

State of California
The Resources Agency
Department of Fish and Game
WILDLIFE CONSERVATION BOARD

Minutes, Meeting of January 13, 1976

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State of California
The Resources Agency
Department of Fish and Game
WILDLIFE CONSERVATION BOARD

Minutes, Meeting of January 13, 1976

Pursuant to the call of the Chairman, the Wildlife Conservation Board met in Room 2117 of the State Capitol Building, Sacramento, California, on January 13, 1976. The meeting was called to order by Chairman Timothy M. Doheny at 10:05 a.m.

1. Roll Call

PRESENT: Timothy M. Doheny
Roy M. Bell
E. C. Fullerton

Chairman
Member
Member

Senator Dennis E. Carpenter
Assemblywoman Pauline L. Davis
Assemblyman Barry Keene

Joint Interim Committee
" " "
" " "

ABSENT: Senator John F. Dunlap
Senator John A. Nejedly

" " "
" " "

WCB Staff

Chester M. Hart	Executive Officer
Alvin G. Rutsch	Assistant Executive Officer
John Wentzel	Field Agent
W. John Schmidt	Land Agent
Alma Koyasako	Secretary
Bella Applebaum	Accountant

OTHERS PRESENT:

Ed Baume	State Office of Planning & Research
Jack D. Shelver	City of Imperial Beach
Robert W. Swanson	" " "
James F. Trout	State Lands Commission
Kendall Jenkins	Port San Luis Harbor District
Eugenia Jenkins	" " " "
Bill Nott	Sportfishing Assn. of Calif.
Robert Kaneen	Dept. of Fish & Game
William Kier	Senate Office of Research
Christopher M. Dewees	Sea Grant Marine Advisory Program
David W. Nielsen	Humboldt County

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Joe Sheehan
Terri Moberly
Wadie P. Deddeh
Fred Worthley

Dept. of Fish & Game
Wildlife Conservation Board
Assemblyman, 80th District
Dept. of Fish & Game

Assemblyman Wadie P. Deddeh who was in attendance was introduced by Chairman Timothy Doheny.

2. Approval of Minutes

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MR. BELL, AS A JOINT MOTION, THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE MINUTES OF THE NOVEMBER 6, 1975, MEETING.

PASSED UNANIMOUSLY.

3. Status of Funds

Mr. Chester Hart, the Executive Officer, advised that the status of funds was simply an information item to inform the Board members that the unallocated balance in the Wildlife Restoration Fund as of this meeting was \$212,418.38.

PROGRAM REPORTS AND POLICY ITEMS

4. Land and Water Conservation Fund Program Report

As of the date of agenda preparation, notification of the State's allocation under the Land and Water Conservation Fund Program for this fiscal year had not yet been received. However, Mr. Hart advised that this morning he was notified that the federal appropriation has been made and approved by Congress. It may be slightly less than last year which was \$1,666,856, perhaps on the order of \$1.5 million to \$1.6 million.

The Board has previously approved projects that can utilize \$534,250 of these federal matching funds, so that approximately \$1,132,000 would be available for additional WCB projects if the allocation predictions prove correct.

Necessary staff work is proceeding on proposed projects that would utilize the remainder of these federal funds. Staff will present these for Board consideration at meetings in the near future and will provide such advance information to the State Liaison Officer (Director, Parks and Recreation) as may be necessary on an interim basis.

There have been reports that the federal Office of Management and Budget has eliminated all money for the Land and Water Conservation Fund program from the President's budget being prepared for 1976-77. The Secretary of the Resources Agency has written requesting reconsideration on behalf of California, but it may be some time before the final outcome is known.

The Chairman suggested, and the members concurred, that the rules be suspended to permit discussion of the 1974 Bond Program (Agenda Item 5) at a later time when persons who wish to speak on this item are present.

(Senator Dennis Carpenter entered the room at this time and was introduced.)

5. Fee Policy

Long-standing Board policy has been that there be no fees or charges for public use of facilities provided by the State at WCB projects, such as parking areas or boat launching ramps.

Recently, WCB staff received two requests for exceptions to this Board requirement, to the effect that fees be permitted for overnight parking on State-developed parking areas. These requests reflect an increasing problem at some WCB projects from travelers, primarily in recreational vehicles, staying overnight or camping on parking areas. This use is increasing operation and maintenance costs for local government, and unless properly controlled has the potential to interfere with primary project purposes of public access.

The requests received from Port San Luis Harbor District, San Luis Obispo County, and from Humboldt County, have been to permit limited overnight parking for a reasonable fee. This would help to control the problem, permit a supplemental use of the project to the extent compatible, and provide revenue to help offset operation and maintenance costs.

Staff has studied these requests and concurs that if properly administered and limited to overnight parking, this approach will provide for greater public benefits and be more reasonable than rigidly prohibiting overnight parking.

Mr. Hart recommended that the Board approve the following points relative to fee policy for WCB projects, and authorize staff to so amend operation and maintenance agreements with cooperating agencies as appropriate:

1. Overnight parking for a reasonable fee may be permitted to the extent compatible with primary project purposes.
2. All fees shall be utilized for operation, maintenance or development of the WCB project involved.
3. The operating agency will maintain adequate records and provide annual reports of revenue received and expenditures made for operation, maintenance and development for the WCB project involved, and make such records available for audit by the State if requested.

Mr. Ken Jenkins, harbormaster for the Port San Luis Harbor District, was present and was asked if the District would agree with the recommendations contained in the agenda. Mr. Jenkins stated the Board of Harbor Commissioners agrees with the staff's explanation of the problems and the recom-

mendations for solving them. Senator Carpenter asked if this project would be in competition with any private overnight facilities, and Mr. Jenkins replied that the private owners would be satisfied if a reasonable fee were to be charged. He mentioned that the heavy overnight use happened only on those weekends where the private facilities were full. It was obvious to Senator Carpenter that charging a reasonable fee in this instance would not create unfair competition for the private sector.

IT WAS MOVED BY MR. BELL, SECONDED BY MR. FULLERTON, AS A JOINT MOTION, THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE RECOMMENDATIONS FOR AUTHORIZING FEES FOR OVERNIGHT PARKING AT WCB PROJECTS, AND AUTHORIZE STAFF TO SO AMEND OPERATION AND MAINTENANCE AGREEMENTS WITH COOPERATING AGENCIES AS APPROPRIATE.

PASSED UNANIMOUSLY.

(Assemblyman Keene was introduced at this time.)

WILDLIFE RESTORATION FUND PROJECTS

6. Artificial Reefs - Liberty Ships

WCB staff and the Department of Fish and Game have been proceeding with plans to sink a Liberty ship in Santa Monica Bay as a pilot project for artificial reef development as authorized by the Board at its meeting of April 9, 1975. The Board also allocated \$75,000 to cover costs of towing, cleaning, and other necessary work related to sinking the ship for such purposes.

In order to increase salvage values and reduce net costs, a repair ship, the USS PALAWAN, has been requested for the pilot project from the U.S. Maritime Commission's mothball fleet in Suisun Bay. A verbal message has been received that this ship will be transferred to the State, but official confirmation had not yet been received at the time of agenda preparation.

Two additional Liberty ships are available in Suisun Bay, which the federal government has indicated will be sold for salvage unless there is near future action by a state with definite plans to obtain and sink them for reef purposes. Accordingly, the Department of Fish and Game has made initial application to the Maritime Commission to secure the two additional ships. Tentative reef locations for the two ships have been selected by the Department about $3\frac{1}{2}$ miles from Channel Islands Harbor, Ventura County, and 6 miles from Newport Harbor, Orange County.

The Department also has been revising the specifications for the project to maximize salvage values while still providing a satisfactory reef, as well as preparing to advertise for bids. To the extent feasible, bid advertising should be timed to coincide with a favorable market for salvaged metals.

If the pilot project is successful in all respects, it may be highly desirable to proceed as quickly as possible with sinking one or both of the additional ships to maximize possibilities of capitalizing on similar favorable circumstances.

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Therefore, Mr. Hart recommended that the Board authorize proceeding with the acquisition of the two additional Liberty ships and the letting of contracts for sinking the ships provided that:

1. The pilot project is successful and indicates the full project should be implemented; and
2. All three, or not less than two, of the ships can be sunk for the \$75,000 previously allocated, in addition to any net revenues that may be received from the pilot project.

Board members will be informed on the pilot project results and plans to proceed.

It was Mr. Hart's belief that the above procedure would provide additional flexibility for an appropriate course of action.

Mr. Robert Kaneen, Marine Resources Regional Manager, was asked about timing for the Liberty ship reef placement, and he responded that this could be accomplished about six to seven months after bid advertising. This would allow time for the contractor to get the salvageable material off the ship and prepare it for sinking.

IT WAS MOVED BY ASSEMBLYMAN KEENE, SECONDED BY SENATOR CARPENTER, THAT THE JOINT INTERIM COMMITTEE RECOMMEND THE WILDLIFE CONSERVATION BOARD AUTHORIZE THE SCOPE CHANGE FOR THE LIBERTY SHIP ARTIFICIAL REEF PROJECT.

PASSED UNANIMOUSLY.

IT WAS MOVED BY MR. BELL, SECONDED BY MR. FULLERTON, THAT THE WILDLIFE CONSERVATION BOARD HEREBY INCREASE THE SCOPE OF ITS PREVIOUS AUTHORIZATION FOR THE LIBERTY SHIP ARTIFICIAL REEF PROJECT TO INCLUDE ACQUISITION AND SINKING OF UP TO TWO ADDITIONAL LIBERTY SHIPS, WITHIN THE ALLOCATION, INCLUDING ANY REVENUES THE STATE MAY REALIZE THROUGH THE BIDDING PROCESS.

PASSED UNANIMOUSLY.

7. Artificial Reef Program - General

Mr. Doheny introduced Mr. Bill Nott with the Sportfishing Association of California who had asked to make a presentation to inform the Board members of their new concept of artificial reefs. Mr. Nott stated that SAC represents all the commercial passenger fishing boats on the coast from Morro Bay to the Mexican border. As long ago as 1956, SAC was involved with putting in reefs because of the availability of auto bodies which ultimately proved to be less than satisfactory as reef materials. It was, however, a fact that they have been more than interested in artificial reefs as a means to maintain and even introduce new species in what are barren areas.

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Mr. Nott provided each Board member with the booklet his group has compiled, excerpting information written by knowledgeable people in the United States who have been involved with artificial reefs. It shows the various materials available for this purpose and the approximate number of reefs constructed in the United States. Various types of material are suitable for reefs, such as fragmented concrete, quarry rock, ships of various types, as well as automobile tires, and they hope to gain areas in commercial harbors where it is possible to accept such materials as they become available. It was his hope that his group could work with WCB staff to resolve the various problems involved in reef construction, particularly in view of the fact that they propose from 200 to 400 multiple reefs. They view reef construction to be one answer to the pressures that California's population is placing on the fisheries and a solution to a problem created by the energy crisis which makes long fishing trips out to sea very expensive. He explained that he will be back with a proposal within the framework of the program as outlined by the Board staff, and to provide a progress report.

Mr. Kaneen commented that although the Department is in agreement with the concept and the productivity of reefs, regulatory agencies, such as the Corps of Engineers, Coastal Commissions, State Lands, EPA, make it difficult for a group to accept the reef material one month and construct it the next. It was his hope that the procedural problems will be worked out so the program can be carried out efficiently.

(Assemblywoman Davis was introduced at this time.)

Mr. Hart then made a progress report on the Artificial Reef Program-General.

As a continuation of the WCB artificial reef program which previously had provided funding for ten offshore ocean and Salton Sea reefs, and seven pier reefs to improve marine habitat and fishing success, the Board on March 3, 1972, approved a program to provide additional reefs at ocean and bay piers. These were to be tire reefs, expected to be constructed largely with volunteer labor provided by interested groups. Capital costs were to be low, largely for plastic rope and fastenings, and for equipment rental. The Board allocated \$26,000 for the program, and authorized staff to proceed with individual projects not to exceed \$2,000 each, with reports to the Board on reefs completed.

To date four such tire reefs have been completed at a total cost of about \$3,300 as listed below:

Cabrillo Beach Pier, Los Angeles County	\$800
Imperial Beach Pier, San Diego County	750
Port Hueneme Pier, Ventura County	350
Santa Cruz Pier, Santa Cruz County	1,400
TOTAL	\$3,300

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Construction of such reefs has not been as great as originally anticipated. Many practical problems have developed, including availability and dependability of volunteer labor.

In part for the above reasons, the Board on February 26, 1974, broadened the program to include off-shore reefs and suitable, economical materials other than tires. To cover escalating costs, the individual project limitation was raised to \$3,000.

Under the broadened program, a supplement to the existing Redondo Canyon reef was completed in June, 1975. This consisted of 580 cubic yards of asbestos cement pipe, which is excellent reef material, at a WCB cost of \$3,000. Total barging and related costs were \$7,245 with the Johns Manville Co. meeting the costs over \$3,000, as well as donating the material. The pipe was broken or reject sections which the company needed to dispose of, and fortunately could be put to this beneficial use.

It appears there may be an increasing potential to obtain suitable reef material in an economical manner similar to that mentioned above, particularly as local land disposal sites are exhausted, new disposal sites are forced to be located further inland, and resulting land disposal costs increase. Also, it appears that some suitable materials are being barged to deep water disposal sites well offshore which might be made available for reef construction.

Staff has had exploratory discussions with proponents of additional reef construction, industry representatives, and Department of Fish and Game representatives regarding practical means of possibly realizing this apparent potential for enhancing marine habitat and improving fishing success in southern California waters.

There is a remaining balance of approximately \$19,700 in this project account for additional reef construction in accordance with the Board's criteria. The program as proposed by Mr. Nott could be undertaken under this authorization for reef construction.

Mr. Doheny suggested some of the areas in which such reefs should be constructed would be the Huntington Flats area off Orange County, Santa Monica Bay and Oxnard Flats area, and possibly San Luis Bay, Pismo Beach area.

8. Imperial Beach Public Fishing Pier, San Diego County \$20,000.00

Mr. Hart reported that at its meeting of November 6, 1975, the Board put over consideration of funding for reconstruction of the sportfishing boat landing on the Imperial Beach Public Fishing Pier until further information was made available. Some Legislative members expressed concern about possible interpretation that the landing is a commercial facility inappropriate for use of public funds.

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Since the last Board meeting, heavy waves from a storm have further damaged the landing, breaking loose one fender piling and destroying the lower stair and platform sections, so that the facility is inoperable. The City has had to proceed with plans for reconstruction.

Further information requested by Board members is summarized as follows:

1. The fishing pier and sportfishing landing were planned as an integral project, with the landing originally suggested by the Department of Fish and Game to provide additional fishing opportunity.
2. The WCB provided matching funds for the entire project, including the sportfishing landing, and is co-owner of the facility until amortized.
3. Original design was by Moffat and Nichols Engineers, and included two dolphins for the landing. In construction the dolphins were changed to eight fender pilings, which was approved and additional funding provided by WCB at its meeting of November 15, 1963. No records or other information are available now to show why the change was made, but it was evidently based on further engineering judgment.
4. The pier landing does provide new and additional fishing opportunity to upwards of 10,000 fishermen annually, enabling shorter travel and more economical fishing trips to the popular Coronado Islands area, particularly half-day trips. Although a commercial operation, it provides a public service.
5. The landing is available for private boats to pick up or discharge passengers, or to obtain bait or fishing supplies. It is also available for all boats in emergencies, and has been recently used by a private boat for such purposes.
6. Direct revenues to the City from the pier include approximately \$6,000 annually from the sportfishing boat franchise, and \$3,600 from a bait and tackle concession on the pier. Annual costs of pier maintenance and repair average \$18,500, with the portion not offset by these revenues coming from general property taxes of the City.
7. Reconstruction of the facility is considered by staff to exceed the City's responsibilities for costs of normal operation, maintenance, and repair. The WCB has previously funded reconstruction of portions of the pier, having allocated \$70,000 for such purposes on March 27, 1969, after heavy storm damage to the north wing and main stem.

Mr. Hart concluded that this was essentially the additional information requested by the Board and that Mr. Jack Shelver, City Manager of Imperial Beach, and Assemblyman Wadie Deddeh were present to respond to any other questions the Board might have.

Assemblyman Wadie Deddeh strongly supported this reconstruction, stating that this pier is the best public recreational facility in the City of Imperial Beach and that it is a project of which they are proud.

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Mr. Jack Shelver announced that bids were opened this morning and it had been reported to him that the low bid was \$31,969. He was not able to confer with the engineer to evaluate the bids or to determine whether there were other items necessary, but that he believed the \$20,000 as previously suggested for WCB participation would be more than adequate on a matching fund basis with the City. Any amount remaining unused for this reconstruction purpose would be returned to the WCB.

The Executive Officer felt that there is precedent and adequate justification for the Board providing funds for necessary reconstruction of cooperative WCB project facilities, and therefore recommended the Board approve this item as previously submitted and allocate \$20,000 for this reconstruction which is to be matched by the City of Imperial Beach.

Assemblyman Keene advised that he was one of those requesting additional information, and that he was satisfied that there are good grounds for WCB participation. He noted that adequate precedent had been established. He reiterated, however, that the Board should always weigh the public interest, to see whether that is paramount, against possible commercial interest which might indicate that the private sector should participate.

Senator Carpenter raised the question as to whether legislative members have the right to vote. The role of the legislative members, as based on an Attorney General's opinion, was explained by Mr. Hart, which in effect was in an advisory or policy capacity, recommending action to the three ex-officio members of the Board who would be approving projects and allocating funds therefor. To facilitate and simplify procedures at Board meetings, the Board decided a year or two ago to act on one motion, but instructed staff to record it as two separate motions by the legislative committee and Board where there was no dissent. It was the consensus that although joint motions would be permissible on program and policy matters, approval of projects and allocation of funds would require two separate motions, mainly for clarification purposes, should any question arise in the future.

IT WAS MOVED BY SENATOR CARPENTER, SECONDED BY ASSEMBLYWOMAN DAVIS, THAT THE JOINT INTERIM COMMITTEE RECOMMEND THE WILDLIFE CONSERVATION BOARD APPROVE RECONSTRUCTION OF THE BOAT LANDING FACILITIES AT THE IMPERIAL BEACH PUBLIC FISHING PIER, SAN DIEGO COUNTY, AND ALLOCATE THE NECESSARY FUNDS THEREFOR.

PASSED UNANIMOUSLY.

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MR. BELL, THAT THE WILDLIFE CONSERVATION BOARD APPROVE RECONSTRUCTION OF THE BOAT LANDING FACILITIES AT THE IMPERIAL BEACH PUBLIC FISHING PIER, SAN DIEGO COUNTY; ALLOCATE \$20,000 THEREFOR FROM THE WILDLIFE RESTORATION FUND ON A COST-SHARING BASIS WITH THE CITY OF IMPERIAL BEACH; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED WITH THE PROJECT SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

9. Heeser Drive Coastal Fishing Access, Mendocino County \$1,900.00

Mr. Hart reported that the WCB acquired and developed the Heeser Drive Coastal Fishing Access in Mendocino County in 1958. The Mendocino City Community Services District has recently completed sewerage services for the town of Mendocino. A sewer lateral has been installed near the public restroom constructed as part of the Heeser Drive WCB project in 1960. The District has advised the State that the restroom, now on a septic tank, must be connected to the sewer line.

Cost estimates for the installation of connecting sewer pipe and backfilling of the existing septic tank have been obtained from local contractors. This work is expected to cost about \$1,200. The District connection charge is \$450. A \$250 contingency allowance is recommended.

This work is in the nature of an improvement, but not an enlargement of an existing permanent restroom facility and is categorically exempt from the provisions of CEQA.

Mr. Hart recommended \$1,900 be allocated from the Wildlife Restoration Fund and that staff and the Department be authorized to proceed substantially as planned.

IT WAS MOVED BY ASSEMBLYMAN KEENE, SECONDED BY ASSEMBLYWOMAN DAVIS, THAT THE JOINT INTERIM COMMITTEE RECOMMEND THE WCB ALLOCATE FUNDS FOR THE NECESSARY WORK AT THE HEESER DRIVE COASTAL FISHING ACCESS, MENDOCINO COUNTY.

PASSED UNANIMOUSLY.

IT WAS MOVED BY MR. BELL, SECONDED BY MR. FULLERTON, THAT THE WCB ALLOCATE \$1,900 FROM THE WILDLIFE RESTORATION FUND FOR SEWER CONNECTION AND RELATED WORK AT THE HEESER DRIVE COASTAL FISHING ACCESS, MENDOCINO COUNTY; AND STAFF AND THE DEPARTMENT IS AUTHORIZED TO PROCEED SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

PROGRAM REPORTS AND POLICY ITEMS

10. 1974 Bond Act Program Report

Mr. Hart advised that this is a progress report on the accomplishments under the Bond Act Program to date.

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In the six months since the first appropriation of 1974 Bond Act funds became available to WCB, staff has proceeded as authorized by the Board and has completed purchase of nearly 6,010 acres of key wildlife habitat areas with expenditures of \$1,731,250. These acquisitions have included donations of property having a fair market value of \$56,955. Also preliminary eligibility for federal reimbursements of approximately \$899,000 has been established under the federal Land and Water Conservation Fund program. Acquisitions completed are summarized as follows:

Deer Winter Range

Kinsman Flat, Madera County 170.00 acres \$109,250

Bighorn Sheep Range

Martinez Canyon, Riverside County 4,742.76 acres \$362,000

Interior Wetlands and Riparian Habitat

Hidden Valley, Riverside County 1,096.76 acres \$1,260,000

6,009.52 acres \$1,731,250

Staff is proceeding with negotiations, appraisals, and obtaining options on additional priority areas of fish and wildlife habitat under project categories approved by the Board, and will present these for Board consideration at future meetings as they are ready for such action.

Good progress is being made on all approved project categories except coastal wetlands areas. Most of these areas involve existing or former tidelands which possibly are subject to the public trust as interpreted by the Marks vs. Whitney and other recent landmark cases of this nature. Where the public trust applies, there may be little, if any, need to purchase additional rights or fee title for fish and wildlife habitat preservation in many areas.

In beginning coastal wetlands acquisition procedures it now is necessary that any possible public rights (i.e., State tideland easements for commerce, navigation and fisheries) in the land involved be identified and properly valued so that the State does not expend funds for rights it already owns. Where the public trust applies, there may be little, if any, need to acquire fee title or purchase additional rights for preservation of fish and wildlife habitat in many areas.

The cooperation and assistance of the State Lands Division will be necessary to determine answers to many of the questions involved. In many instances it may be necessary for the State to exercise the public trust through the State Lands Commission prior to acquisition in order to clarify what rights the State actually owns in the land and what additional rights, if any, the State needs to acquire and their value.

In addition to determining specifically what areas are subject to the public trust as tidelands, a major problem is appraisal and valuation of such lands. The exercise of the public trust in this manner is so new that there is not a base of open market sales of such property to provide comparable sales data to determine fair market value through traditional, approved procedures.

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Staff presently is involved in negotiations and appraisals on at least two parcels of this type, is studying the issues, and is coordinating with the Department of Fish and Game and State Lands Division to determine alternatives and probable best courses of action to follow.

Mr. Hart noted that this relates to the whole coastal wetlands acquisition problem. He pointed out that Mr. Jim Trout from the State Lands Division who was present could explain the public trust aspects and answer any questions of this nature.

Assemblyman Keene stated he had sent a copy of a letter to all the Board members requesting comments from Mr. Fullerton on AB 2133, a bill he is carrying relative to coastal wetlands. He expressed concern that there has not been adequate progress on acquisition of these wetlands and that the State will be paying a great deal more to acquire them at a later date. He recognized the difficulties in these acquisitions which were pointed out by Mr. Hart, but at the same time felt that his bill is an effort toward saving this vital component of the ecosystem.

There was discussion about the provision in the bill giving management responsibility of these wetlands to the Department of Parks and Recreation. Assemblywoman Davis and all of the Board members were strongly opposed to this aspect, for it is the Department of Fish and Game which has the expertise for management of wildlife and its habitat.

Mr. Bell pointed out that one of the biggest problems relates to the State Lands Commission exercising the public trust so that the State does not have to buy property at inflated values or purchase rights which the public already has. Mr. Trout advised that the State Lands Commission is following the lead of the California Supreme Court in regard to identification of public rights remaining on tidelands property.

Assemblyman Keene stated that priorities for acquisition of the wetlands should be developed. He did not wish to see it done legislatively when the Board has the competence it has, but he felt it sufficiently important that endangered areas be acquired one by one. Mr. Trout agreed that from an administrative or management standpoint, it will be very important that we not waste time on the less essential and work instead in the more critical or threatened areas. He stated that State Lands has been working with the coastal commission and the Department of Fish and Game in moving ahead in these areas.

Mr. Fullerton did not believe the Department has been dragging its feet on these important wetlands acquisitions. In pursuing the Board directives relative to these acquisitions, the staff was stymied in its attempt because of the public trust involvement. He advised that Acquisition Priorities for the Wetlands in California, a report developed a year ago, provides the priorities, and his staff will be meeting with the State Lands staff to determine manpower and time schedule requirements.

The legal ramifications in regard to use of bond monies in the manner proposed in the bill was discussed, and Senator Carpenter advised that an opinion had already been requested of the legislative counsel, although a response had not yet been received.

Mr. Fullerton pointed out that in proceeding with this program, an effort has been made to utilize federal funds and manpower, putting together combinations with federal programs which provide much more flexibility than that which is proposed in the bill. He suggested that he confer with Assemblyman Keene and his staff to see what can be developed to carry on under the present procedure and acquire what Mr. Keene is proposing in the bill. Assemblyman Keene agreed to discuss this with the Director of Fish and Game and staff.

Mr. Hart reminded the Board that at a previous meeting a \$3 million package for coastal wetland acquisition was approved and funds appropriated for this purpose. Part of this is earmarked for Suisun Marsh, but he felt the sum budgeted for coastal wetlands acquisition would enable staff to proceed on any of these as needed at the present time, yet allowing a reserve for other priority projects which the Board may want to fund.

Assemblywoman Davis noted that many legislators often seek money wherever possible to fund projects in which they have a special interest, but expressed the hope that no one would try to take money away from the WCB for other purposes, such as was done in another bill last year. She wanted to go on record that she would oppose any such move aggressively.

There was discussion regarding the public trust issue which reflects on the value of properties and is an encumbrance on the title. Assemblyman Keene agreed that we should not pay more than we need to protect these areas. He stated he was concerned, however, that the main emphasis of the Board appeared to be fishing piers, although he is in favor of the fishing access program of the Board. He believed that everyone has different perceptions of their responsibilities, and he perceived his responsibility, in part at least, to protect those coastal wetlands. Since he could see no State action to help protect the areas, he chose to take care of this matter in the method that is at his disposal, which is to put in a bill. Assemblywoman Davis assured Assemblyman Keene that there has been evidence that the Department and the Board staff intend to work cooperatively in achieving his goals of preserving wetlands, and requested that he not pursue this bill. Assemblyman Keene agreed to work with the Board and Department of Fish and Game staff.

(Assemblywoman Davis was excused from the meeting at this time.)

OTHER BUSINESS

11. Program and Policy Review

Mr. Hart stated that the program review as requested by the Board and prepared by staff responds to much of what Assemblyman Keene has been discussing, and also will help to fill the need, as expressed by Assemblywoman

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Davis, for the committee and the present Board to fully understand the program and policies of the WCB. It provides a summary of the revenues of the Board, how it has been expended, what the Board has accomplished, as well as the statutory authority and responsibilities of the Board. At subsequent meetings it was his thought to present WCB policies and procedures, so that the Board and Committee members would have a better background of the program.

The Chairman suggested that the Board and legislative committee members be permitted an opportunity to read the report as provided by staff so that they would be more knowledgeable and more intelligent questions can be raised. It was agreed that this would be desirable. A copy of the staff report, Program and Policy Review, Part I, was provided to each member.

Mr. Hart requested he be permitted to show one pie chart, which is found in the report, but which relates to the fears expressed that fishing piers may be overemphasized in the WCB program. The chart indicated that about half the funds available to WCB have been expended for habitat acquisition and development, 26% for propagation facilities (hatcheries, etc.) and that public access projects have used 23% of the total funding, including 8% for fishing piers. He further pointed out that the \$10 million of the 1974 Bond Act funds has been earmarked for habitat acquisition and development.

There being no further business, the meeting was adjourned at 11:09 a.m.

Respectfully submitted,

Chester M. Hart
Chester M. Hart
Executive Officer

OTHER BUSINESS

II. Program and Policy Review

Mr. Hart stated that the program review as requested by the Board and prepared by staff responds to much of what Assemblyman Keene has been discussing, and also will help to fill the need, as expressed by Assemblyman

PROGRAM STATEMENT

At the close of the meeting on January 13, 1976, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947, totaled \$37,439,670.97. This total includes \$4,823,464.05 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, and the Pittman-Robertson Program.

The statement includes projects completed under the 1964 State Beach, Park, Recreational and Historical Facilities Bond Act. Projects funded under the 1970 Recreation and Fish and Wildlife Enhancement Bond Fund, the Bagley Conservation Fund, and the 1974 State Beach, Park, Recreational and Historical Facilities Bond Act will be included in this statement after completion of these programs.

a. Fish Hatchery and Stocking Projects	\$10,216,443.90
b. Fish Habitat Development and Improvement Projects	3,991,316.23
1. Reservoir Construction or Improvement	\$2,125,338.63
2. Stream Clearance and Improvement	243,013.03
3. Stream Flow Maintenance Dams	439,503.32
4. Marine Habitat	345,779.36
5. Fish Screens, Ladders and Weir Projects	837,681.89
c. Fishing Access Projects	11,463,187.84
1. Coastal and Bay Access	1,173,477.56
2. River and Aqueduct Access	3,216,726.25
3. Lake and Reservoir Access	2,794,753.25
4. Piers	4,278,230.78
d. Game Farm Projects	146,894.49
e. Game Habitat Development and Improvement Projects	10,689,469.39
1. Wildlife Areas	10,251,020.27
2. Miscellaneous Game Habitat Development	438,449.12
f. Hunting Access	472,436.81
g. Miscellaneous Projects	401,422.31
s. Special Project Allocations	58,500.00
Total Allocated to Projects	<u>\$37,439,670.97</u>

STATUS OF FUNDS Wildlife Restoration Fund

Unallocated balance at close of 11/6/75 meeting	\$212,418.38
Less Chap. 1173/75 (Coop. Rearing Facilities)	- 25,000.00
Plus Interest on Surplus Money, July-Dec. 1975	<u>+102,707.23</u>
Unallocated balance at beginning of 1/13/76 meeting	290,125.61
Less allocations	<u>- 21,900.00</u>
Unallocated balance at close of 1/13/76 meeting	\$268,225.61