maybe next week or the week after, and I just found out this morning that it has been suspended. Mr. Donnelly asked Ms. Finn if she would like to add any information. Ms. Finn confirmed that the Treasurer's Office was scheduled to sell bonds next week, but the Treasurer decided to pull the sale from next week until there is the resolution from the Legislature. Ms. Finn said she hopes that it would not be a long delay.

Mr. McCamman asked if there are any items on today's agenda that depend on the bond sale. Mr. Donnelly responded that there is one item, item #12 - Sierra Crest Conservation Easement, Phases I & II (Sierra and Nevada Counties), for which we will be requesting a conditional approval subject to the availability of the bond funds.

At this moment, Mr. McCamman welcomed Ms. Diane Colborn, Assembly Member's Huffman representative, who joined the meeting.

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

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

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

Budget Act (2009-10 Reappropriation).....	\$1,000,000.00
Less Previous Board Allocations	(\$831,596.00)
Unallocated Balance.....	\$168,404.00

(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 (\$13,272,568.68)
 - Unallocated Balance..... \$7,401,431.32

- (g) 2006-07 Habitat Conservation Fund Capital Outlay Budget
 - Budget Act (2009-10 Reappropriation)..... \$20,699,000.00
 - Less Previous Board Allocations (\$9,332,844.32)
 - 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 (\$27,515,085.39)
 - Unallocated Balance..... \$8,584,914.61

- (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 (\$4,610,546.09)
 - Unallocated Balance..... \$189,453.91

- (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 (\$182,596,155.57)
 - Unallocated Balance..... \$90,403,844.43

- (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 (\$548,101,162.26)
Unallocated Balance..... \$96,820,294.51

- (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 (\$13,821,722.00)
 - Unallocated Balance..... \$11,178,278.00

- (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 (\$8,035,000.00)
 - Unallocated Balance..... \$156,665,000.00

 - Continuously Appropriated (Section 75055b)..... \$123,525,000.00
 - Less Previous Board Allocations (\$21,964,008.50)
 - Unallocated Balance..... \$101,560,991.50

RECAP OF FUND BALANCES

Wildlife Restoration Fund (a) and (b).....	\$1,168,404.00
General Fund (c)	\$0.00
Habitat Conservation Fund (d), (e), (f) and (g).....	\$59,698,587.00

Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (h)	\$8,584,914.61
California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund (i), (j) and (k)	\$101,183,996.34
Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (l) and (m).....	\$96,980,510.13
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)	\$362,796,457.50

RECAP OF NATURAL HERITAGE PRESERVATION TAX CREDIT ACT OF 2000

Chapter 113, Statutes of 2000 and Chapter 715, Statutes of 2004 Tax credits awarded through June 30, 2008	\$48,598,734.00
Chapter 220, Statutes of 2009 (effective January 1, 2010) Tax credits awarded	\$0.00

3. Special Project Planning Account — Informational

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

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

The Board, at its May 6, 1986 meeting, authorized the Executive Director to use up to 1% of a budgeted appropriation to set up and maintain an appropriate planning account with the provision it would be reported to the Board as an informational item at each meeting.

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

Habitat Conservation Fund.....	\$65,000.00
California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund.....	\$75,000.00
Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002.....	\$50,000.00

Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006.....\$100,000.00

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

4. Proposed Consent Calendar (Items 5—11)

Mr. Donnelly requested item #8 (San Jacinto Wildlife Area Wetland Restoration, Riverside County) be removed from the Consent Calendar and indicated that it will be presented as a discussion item.

Mr. Kellogg moved that the Board approve Consent Calendar items 5 through 11, with the exception for item #8 (San Jacinto Wildlife Area Wetland Restoration, Riverside County), which was moved over for a later discussion, as proposed in the individual agenda explanations, including the funding therein.

Motion carried.

*5. Approval of Minutes — November 17, 2009 Meeting

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Kellogg that the Board approve the minutes of the November 17, 2009 meeting.

Motion carried.

*6. 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 listed below be closed.

- \$8,128.00 to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund**
- \$9,516.53 to the Habitat Conservation Fund**
- \$264,791.77 to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund**
- \$21.01 to the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002**
- \$7,075.00 to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006**

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

Whitewater Canyon, MacKenzie Ranch, Riverside County

Allocated	\$410,000.00
Expended	<u>-401,872.00</u>
Balance for Recovery	\$8,128.00

Total Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund **\$8,128.00**

HABITAT CONSERVATION FUND

Burton Mesa Ecological Reserve, Expansion 1, Santa Barbara County

Allocated	\$469,000.00
Expended	<u>-469,000.00</u>
Balance for Recovery	\$0.00

Sheep Ranch Wildlife Area Disposal, Calaveras County

Allocated	\$8,000.00
Expended	<u>-3,312.00</u>
Balance for Recovery	\$4,688.00

Yolo Bypass Wildlife Area Wetland Restoration, Yolo County

Allocated	\$470,000.00
Expended	<u>-465,171.47</u>
Balance for Recovery	\$4,828.53

Total Habitat Conservation Fund **\$9,516.53**

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

Belmont Veterans' Memorial Pier, Public Dock, Los Angeles County

Allocated	\$200,214.00
Expended	<u>-302.00</u>
Balance for Recovery	\$199,912.00

DFG Land Management Plans, South Coast Region, Various Counties

Allocated	\$500,135.00
Expended	<u>-448,151.23</u>
Balance for Recovery	\$51,983.77

Elkhorn Basin Ranch, Yolo County

Allocated	\$3,780,000.00
Expended	<u>-3,768,744.00</u>
Balance for Recovery	\$11,256.00

Giacomini Wetland and Riparian Restoration, Marin County

Allocated	\$420,000.00
Expended	<u>-418,360.00</u>
Balance for Recovery	\$1,640.00

Total California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund \$264,791.77

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

Upper Mattole River Watershed Rehabilitation, Humboldt/Mendocino County

Allocated	\$893,000.00
Expended	<u>-892,978.99</u>
Balance for Recovery	\$21.01

Total Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 \$21.01

SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION FUND OF 2006

Watsonville Slough Conservation Area, Santa Cruz County

Allocated	\$5,005,000.00
Expended	<u>-5,001,404.00</u>
Balance for Recovery	\$3,596.00

Watsonville Slough Conservation Area, Expansion 1, Santa Cruz County

Allocated	\$505,000.00
Expended	<u>-501,521.00</u>
Balance for Recovery	\$3,479.00

Total Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 \$7,075.00

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Kellogg that the Wildlife Conservation Board approve the Recovery of Funds for the projects listed on pages 6 through 8 of the agenda and close the project accounts. Recovery totals include \$8,128.00 to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund; \$9,516.53 to the Habitat Conservation Fund; \$264,791.77 to the

California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund; \$21.01 to the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002; and \$7,075.00 to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006.

Motion carried.

- *7. Clear Lake Conservation Area, \$0.00
Expansion 1
Lake County

This proposal was to consider the acceptance of a donation from Lake County Watershed Protection District (Lake County) of a conservation easement over one real property totaling 102± acres to protect an historic wetland habitat, located approximately two and one-half miles northwest of the community of Nice, in Lake County.

The property is located within the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project (Project) near Clear Lake. Prior reclamation work, completed in 1966 by the Army Corps of Engineers, included 14.4 miles of levees, diversion structures and a pumping station. Gravel mining, road construction, wildfires and other land uses in this area have resulted in erosion and sedimentation of Clear Lake, leading to noxious conditions that are detrimental to fish and wildlife resources. The current levees have not provided adequate flood protection to residences in the area.

The Project, as proposed, includes conservation and restoration of the remaining high quality riparian, fresh water marsh, oak woodland and grassland habitats at the north end of Clear Lake. The Project promotes multi-species conservation efforts as well as preservation and expansion of public hunting and fishing opportunities. Numerous physical and biological problems will be resolved in the Clear Lake Basin through the restoration of historic wetland habitat. As part of the Project, Lake County is in the process of purchasing all improved properties adjacent to the levees, removing the improvements then dismantling the levees. The completed Project will result in a return to an undeveloped wetland habitat.

The California Department of Water Resources (DWR) granted Proposition 13 funds to Lake County to acquire properties near the levees as part of the Project, which will also result in restoration of the ecosystem in the Middle Creek watershed. One requirement of the DWR grant was that a third party hold a conservation easement on any property acquired with grant funds and monitor the conservation values of the acquired properties. At its meeting on May 28, 2009, the Wildlife Conservation Board (WCB) previously approved the acceptance of a conservation easement from Lake County in favor of the Department of Fish and Game (DFG) over six properties, totaling 31± acres, together with a \$50,000.00 endowment to monitor recently acquired properties as well as future Project

acquisitions. The current project is the second of several conservation easements that DFG will ask the Board to accept as part of the Project's full wetlands restoration of Middle Creek.

The DFG is willing to accept the proposed conservation easement over the 102± acre property and will have the right under the conservation easement to make periodic monitoring visits in order to insure that the conditions of the easement are being honored. Interest from the existing endowment will cover the annual monitoring expenses anticipated by the DFG.

The Lake County Watershed Protection District Board approved the Agreement for Conveyance and Acceptance of a Conservation Easement at its meeting on January 5, 2010. The Conservation Easement Deed will be recorded at no cost in Lake County. The acceptance of the donation will not result in any expenses to DFG.

The former California State Reclamation Board (currently the Central Valley Flood Protection Board), as lead agency, certified the Final EIS/EIR for the Project in accordance with CEQA and the CEQA Guidelines. Lake County approved the project as a responsible agency under CEQA. Staff has considered the Final EIS/EIR and has prepared written findings documenting the Board's compliance with CEQA, as well as a statement of overriding considerations. Subject to approval by the Board, the appropriate Notice of Determination will be filed with the State Clearinghouse.

Staff recommends that the Wildlife Conservation Board adopt the written findings and the statement of overriding considerations and approve the acceptance of this donation as proposed; authorize staff to seek approval as necessary from the Department of Finance; 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. Kellogg that the Wildlife Conservation Board adopt the written findings and the statement of overriding considerations and approve the acceptance of this donation as proposed; authorize staff to seek approval as necessary from the Department of Finance; 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. | San Jacinto Wildlife Area Wetland Restoration
Riverside County | \$0.00 |
|----|---|--------|

This item was removed from the Consent Calendar and considered as a discussion item.

Mr. Donnelly reported that he received a letter on February 22, 2010, from Ms. Sue Nash, the attorney for Friends of the Northern San Jacinto Valley, and she asked Mr. Donnelly to distribute a copy of this letter to all the Wildlife Conservation Board (Board) Members in a timely manner. Board Members received the letter via e-mail prior to this Board meeting and were provided with a hard copy at the Board meeting. Mr. Peter Perrine of the Wildlife Conservation Board briefly described the project before the Board.

Mr. Perrine presented a brief history and outline of the work completed to date. The Board approved the project in February 2007 and the project work was completed in September 2007. The grant expired on December 31, 2008, and remaining funds were recovered on November 14, 2009. No further work can be done on this or any other restoration project on the Wildlife Area without placing a new item on the agenda for a future Board meeting.

Mr. McCamman asked why this item is on the Board's agenda today. Mr. Donnelly explained that the Board was sued on this project under CEQA. The lawsuit was filed in 2008. The Trial Court found in the Board's favor, but the Friends of the Northern San Jacinto Valley (Friends) appealed and won. The reason that this project is on today's agenda is to request the Board's approval of formal action required to comply with the Court's order, which is described below.

This proposal was to consider vacating and setting aside the Board's February 15, 2007 approval of the California Waterfowl Association's (CWA) application for a grant to construct the San Jacinto Wetland Restoration Project (Project) on a portion of the Department of Fish and Game's (DFG) San Jacinto Wildlife Area (Wildlife Area) in Riverside County, as required by the Peremptory Writ entered on November 12, 2009 in *Friends of the Northern San Jacinto Valley v. California Department of Fish and Game; Wildlife Conservation Board, et al.*, Riverside County Superior Court Case No. RIC 477696. The Project involved restoring and enhancing 520± acres of wetland, riparian and upland habitats on the Wildlife Area. The Board recovered the unexpended balance of funds allocated to the Project, in the amount of \$54,762.50, on November 17, 2009.

In August, 2007 the Friends of the Northern San Jacinto Valley (Friends) filed a Petition for Writ of Mandate challenging various approvals by DFG and the Board related to the Project. The Friends alleged that the Board improperly approved a grant for the Project without complying with its obligations under the California Environmental Quality Act (CEQA). In May, 2008 the Riverside County Superior Court (Trial Court) denied the Friends' petition and entered judgment in favor of DFG and the Board. The Friends appealed.

The Court of Appeal, in an unpublished opinion filed in June 2009, overturned the Trial Court's ruling and directed it to issue a peremptory writ directing DFG and the Board to: (a) vacate and set aside the approval of CWA's application; and (b) not take any further action with respect to the Project without first complying with their obligations under CEQA.

On November 12, 2009, the Trial Court entered a Judgment Granting Peremptory Writ (Judgment) and Peremptory Writ (Writ). The Writ ordered DFG and the Board to:

- (1) Vacate and set aside the Board's February 15, 2007, approval of the California Waterfowl Association's application for a grant to construct the San Jacinto Wetland Restoration Project.
- (2) Not take any further action with respect to the San Jacinto Wetland Restoration Project without first complying with their obligations under the California Environmental Quality Act.

DFG and the Board must file a return with the Trial Court showing compliance with the Writ no later than March 15, 2010.

In order to comply with the Writ the Board must vacate and set aside its February 15, 2007 approval of CWA's application for a grant to construct the Project. The Grant Agreement with CWA expired by its own terms on December 31, 2008 and the Board recovered the unexpended balance of funds allocated to the Project on November 17, 2009. Therefore, no further action on the part of the Board with respect to the Project is possible.

Staff recommends that the Board comply with the Writ by vacating and setting aside its February 15, 2007 approval of the CWA's application for a grant to construct the Project.

Ms. Susan Nash introduced herself and spoke in objection to this item. Ms. Nash said that she is not objecting to the Board's action to vacate the approval but thinks that this action needs to be more detailed. Ms. Nash also stated that there were no CEQA documents on this project. Ms. Nash reported that the Court of Appeal decision was in two parts: one was to vacate the approvals, and the second part was not to take any further action without a CEQA document. Ms. Nash objected to the use of reclaimed water and any earthwork to repair levees on this portion of the Wildlife Area.

Mr. McCamman asked about the practical effect of Ms. Nash's request. Ms. Nash responded that besides vacating the approval and funds, no water can be used on the site and no earth moving of any kind can take place on the site until there is a final CEQA document.

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

Mr. Donnelly pointed out that the WCB, along with the DFG's legal staff, did consider the recommendations outlined in Ms. Nash's letter, but continue to recommend the Board approve this item as proposed. Ms. Finn asked if this is an active open wildlife area. Mr. Donnelly confirmed that it is.

Ms. Nancy Templeton, General Counsel of the Wildlife Conservation Board, clarified

that the Board's role with respect to this restoration project was to fund a grant for the construction that took place. Most of the planned work was completed, except for one portion. The Grant Agreement expired and was not extended; the funds that were not spent for the uncompleted portion have been recovered; and the Board's involvement and jurisdiction over the project has ended. Ms. Templeton said that the wildlife area is under the jurisdiction of the DFG. When the Board took the action to authorize staff and the DFG to proceed substantially as planned, that authorization was limited to the grant award that the Board approved at that time. Ms. Templeton said that the Board lacks the authority to direct the Department of Fish and Game in its operation and management of the Department's properties.

Mr. Kellogg asked about the effect if the Board approves the original recommendation. Ms. Templeton responded that the effect would be to comply with the order of the Trial Court to which the parties stipulated, which says "vacate and set aside its February 15, 2007 approval of the CWA's application for a grant to construct the Project."

It was moved by Ms. Finn that the Wildlife Conservation Board comply with the Writ by vacating and setting aside its February 15, 2007 approval of the California Waterfowl Association's application for a grant to construct the Project.

Motion carried.

- *9. Lower Colorado River Ecological Reserve, \$5,000.00
(Travis Donation)
Riverside County

This proposal was to consider the acceptance of a donation to the State of fee title to two parcels of land totaling 84± acres to be managed by the Department of Fish and Game (DFG) as an expansion of its Lower Colorado River Ecological Reserve. This acquisition will allow protection of critical cottonwood and mesquite woodlands and river and riparian habitat.

The donation area is located along the Colorado River, about four miles north (upstream) of the town of Blythe in Riverside County, and east of Highway 95. Interstate Highway 10 is about four miles south of the subject property and is a major connector highway between California, Arizona, New Mexico and various other eastern states. River frontage land is currently at a premium all along the river.

These donations are important to meet the DFG's commitment as a participating agency to the goals of the Lower Colorado River Multi-Species Conservation Program and its stakeholders, including the Bureau of Land Management (BLM), U. S. Fish and Wildlife Service (USFWS), Bureau of Reclamation (BOR), Colorado River Indian Tribes (CRIT) and Riverside County. This project will further promote the DFG's conservation efforts as well as to preserve and expand public upland game and waterfowl hunting and fishing opportunities.

This project will provide for long term species and habitat protection through habitat conservation along the Lower Colorado River Basin for 56 “covered” State and/or federally endangered, threatened or candidate status species identified in the Lower Colorado River Multi-Species Conservation Program. A partial list of those species include the southwestern-willow flycatcher, western yellow-billed cuckoo, elf owl, gila woodpecker, gilded flicker, Yuma clapper rail and California clapper rail. The adjacent Colorado River, backwaters and reservoirs benefit the bonytail chub and the razorback sucker.

The project has been reviewed and is highly recommended for acquisition by the DFG. The DFG will manage the parcels as an expansion to its existing Lower Colorado River Ecological Reserve. One parcel, consisting of 55± acres, is composed of accreted lands adjacent to the river and which were not conveyed in the initial purchase by the State of the Lower Colorado Ecological Reserve in 2004. The other 29 acre parcel is just west of the Ecological Reserve and will provide protection of mesquite woodlands. Both parcels will be managed by the DFG as part of the Lower Colorado Ecological Reserve.

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 the transfer of an ownership interest in land to preserve open space. Subject to authorization of the project by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

The acceptance of the donation of these parcels will not result in any new or additional expenses for DFG. However, staff recommends that the WCB approve an allocation in the amount of \$5,000.00 to cover internal project-related costs including review of the transaction by the Department of General Services, escrow fees and title insurance premiums, if needed. The proposed funding source allows for the acquisition and restoration of land and water resources necessary to meet State obligations related to California’s allocation of water from the Colorado River and is consistent with the purposes of this project.

Staff recommends that the Wildlife Conservation Board approve the donation as proposed; allocate \$5,000.00 from Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 [Proposition 50, Section 79568] for project-related expenses; authorize staff to seek approval as necessary from the Department of Finance; enter into appropriate agreements necessary to accomplish these acquisitions 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. Kellogg that the Wildlife Conservation Board approve the donation as proposed; allocate \$5,000.00 from the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 [Proposition 50, Section 79568] for project-related expenses; authorize staff to seek approval as necessary from the Department of Finance;

enter into appropriate agreements necessary to accomplish these acquisitions as described; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *10. Western Riverside County MSHCP (2006), \$5,000.00
Expansion 1
Riverside County

This proposal was to consider the acceptance of a Habitat Conservation Planning Land Acquisition Grant (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 Western Riverside County Regional Conservation Authority (WRCRCA) to be applied toward its acquisition of 49± acres of land located in close proximity to the Interstate 15 corridor, near the City of Temecula (City), in western Riverside County.

The subject property lies in the foothills, just west of the City's downtown area. It is situated on the east side of Camino Gatillo, just north of its intersection with Via Horca. It is historically vacant land, now zoned for rural residential development. No improvements currently exist on the property.

The acquisition will further implement joint federal, State and local Natural Community Conservation Planning efforts in western Riverside County and conforms to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The purpose of the MSHCP is to preserve and protect 146 plant and animal species by acquiring lands for a habitat reserve system and providing open space for habitat and recreation. The Wildlife Conservation Board (WCB) has been active for a number of years in making grants and subgrants to the WRCRCA, other local governmental agencies and non-profit conservation organizations to assist in the assemblage of conserved lands within the MSHCP planning area.

The land proposed to be acquired consists of northeastward facing ridges and their intervening intermittent drainages, covered mostly in Riversidean sage scrub and chaparral. It forms part of a very important northwest to southeast habitat linkage (which also includes the nearby Santa Rosa Plateau and Tenaja Corridor areas) between the coastal Santa Ana Range and the interior Coast Ranges, including Mount Palomar. This is a crucial passageway for mountain lions, bobcats and other large mammals, without which genetic isolation becomes a very real possibility. Other species of concern that are present on the property include the Southern California rufous-crowned sparrow, Bell's sage sparrow, loggerhead shrike, Cooper's hawk and least Bell's vireo. The entire Riversidean sage scrub plant assemblage is itself becoming increasingly rare.

The WRCRCA intends to manage the property to preserve threatened and endangered species and to conserve biodiversity. Additional management objectives may include providing public access for passive recreational activities such as hiking and wildlife viewing. Management costs of the above parcels will be

provided by operating funds from the WRRCRA. There are no State funds being used for the acquisition or management of this property.

The terms and conditions of the proposed Agreement to Subgrant provide that staff of the WCB must review and approve all documents related to the acquisition including appraisals, title documents, preliminary title reports, documents for purchase and sale, escrow instructions and instruments of conveyance prior to disbursement of funds directly into the escrow established for acquisition of the property. Staff of the WCB will also ensure the non-federal match meets the requirements of the Grant program. Staff proposes to accept \$223,500.00 of the federal grant and enter into the Agreement to Subgrant for the acquisition of the property.

The owner of the property has agreed to sell it at the Department of General Services (DGS) approved appraised value of \$485,000.00. The subgrant to the WRRCRA will be \$223,500.00 and the required, non-federal match, in the amount of \$261,500.00, will be provided by the City of Temecula. It is estimated that \$5,000.00 will be needed to cover project-related costs by the WCB including appraisal review by the DGS. 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 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 Section 15325, Class 25, as a transfer of an ownership interest in land to preserve open space. Subject to authorization of the project by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

Staff recommends that the Wildlife Conservation Board approve this project as proposed; accept the Habitat Conservation Planning Land Acquisition Grant funds from the U.S. Fish and Wildlife Service in the amount of \$223,500.00; allocate \$5,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 [Proposition 84, Section 75055(c)] for 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.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Kellogg that the Wildlife Conservation Board approve this project as proposed; accept the Habitat Conservation Planning Land Acquisition Grant funds from the U.S. Fish and Wildlife Service in the amount of \$223,500.00; allocate \$5,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 [Proposition 84, Section 75055(c)] for 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.

- *11. Iron Mountain Wildlife Area, \$15,000.00
Expansion 4
San Diego County

This proposal was to consider the acquisition by the State of fee title to 311± acres of real property as an expansion to the Department of Fish and Game's (DFG) Iron Mountain Wildlife Area, in rural San Diego County. The purposes of the acquisition are to protect undisturbed grasslands, chaparral, oak woodlands, vernal pools and riparian habitat in the San Vicente Creek watershed and enhance the existing federal, State and local Natural Community Conservation Planning (NCCP) efforts to secure key regional wildlife linkages and preserve core areas of habitat within the County of San Diego's Multiple Species Habitat Conservation Program (MSCP). This proposal was also to consider the acceptance of a Habitat Conservation Planning Land Acquisition Grant (Grant) from the U.S. Fish and Wildlife Service (USFWS), in the amount of \$2,100,000.00, to be used to acquire the property.

The property is located four miles southwest of the community of Ramona, above Daney Canyon on the northwest side of the 4,450± acre Monte Vista Ranch acquired by the Wildlife Conservation Board (WCB) in 2008 and managed by the DFG. The property consists of flat to steeply sloping mountainous terrain falling away on the east to the floor of Daney Canyon. Residential development has been encroaching into this canyon area and efforts by the former owners to subdivide the property would have produced seventeen legal, rural residential parcels. A three bedroom home and associated improvements exist on the property and it is proposed that they be utilized in the future by DFG employees.

The property contains a diversity of vegetation types including oak woodland, riparian live oak forest, Diegan coastal sage scrub, vernal swales and chaparral. Biological surveys have revealed occurrences or potential habitat of a number of State and federally listed animals and plants, including San Diego horned lizard, golden eagles, Arroyo toad, Coastal rosy boa, Northern red diamond rattlesnake, Bell's sage sparrow, Coronado skink, Cooper's hawk, yellow warbler, several bat and lizard species of concern, ringtail, mountain lion, Campo clarkia, Engelmann oak, Peninsular and prostrate spine-flowers and felt-leaved rock mint, among others. Preservation of the property is critical to securing the east-west wildlife corridor along San Vicente Creek and maintaining a linkage between Mount Gower Open Space Preserve east of Monte Vista and the conserved habitat of Iron Mountain proper to the west. This acreage is within the DFG's NCCP in San Diego County and San Diego County's MSCP area.

The property is adjacent to the Monte Vista Ranch (MVR) managed by the DFG as part of its Iron Mountain Wildlife Area (Wildlife Area). Upon acquisition of the MVR, The Nature Conservancy donated \$1,000,000.00 to the DFG as a permanent endowment to support its maintenance and operation. The DFG proposes to manage the property as an expansion of the Wildlife Area for the purposes of protecting the critical habitat on this site using a portion of the income generated by the endowment. The DFG will develop a Management Plan which will include both the existing Wildlife Area and the acquisition property. Possible uses for the

property may include recreational activities such as hiking, bird watching, photography and education, as well as hunting, consistent with the Management Plan.

An appraisal reviewed and approved by the Department of General Services (DGS) set the fair market value of the property at \$2,400,000.00. The owners have offered to sell the property to the State at the bargain sale price of \$2,100,000.00. Staff recommends that the WCB accept the Grant from the USFWS in the amount of \$2,100,000.00. No WCB funding beyond administrative expenses will be required, as the non-federal matching funds have been provided by earlier acquisitions making use of the Grant, including the Monte Vista Ranch. Portions of the appraisal and environmental assessments costs were borne voluntarily by The Nature Conservancy, which has been a partner in all of the earlier acquisitions made using this Grant. It is estimated that \$15,000.00 will be needed to cover project-related expenses including title insurance, escrow fees, and appraisal and transaction review charges by the DGS, bringing the total proposed allocation for this project to \$15,000.00. The proposed funding breakdown is as follows:

USFWS grant	\$2,100,000.00
Board allocation (Project expenses)	<u>\$15,000.00</u>
<u>TOTAL</u>	<u>\$2,115,000.00</u>

The proposed funding source allows for the acquisition of real property to implement or assist in the establishment of Natural Community Conservation Plan efforts and is consistent with the purposes of this project.

The project has been reviewed and is highly recommended for acquisition by the DFG. The project has also been reviewed for compliance with the California Environmental Quality Act (CEQA) requirements and is proposed as exempt under 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 of the project by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

Staff recommends that the Wildlife Conservation Board approve this project as proposed; accept the Habitat Conservation Planning Land Acquisition Grant from the U. S. Fish and Wildlife Service in the amount of \$2,100,000.00; allocate \$15,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 [Proposition 84, Section 75055(c)] for 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.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Kellogg that the Wildlife Conservation Board approve this project as proposed; accept the Habitat Conservation Planning Land

Acquisition Grant from the U. S. Fish and Wildlife Service in the amount of \$2,100,000.00; allocate \$15,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 [Proposition 84, Section 75055(c)] for 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. Sierra Crest Conservation Easement, \$6,430,000.00
Phases I and II
Sierra and Nevada Counties

Conditional Authorization – Subject to Availability of Funds

This proposal was to consider the conditional allocation for a grant to the Truckee Donner Land Trust (TDLT) for a cooperative project with the Department of Fish and Game and the Northern Sierra Partnership (NSP) to acquire a conservation easement on 4,365± acres of commercial timber land, in the vicinity of Jackson Meadows Reservoir in the Sierra Nevada Forest, in Nevada and Sierra Counties. The main objective of this project is to continue harvesting practices that contribute to the local economy, prevent development, secure wildlife migration corridors, provide a buffer to the proposed Grouse Lakes Wildlife Area and provide public access to recreational opportunities including a two-mile section of the Pacific Crest Trail. Mr. Brian Gibson of the Wildlife Conservation Board briefly described the project and its location.

The property, consisting of 4,365± privately-owned, non-contiguous acres, is situated within the eastern slopes of the Sierra Nevada mountain range. The property is located along FS07/Jackson Meadows Road and stretches from Jackson Meadows Reservoir to just west of Webber Lake in the heart of the Northern Sierra Nevada. The property is owned by Sierra Pacific Industries (SPI). SPI will continue to manage the property sustainably as productive timberland, subject to the terms of the proposed conservation easement which will be held by TDLT. Protection of these mature forests and continued timber production will supply logs to the Quincy Mill and contribute to keeping the mill open. SPI also intends to send wood chips as by-products of its operation to the Cogen Plant in Loyalton, which in turn supplies the Northern Sierra with clean, alternative energy and provides economical return on its wood products.

Large portions of the Sierra Crest property are heavily forested with lodgepole pine, Jeffery pine, western white pine, red and white fir and mountain hemlock. Portions of the un-forested areas are covered with natural grasses. Riparian vegetation can be found adjacent to lakes. The project area includes over two miles of the Pacific Crest Trail, portions of three alpine lakes, and the headwaters of the Middle Yuba River, which provides exceptionally clean water for California residents and businesses.

As required by the proposed conservation easement, SPI will be restricted to utilizing uneven-aged Silviculture Management Practices as described in the Z'berg-Nejedly Forest Practice Act of 1973 and the California Forest Practice Rules. Timber management and harvesting will be permitted on the property for commercial purposes in accordance with applicable federal, State, and local laws and regulations.

In October of 2008 Governor Schwarzenegger announced the launch of a public-private partnership between the State of California and the NSP to fund environmental conservation and support economic growth in the Northern Sierra Nevada. In the spirit of the Governor's vision, the Wildlife Conservation Board (WCB) has supported significant area fee and conservation easement acquisitions including: Truckee River Wildlife Area (741± acres); Waddle Ranch (1,481± acres); Truckee River Canyon Wildlife Area (4,011± acres); Gray Creek Canyon (1,350± acres); Perazzo Meadows (982± acres); and most recently Independence Lake (2,325± acres).

This proposed acquisition is a result of a multi-stage effort to coordinate land management practices and reduce land conflicts in the "Sierra Checkerboard" area of the Northern Sierra Nevada. The property will continue to be managed as a working forest which will ensure residential development will never be allowed within the conservation easement area. TDLT is committed to monitor the property as required by the WCB Grant Agreement.

The property owners have agreed to sell the conservation easement to TDLT for the Department of General Services (DGS) approved appraised fair market value of \$8,250,000.00. The proposed funding breakdown for the project is as follows:

Wildlife Conservation Board (WCB)	\$6,420,000.00
Northern Sierra Partnership (NSP)	<u>\$1,830,000.00</u>
<u>TOTAL</u>	<u>\$8,250,000.00</u>

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 \$6,430,000.00. The purposes of this project are consistent with the proposed funding source which allows for the acquisition of conservation easements that promote the ecological integrity and economic stability of California's diverse native forests for all their public benefits through forest conservation, preservation and restoration of productive managed forest lands, forest reserve areas, redwood forests and other forest types, including the conservation of water resources and natural habitat for native fish and wildlife and plants found on these lands.

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. The Sierra Crest conservation easement is significant in that the full amount of the non-state funds have been committed which, if combined with the WCB funding or some other yet-to-be identified funding, will preserve productive working forests for a variety of public benefits, including recreational opportunities along two miles of the Pacific Crest Trail in an area sensitive to relatively minor fluctuation in economic activity. Additionally, the conservation easement will ensure a steady supply of logs for the Quincy Mill which will help keep workers employed.

TDLT is actively attempting to identify additional private sources of funding willing to provide financing to complete the project, all subject to their respective boards' approval. TDLT will continue to pursue additional funding from the NSP as funding becomes available. The WCB's action being proposed herein will assure NSP funding already committed will not be redirected or lost.

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 the WCB for such purpose, and require that the WCB staff review and approve the conservation easement, all proposed title documents, appraisals, preliminary title reports, documents for purchase and sale, and escrow instructions 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 to the project are available for disbursement by the WCB.

The project has been reviewed and is highly recommended for funding by the DFG. The proposed 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 a conservation easement for wildlife conservation purposes, and Section 15325, Class 25, as a transfer of an ownership interest in land to preserve open space, habitat and other existing natural conditions. Subject to authorization of the project by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

Staff recommends that the Wildlife Conservation Board conditionally approve this project as proposed; allocate \$6,430,000.00 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 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. Carl Somers, Project Manager, The Trust for Public Land; Mr. Perry Norris, Executive Director, Truckee Donner Land Trust; and Mr. Dave Sutton, Director (Northern California and Nevada), The Trust for Public Land, who were in the audience and available to answer questions.

Mr. McCamman asked if there were any questions about this item. Ms. Finn asked what will happen to the land if this conservation easement is not purchased. Mr. Gibson responded that there will be no change in land use; it will still be timber land although public access will not be guaranteed without a conservation easement. Ms. Finn asked if there is public access to the federal forest land that is in the project area. Mr. Gibson responded that there is limited public access to federal land in the project area.

Mr. Donnelly clarified that there is significant evidence of trophy homes being built in the area which will negatively impact overall wildlife corridor connections. Ms. Finn asked if there is sufficient infrastructure in place to support the homes. Mr. Donnelly replied that there is no infrastructure so homeowners must use alternative sources such as solar and propane for power and heat. Mr. Donnelly pointed out that the Wildlife Conservation Board received an exemption from the Department of Finance to advance projects that are conditional approval early last fall, and that we are proposing these concepts to be applying at this transaction.

Mr. McCamman pointed out that the Department of Fish and Game has reviewed this project and determined it to be a priority for a wildlife corridor.

Ms. Kathleen Hitt from Siskiyou Land Trust spoke in support of the project. Ms. Hitt talked about the importance of a conditional approval process in these tough economic times. Ms. Hitt said that if this particular project is approved, perhaps the Wildlife Conservation Board will authorize its direct staff to research a slight language modification to allow for projects that would be fully State-funded, although through other programs, to come up with alternative means of showing a considerable contribution. Ms. Hitt added that maybe there are creative flexible ways that projects can lessen the burden of State impact, in particular for conservation easements. Ms. Hitt provided the Board Members with written materials in support of this project.

Ms. Finn asked how long TDLT could go without WCB funding. Mr. Gibson replied that the grant agreement expires on or before February 25, 2013 as does the option agreement between TDLT and Sierra Pacific Industries. He also stated that the grant agreement requires TDLT to acquire conservation easements over a portion of the project covering an area equal in value to One Million Eight Hundred Thirty Thousand Dollars (\$1,830,000.00) in the event that grant funds are not released to TDLT by the expiration of the grant.

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

At this moment, Mr. McCamman welcomed Ms. Chelsea Minor, Assembly Member Blakeslee's representative, who joined the meeting at this point.

It was moved by Ms. Finn that the Wildlife Conservation Board conditionally approve this project as proposed; allocate \$6,430,000.00 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 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.

13. Wetland Conservation Easement Program, \$640,000.00
Holmstead Farms #4
Yuba County

This proposal was to consider the State's acquisition of a conservation easement over 260± acres of privately-owned land for a cooperative project with Ducks Unlimited, Inc. to protect seasonal and semi-permanent wetlands and upland grasslands. In the fall of 1991, the Department of Fish and Game (DFG) initiated a program of purchasing permanent conservation easements on Central Valley wetlands. The program is intended to ensure the preservation and enhancement of existing and restored marshes critical to the welfare of waterfowl wintering in California with a long-term goal of placing at least 75,000 acres of wetland habitat under permanent conservation easements. Guided in part by the Implementation Plan formulated by the Central Valley Habitat Joint Venture, the DFG selects parcels qualifying for this program from among a host of properties offered by their owners. Mr. Pat Dyas of the Wildlife Conservation Board briefly described the project and its location.

The subject property is located along Iowa City Road, just at the start of the foothills, near the community of Loma Rica, in Yuba County. It is eight miles north of the City of Marysville on Jack Slough, about one and one half miles south of Honcut Creek (Yuba/Butte County line), an area of mixed agriculture, wetlands and riparian habitat. Ten separate State-owned conservation easements totaling nearly 2,400 acres are located within five miles of this site. In addition, fifteen conservation easements have been acquired by the federal government's Natural Resource Conservation Service (NRCS) in this same area, providing perpetual protection to nearly 2,500 more acres.

The proposed conservation easement area is part of the larger Holmstead Farms property in Yuba and Butte Counties much of which is already dedicated to the preservation of waterfowl and wildlife habitat and hunting by the property owner. The DFG holds three other conservation easements over portions of Holmstead Farms, while the NRCS owns a fourth one. Ducks Unlimited, Inc. helped coordinate the DFG, the Wildlife Conservation Board and the landowner in developing this final conservation easement on the property.

The proposed conservation easement parcel is flat, mostly open ground, much of it in already-restored wetlands. The conservation easement will allow for the permanent protection of natural and managed wetland habitats, grasslands and wildlife-friendly agriculture and will prevent activities or uses which would conflict with the conservation and maintenance in perpetuity of such habitats. The

conservation easement provides for continued agricultural use on portions of the property through growing of food crops on cultivated land for migratory and resident wildlife, and/or providing pasture fields managed as short grass foraging habitat for migratory and resident wildlife. The conservation easement also allows for the continuation of private, recreational uses such as fishing and operation of a hunting club, provided such activities are consistent with maintenance of the conservation easement lands as wetland habitat and are approved by the DFG. Public access to the property is not contemplated by the parties, but the private landowners are providing a public benefit by maintaining, without ongoing taxpayer expense, wetland habitat that benefits waterfowl species that are used off of their property at publicly owned and maintained refuges.

The property owner has agreed to sell the conservation easement to the State for \$620,000.00, the fair market value as determined by an appraisal approved by the Department of General Services (DGS). It is estimated that an additional \$20,000.00 will be needed to cover project-related expenses, including review costs by the DGS, escrow fees and title insurance premiums, bringing the total recommended allocation for this proposal to \$640,000.00. The proposed funding sources allow for the acquisition, enhancement or restoration of wetlands and associated upland habitats and are consistent with the purposes of this project.

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

Staff recommends that the Wildlife Conservation Board approve the acquisition of the conservation easement as proposed; allocate \$370,551.00 from the Inland Wetlands Conservation Fund, and \$269,449.00 from the Habitat Conservation Fund [Proposition 117, Section 2786(d), IWCP] for the acquisition and 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. Days introduced Mr. Mark Biddlecomb, Director of Conservation Programs, and Mr. Joe Navari, Real Estate Specialist, both from Western Regional Office, Ducks Unlimited, who were in the audience and available to answer questions.

Ms. Finn asked if the funding sources identified require public access components as part of the project. Mr. Dyas confirmed they don't.

Mr. Kellogg commented about the importance of public access, especially where the State's money is involved. Mr. McCamman confirmed that public access is one of the Board's key elements of consideration. Mr. Donnelly added that in every conservation easement, either through the easements the

Board completes for the Department of Fish and Game or where we make grants to others to acquire conservation easements, the staff tries to negotiate a public access component. Sometimes, we are successful, other times, not.

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

It was moved by Mr. Kellogg that the Wildlife Conservation Board approve the acquisition of the conservation easement as proposed; allocate \$370,551.00 from the Inland Wetlands Conservation Fund, and \$269,449.00 from the Habitat Conservation Fund [Proposition 117, Section 2786(d), IWCP] for the acquisition and 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.

14. Clarksburg Public Access Improvements, \$232,000.00
Phase II
Yolo County

This proposal was to consider the allocation for a grant to the Yolo County (County) for the construction of infrastructure necessary to support a full-time volunteer park host at the Clarksburg Boat Launch Facility located on the west bank of Sacramento River approximately five miles south of the City of Clarksburg. The site is owned by the Department of Fish and Game (DFG) and managed by the County. Mr. Peter Perrine of the Wildlife Conservation Board briefly described the project and its location.

The Clarksburg Public Access site was purchased and developed by the Wildlife Conservation Board (WCB) in 1957 to provide fishing and boating access to the Sacramento River and the upper Sacramento/San Joaquin River Delta (Delta). This 4± acre parcel on the water-side of the levee was improved with a boat ramp, a gravel parking area and two portable restrooms. In 1981 and 2002, the WCB allocated funding to further improve the area by paving the parking area and extending the ramp into deeper water. The County has managed and maintained the area continuously since its construction in 1957.

The Delta and the Sacramento River support a wide array of sport fisheries including salmon, sturgeon, bass, and catfish. Anglers from all over the state flock to this area to bank fish, boat fish, and otherwise enjoy the myriad of outdoor sporting opportunities here. Unfortunately, the Clarksburg Public Access site is one of only eleven public boat launching facilities serving the hundreds of miles of waterways in the Delta; the nearest public facility is approximately 10 miles upstream at Garcia Bend Park. As a result of this shortage of public access sites, existing facilities are getting heavy use and need to be maintained for optimum functionality and safety.

The proposal is to provide the infrastructure necessary to support placing a mobile residence to house a volunteer host on-site. The County has been using volunteer hosts on several of its parks for a number of years, and has based its program on a successful and similar program developed by the California Department of Parks and Recreation. Once the improvements are completed, the County will provide a volunteer host to occupy the site. Having a host on site has proven to be an effective way to help keep this type of facilities clean and safe for all visitors.

The WCB is funding the entire project. The funds will be used by the County for the purchase and installation of two iron rangers, a vault septic tank, signs, potable water well with pressure tank, electrical utilities, permits, project design, construction supervision, and administration.

The County has agreed to manage and maintain the property and project improvements for 25 years, pursuant to the terms and conditions of the grant agreement. If at any time during the life of the project, the County is unable to manage and maintain the project improvements, the grant agreement obligates the County to refund to the State of California an amortized amount of funds based on the number of years left on the project life.

The proposed funding source for this project is the WCB's Wildlife Restoration Fund, which provides funding for local assistance and State-owned minor capital outlay public access projects statewide and is consistent with the objectives of this project. The project also qualifies for a Federal Sport Fish Restoration Act grant that will reimburse the WCB 75 percent of the project costs.

The Department of Fish and Game has reviewed this proposal and recommends it for funding by the WCB. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA) requirements and is proposed as exempt under Classes 1, 3 and 4 of Categorical Exemptions, California Code of Regulations, Title 14, Sections 15301, 15303, and 15304, as repairs and minor alteration of existing public facilities involving negligible or no expansion of existing use, construction of a limited number of new, small facilities or structures, and a minor alteration to land which does not involve removal of trees. Subject to approval of the project by the WCB, the appropriate Notice of Exemption will be filed with the State Clearinghouse.

Staff recommends that the Wildlife Conservation Board approve this project as proposed; allocate \$232,000 from the Wildlife Restoration Fund for project costs; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Kellogg commented that this is a great project and was very supportive of these types of public access projects.

Ms. Finn asked about the property owner on this project. Mr. Perrine responded that the Department of Fish and Game is the owner. Ms. Finn

asked if this is the first time we are dealing with a park host. Mr. Perrine replied that this is the first time for this particular site, but other DFG sites have park hosts. Ms. Finn asked what kind of permit is the State paying for. Mr. Perrine responded that the required permits would be a U.S. Corps of Engineers permit (possibly) and a Central Valley Flood Protection Board permit. Yolo County is now looking if a building permit is required. Ms. Finn asked staff to report back to the Board on what kind of fees were actually paid and which of them were required and which were not. Mr. Donnelly responded that we will report back at a future meeting.

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

It was moved by Mr. McCamman that the Wildlife Conservation Board approve this project as proposed; allocate \$232,000 from the Wildlife Restoration Fund for project costs; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- | | |
|--------------------|-------------|
| 15. Liberty Island | \$10,000.00 |
| Solano County | |

Mr. Donnelly reported that a letter was received from Los Rios Farms, Inc., specifically from Mr. Greg Schmidt, where Mr. Schmidt shared his concerns regarding some existing issues as a result of public use without appropriate management.

This proposal was to consider acceptance by the State of a donation of fee title to approximately 4,308 acres of land from the Trust for Public Land (TPL) to protect riparian and upland delta habitat on Liberty Island, located just west of the Sacramento Deep Water Shipping Canal, south of the City of Davis, in Solano County. Mr. Jon Wilcox of the Wildlife Conservation Board briefly described the project and its location.

TPL acquired the island in 1999 through a CALFED grant. The property has since been flooded via levee breaches, creating prime Delta marsh habitat. The land offers habitat for endangered and listed fish and avian species. These include delta smelt, Sacramento splittail, chinook salmon, swainson's hawk and western burrowing owl.

Located at the northern edge of the Sacramento/San Joaquin River Delta, this site will provide a critical wetland link for waterfowl using the Department of Fish and Game's (DFG's) Yolo Basin Wildlife Area to the north, and wetlands and flooded grain fields to the south in the Delta. Further this site is located within the Yolo Basin Natural Community Conservation Plan. The wetlands provide resting

and feeding areas for migrating and wintering waterfowl and shorebirds, such as northern shovelers and western sandpipers.

The acquisition of this island along with the recent acquisition by the Department of Water Resources (DWR) of the adjacent Prospect Island will create a sustainable preserve for futures to come. This project will promote the DFG's multi-species conservation efforts, preserve and expand public upland game and waterfowl hunting and provide fishing opportunities.

Management of the island will be funded through an agreement, being negotiated between the DWR and the DFG, and through a portion of the proceeds from a mitigation bank being established on the north eastern portion of the island.

Flood control will continue to be the primary purpose of all property owned and managed by the DFG within the Yolo Bypass and Delta. The DFG is signatory to an agreement with the DWR, the State Reclamation Board and the USFWS regarding the management and maintenance of the Yolo Basin as a part of the Sacramento River Flood Control Project.

The acceptance of the donation will not result in any direct expenses for the acquisition. However, it is estimated \$10,000.00 will be necessary to cover project-related costs including review of the transaction by the DGS, escrow fees and title insurance premiums. The proposed funding source allows for acquisitions to implement or assist in the establishment of Natural Community Conservation Plans and is consistent with the purposes of this project.

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 the 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 authorization of the project by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

Staff recommends that the Wildlife Conservation Board approve the acceptance of this donation as proposed, 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 project-related expenses; authorize staff to seek approval as necessary from the Department of Finance; 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. Erik Vink, Great Central Valley Project Director, The Trust for Public Land, who was in the audience and available to answer questions.

Ms. Finn asked about the requirements of the CALFED grant that the TPL accepted. Mr. Wilcox replied that there was an account management set up with

the TPL which expired on September of 2009 and the money has been redistributed. Ms. Finn said that it is not correct to call this project a “donation” because it was bought with public money. Ms. Finn asked why now we have to pay more money, and why doesn’t the TPL pay for the State to take back this property. Mr. Wilcox responded that the TPL is covering all the escrow fees and environmental costs, and this is no cost conveyance for the State, but we did not bill the TPL for the WCB project-related costs. Ms Finn asked why we did not. Mr. Donnelly responded that we typically don’t do that. Ms. Finn asked if there are any tax benefits that the TPL is taking from this donation. Mr. Wilcox said that there were none. After this discussion, it was agreed to name this project a “no cost conveyance” as opposed to “donation”.

Mr. Eric Vink spoke in the support of this project. Mr. Vink clarified that when the TPL acquired this property, they were assigned the grant by US Fish and Wildlife Service, and they were told that this would be a two or three month interim ownership. U.S. Fish and Wildlife Service was going to obtain an approval for a proposed national wildlife refuge, which never occurred. Mr. Vink mentioned that the TPL has the ability to sell the property since the CALFED grant has expired and has had many offers to purchase the property from private parties over the years. Mr. Vink said that even though the TPL has performed as best as they could under the circumstances, they are not the right entity to continue to manage this property. Ms. Finn asked if the DFG will be able to manage this property. Mr. Dave Zezulak of the Department of Fish and Game responded that there is habitat for Delta smelt chinook salmon and steelhead on the project site. Regarding the funding, the Delta Fish Agreement that the DFG has with the Department of Water Resources (DWR) provides for offsets resulting from the effects of State pumping facilities in the Delta. Mr. Zezulak said that water project funds are made available on an annual basis. Mr. Zezulak said that the DFG is in the process reviewing an amendment for this agreement which will allow for specific funds to manage Liberty Island in perpetuity.

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 approve the acceptance of this no-cost conveyance as proposed, 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 project-related expenses; authorize staff to seek approval as necessary from the Department of Finance; 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.

16. Boulder Bay Fishing Pier \$132,000.00
San Bernardino County

This proposal was to consider the allocation for a grant to the City of Big Bear Lake for the development of an American with Disabilities Act (ADA) accessible floating fishing dock at Boulder Bay Park (Park). The Park is located on the south shore of Big Bear Lake, in San Bernardino County. Mr. Dave Means of the Wildlife Conservation Board briefly described the project and its location.

Big Bear Lake is an alpine lake located in the San Bernardino Mountains, north of the City of San Bernardino and surrounded by the San Bernardino National Forest. The City of Big Bear Lake (City) is situated on the southern shore of the lake and maintains the Park. The Park is approximately 4.3 acres in size and includes a parking lot, restrooms, internal loop trail, boat canoe/kayak access, beachfront swimming access, fishing access, interpretive signs and picnic tables. The Park also provides access to an off-site trail system leading into the nearby National Forest and connects with a bike route that circles the lake.

The Park is used by a wide variety of visitors, including local residents and visitors from the greater Los Angeles area, as well as international visitors touring Southern California. Although the City and its surrounding areas have a population of approximately 18,000, it is estimated that on peak weekends over 200,000 visitors can occupy the lake area. A large number of these visitors spend time in and around the lake utilizing the Park.

The lake itself is managed by the Big Bear Lake Municipal Water District (District). The original dam impoundment was constructed in 1884 and has undergone a number of modifications since then. There are two boat ramps on the lake that can accommodate put-in boat trailers. The shoreline is also available for fishing and other uses in various places around the lake via open space, parks and picnic areas.

During most years the Department of Fish and Game (DFG) plants approximately 150,000 lbs. of trout in the lake, funded from fishing license revenues. During "Troutfest," a fishing tournament held in October, the District stocks approximately 15,000 lbs. of trout, with the event attracting over 1,000 participants. The District also stocks other species, including large mouth bass and bluegill, for the K.O.O.L. kids program that promotes youth fishing.

The proposed project is part of a larger improvement project underway within the Park, involving re-grading of the site, installation of new landscaping, new trail improvements and other park upgrades. The proposed project will provide one of the final and more important pieces of the Park project by improving fishing access, through construction of the proposed floating fish dock. The completion of the entire project is scheduled to coincide with a planned fishing derby on the lake to be held in May of 2010.

The City will manage and maintain the improvements as part of the overall management of the Park. As a part of the grant agreement with the WCB, the City

agrees to manage and maintain these improvements for a period of 25 years. In addition the City has agreed to install and manage fishing gear recycling bins as part of the operations of the fishing dock. The operations of the Park and fishing areas are also supported by the local community that help maintain many of the areas around the lake through volunteer programs and other outdoor related public events. If at any time during the life of the project, the City is unable to manage and maintain the project improvements, the grant agreement obligates the City to refund to the State of California an amortized amount of funds based on the number of years left on the project life.

The proposed funding breakdown for the project is as follows:

Wildlife Conservation Board	\$132,000.00
City of Big Bear Lake	<u>27,720.00</u>
<u>Total Costs</u>	<u>\$159,720.00</u>

The proposed funding will pay for the purchase, transfer and installation of an ADA-accessible aluminum framed, floating T-shape fishing dock, with trex decking, gangway, and aluminum horizontal guardrails; the purchase, construction and installation of a fishing dock mooring system; site preparation, grading and construction necessary to connect the fishing dock with an ADA compliant hard surface walkway, running through the interior of the Park and signage.

The proposed funding source for this project is the Wildlife Restoration Fund. This funding source is available for local assistance grants for development of wildlife oriented public access projects and is consistent with the objectives of this project. The DFG has reviewed this proposal and recommends it for funding by the WCB. The City as lead agency has prepared a Negative Declaration for the project pursuant to the provisions of the California Environmental Quality Act (CEQA) and filed a Notice of Determination with the State Clearinghouse. Staff has considered the Negative Declaration and has prepared proposed, written findings documenting WCB's compliance with CEQA.

Staff recommends that the Wildlife Conservation Board adopt the written findings and approve this project as proposed; allocate \$132,000.00 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.

Mr. Means introduced Mr. David Lawrence from City of Big Bear Lake, who was in the audience and available to answer questions.

Mr. Lawrence introduced himself before the Board and spoke in support of this project. Mr. Lawrence reported that approximately 5 million people come to the lake every year for all kinds of recreational opportunities, and sport fishing in one of them and is very popular. Mr. Lawrence mentioned that there are a couple of fishing festivals, one in May and one in October, which attract more than 1,000 participants every year, and this project will play a big role in

supporting sport fishing activities. Mr. Lawrence thanked the Board for their consideration of this project.

Mr. McCamman asked if the County is stocking fish for all these festivals. Mr. Lawrence answered that this is a joint activity which is done through non-profit organizations and the Department of Fish and Game.

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

It was moved by Mr. Kellogg that the Wildlife Conservation Board adopt the written findings and approve this project as proposed; allocate \$132,000.00 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.

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|---|------------|
| 17. Willow Hole Conservation Area,
Expansion 1
Riverside County | \$5,000.00 |
|---|------------|

This proposal was to consider the acceptance of a Habitat Conservation Planning Land Acquisition Grant (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 fee title to 45± acres of land in the Willow Hole Conservation Area, in Riverside County. A cooperative project with the USFWS, CVCC, Wildlife Conservation Board (WCB) and the Department of Fish and Game (DFG), the acquisition project will allow for the protection of blowsand habitat which is 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 Natural Community Conservation Plan and Multiple Species Habitat Conservation Plan approved for the Coachella Valley portion of Riverside County. Mr. Jon Wilcox of the Wildlife Conservation Board briefly described the project and its location.

The property is located southeast of Desert Hot Springs and just north of Highway 10. The subject parcel lies roughly two miles north of Desert Dunes golf course and about 6 miles to the southwest of the City of Palm Springs.

Acquisition of the subject parcel 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 Grant, the land conserved 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 the 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 what were once free-moving sand deposits and prevent replenishment of the blowsand habitat which the lizard relies upon. Acquisition of this property would place 45 acres of blowsand habitat under permanent protection. Placement of this area into public ownership will also help add a protective buffer from the developing residential and agriculture lands surrounding this project.

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

The terms and conditions of the proposed Agreement to Subgrant provide that staff of the WCB must review and approve all documents related to the acquisition including appraisals, title documents, preliminary title reports, documents for purchase and sale, escrow instructions and instruments of conveyance prior to disbursement of funds directly into the escrow established for acquisition of the property. Staff of the WCB will also ensure the non-federal match meets the requirements of the Grant program. Staff proposes to accept \$124,350.00 of the federal grant and enter into the Agreement to Subgrant for the property.

The CVCC proposes to purchase the property from the owners at the appraised fair market value of \$404,900.00 as approved by the Department of General Services (DGS). The proposed Agreement to Subgrant to the CVCC will provide \$124,350.00 of the purchase price. The required non-federal match will be provided by the CVCC in the amount of \$239,100.00, and through the use of an Environmental Enhancement and Mitigation Program Grant in the amount of \$41,450.00. It is estimated that \$5,000.00 will be needed for project-related expenses, which includes the DGS appraisal review costs. 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 proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA) requirements and has been determined 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 authorization of the project by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

Staff recommends that the Wildlife Conservation Board approve the project as proposed; approve the acceptance of the Habitat Conservation Planning Land Acquisition Grant funds from the U.S. Fish and Wildlife Service in the amount of \$124,350.00; allocate \$5,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 [Proposition 84, Section 75055(c)] for project-related expenses; authorize staff

to enter into appropriate agreements necessary to accomplish this project, including an Agreement to Subgrant the federal funds; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

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 approve the project as proposed; approve the acceptance of the Habitat Conservation Planning Land Acquisition Grant funds from the U.S. Fish and Wildlife Service in the amount of \$124,350.00; allocate \$5,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 [Proposition 84, Section 75055(c)] for project-related expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project, including an Agreement to Subgrant the federal funds; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

18. San Diego County MSCP/HCP/PLA (2009), \$20,000.00
(Helix-Lambron and Wildcat Canyon)
San Diego County

This proposal was to consider the acceptance of a Habitat Conservation Planning Land Acquisition Grant (Grant) from the U.S. Fish and Wildlife Service (USFWS) and the authorization to enter into Agreements to Subgrant the federal funds to the County of San Diego (County) and the San Diego County Audubon Society (Audubon) to facilitate the acquisition of properties as identified in the Grant totaling 180± acres. These projects will greatly enhance the existing San Diego Multiple Species Conservation Plan (MSCP) by securing key regional wildlife linkages and preserving core areas of habitat. Ms. Teri Muzik of the Wildlife Conservation Board briefly described the project and its location.

The MSCP is a joint Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP). The MSCP covers 85 species, including 26 listed species and 59 unlisted species. At build out, the preserve will cover approximately 172,000 acres, of which about 98,000 acres are located in the unincorporated area of San Diego County. To date, approximately 65,200 acres within the County preserve have been conserved. In addition to the 65,200 acres already conserved to date, 12,246 acres of private land has been committed to be conserved through the MSCP and will be dedicated to the County as development permits are processed.

This Grant proposal utilizes the significant partnerships that are involved in implementing the MSCP. A Memorandum of Understanding regarding planning and management was signed by the Bureau of Land Management (BLM), the County, the City of San Diego (City), the USFWS, the Department of Fish and Game (DFG) and the San Diego Association of Governments (SANDAG), setting forth commitments to the development and implementation of the MSCP.

Collectively, these acquisitions will benefit several listed plant and animal species that are covered by the MSCP. They include the coastal California gnatcatcher, San Diego fairy shrimp, least Bell's vireo, arroyo toad, southwestern willow flycatcher, bald eagles, San Diego thornmint, Encinitas baccharis, Del Mar Manzanita, Otay Mesa mint, San Diego button celery, Riverside fairy shrimp and the Otay tarplant.

The proposed acquisition areas support a mosaic of high quality riparian, vernal pool and upland habitat types, as well as numerous listed and unlisted species covered by the MSCP. In addition, conservation in these areas will improve the linkages among public lands that are managed by the local jurisdictions (County), the DFG, the USFWS and the Endangered Habitat Conservancy.

The specific details of each project are as follows:

Acquisition by the County of San Diego (Helix-Lambron)

This project involves the acquisition of fee title to 150± acres of land at Mount Israel Road and Del Dios Highway, near the City of Escondido, in southern San Diego County. The property was appraised and the appraisal was reviewed and approved by the Department of General Services (DGS). The landowners have agreed to sell their property for the approved appraised fair market value of \$4,000,000.00. The subgrant to the County will be \$2,600,000.00 and the required, non-federal match provided by the County will be \$1,400,000.00.

Acquisition by the San Diego Audubon Society (Wildcat Canyon)

This project involves the fee acquisition of approximately 30± acres of land, located north of the City of Lakeside and east of the San Vicente Reservoir, in southern San Diego County. The property has been appraised and the appraisal is being reviewed by DGS. If the appraisal (\$177,000.00) is approved, the landowners have agreed to sell for that price. The subgrant will be to Audubon in the amount of \$115,000.00 and the required, non-federal match from Audubon will be \$62,000.00.

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 DGS and USFWS, and review and approval by the Wildlife Conservation Board (WCB) of all documents related to each specific acquisition. Staff of the WCB will review and approve all documents and related reports prior to disbursement of funds directly into an escrow established for each acquisition. The Grant allows the non-federal match to be in the form of non-federal dollars or in-kind matching properties. Staff of the WCB will also ensure the non-federal match meets the requirements of the Grant program. Staff proposes to accept \$2,715,000.00 of the federal grant and enter into individual Agreements to Subgrant for the above listed properties.

It is estimated that \$20,000.00 will be needed to cover project-related costs by the WCB. 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 project has been reviewed for compliance with the California Environmental Quality Act (CEQA) requirements and proposed as exempt 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. Subject to authorization of the project by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

Staff recommends that the Wildlife Conservation Board approve the project as proposed; authorize acceptance of the Habitat Conservation Planning Land Acquisition Grant funds from the U.S. Fish and Wildlife Service in the amount of \$2,715,000.00; allocate \$20,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006, [Proposition 84, Section 75055(c)] for 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. Hansen from San Diego County, who was in the audience and available to answer questions.

Mr. McCamman asked if both costs are paid from the Section 6 grants. Mr. Donnelly responded that they are not paid from the Section 6 grants, but from the Board's internal funds; more specifically, Proposition 84-NCCP.

Ms. Hansen spoke in support of this project, pointing out the benefits of a conservation easement project and enhanced public access.

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

It was moved by Mr. Kellogg that the Wildlife Conservation Board approve the project as proposed; authorize acceptance of the Habitat Conservation Planning Land Acquisition Grant funds from the U.S. Fish and Wildlife Service in the amount of \$2,715,000.00; allocate \$20,000.00 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006, [Proposition 84, Section 75055(c)] for 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.

Mr. McCamman introduced Mr. David Sutton, Northern California Director for the Trust for Public Land (TPL). Mr. Sutton introduced himself and thanked the Board for all the work they do. Mr. Sutton spoke of the importance of a conditional approval, especially when the funding is challenging. Mr. Sutton also pointed out the importance of item #15 on the agenda (Liberty Island, Solano County), saying that the Department of Fish and Game would be a more appropriate owner than the TPL. According to Mr. Sutton, the Liberty Island is critically important to the Delta and there is a really exciting restoration program underway. Mr. Sutton acknowledged the importance of the work the Board is doing and said that this work is much appreciated in such difficult times as we are now experiencing.

With no further business to discuss, the meeting adjourned at 11:30 A.M.

Respectfully submitted,

John P. Donnelly
Executive Director

PROGRAM STATEMENT

At the close of the meeting on February 25, 2010, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$2,129,244,722.06. 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. 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	17,240,441.93
Lake and Reservoir Access	10,494,815.87
Piers	20,752,853.04
D. Game Farm Projects.....	146,894.49
E. Wildlife Habitat Acquisition, Development and Improvement.....	1,955,741,708.09
Wildlife Areas (General)	\$397,157,721.74
Miscellaneous Wildlife Habitat Development.....	21,897,787.32
Wildlife Areas/Ecological Reserves, (Threatened, Endangered or Unique Habitat)	700,061,593.89
Land Conservation Area	12,988,962.18
Inland Wetlands Conser. Grants & Easements	25,477,132.11

Riparian Habitat Conser. Grants & Easements	63,097,659.73
Other Wildlife Habitat Grants	735,060,851.12
F. Hunting Access Projects	484,898.57
G. Miscellaneous Projects (including leases)	19,696,882.65
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	523,455.07
K. Natural Heritage Preservation Tax Credit Act (tax credits awarded)...	(48,598,734.00)
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	(28,588,435.93)
 Total Allocated to Projects	 \$2,129,244,722.06