

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

Minutes, Meeting of September 18, 1980

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State of California
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WILDLIFE CONSERVATION BOARD

Minutes, Meeting of September 18, 1980

Pursuant to the call of the Chairperson, the Wildlife Conservation Board met in Room 6028 of the State Capitol, Sacramento, California, on September 18, 1980. The meeting was called to order at 3:05 p.m. by Chairperson Elizabeth Venrick.

1. Roll Call

PRESENT: Elizabeth Venrick
Susanne Morgan
E. C. Fullerton

Chairperson
Member
Member

Greg deGiere

Vice Senator Barry Keene,
Joint Interim Committee

ABSENT: Senator John A. Nejedly
Assemblyman Dan Boatwright

Joint Interim Committee
" " "

STAFF PRESENT:

Chester M. Hart
Alvin G. Rutsch
John Wentzel
John Schmidt
Jim Sarro
Alma Koyasako
Nancy Peevey

Executive Officer
Assistant Executive Officer
Field Agent
Land Agent
Land Agent
Secretary
Accountant

OTHERS PRESENT:

Joseph N. Barry
Joseph A. Vincenty
Anne Ashby
Ron Ashby
Rose Takata
Maurice L. McCormack
Cindy Kanemoto
Maggie Parkinson
Jeffrey D. Arthur

Bruce Browning

County of San Diego
Dept. of Fish and Game
Albion
"
Dept. of Fish and Game
" " "
" " "
" " "
Senate Natural Resources and
Wildlife Comm.
Dept. of Fish and Game

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2. Approval of Minutes

Mr. Chester M. Hart, Executive Officer, reported that the minutes of the June 23, 1980, meeting have been published and circulated and that he knew of no need for correction of those minutes.

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MS. MORGAN, THAT THE MINUTES OF THE JUNE 23, 1980, MEETING OF THE WILDLIFE CONSERVATION BOARD BE APPROVED AS PUBLISHED AND CIRCULATED.

PASSED UNANIMOUSLY.

3. Wildlife Restoration Fund Status

Mr. Hart gave the following report as the current status of funds. He explained that the bottom line shows an unusually high balance brought about by the passage of AB 200 last year which put federal reimbursements, including transfers from other accounts, into the Wildlife Restoration Fund. This legislation has enabled staff to clear up a rather complicated accounting problem. This in part is a one-time accumulation of federal reimbursement monies in the Wildlife Restoration Fund. It is expected that this balance would drop down to a lower level and then somewhat stabilize although at a higher level than has been in the past, through using it as a revolving fund for federal reimbursement monies.

Unallocated balance at end of 6/23/80 meeting	\$1,532,901.32
Plus pari-mutuel revenue	+750,000.00
Plus unexpended balance of 1977/78 staff support . . .	+100,470.99
Plus transfer of federal monies from various funds . .	+2,468,789.12
Plus interest on surplus money, Jan-June, 1980	+322,621.76
Plus transfer of monies from Gen.Fund (Suisun Marsh) .	+159,796.99
Less estimated staff support 1980/81	-330,111.00
Less federal monies transferred from Gn.Fund (Suisun Marsh) an set up in a WRF project account	-159,796.99
Less Additional money for staff support 1979/80	- 28,484.00
Unallocated balance at beginning of 9/18/80 meeting . . .	<u>\$4,816,188.19</u>

4. Recoveries of Funds

Mr. Hart reported that the following projects have been completed or become inactive and have balances of funds that can be recovered and returned to the Wildlife Restoration Fund or the 1976 Bond Fund as indicated. It was his recommendation that the total amount of \$182,066.86 be recovered to the Wildlife Restoration Fund and \$2,187.00 be recovered and returned to the 1976 Bond Fund, and the project accounts closed.

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Lower Sherman Island Public Access, *Sacramento Co*

Allocation	\$24,250.00
Expenditures	-23,740.43
Balance for Recovery	509.57

Battle Creek Fishing Access, *Shasta Co.*

Allocation	\$56,300.00
Expenditures	-41,832.39
Balance for Recovery	14,467.61

Navarro River & Beach Fishing Access (Acquisition) *Mendocino*

Allocation	\$84,500.00
Expenditures	\$84,126.80
Less Fed. LWCF Reimbursement	-40,179.65
WCB Expenditures	-43,947.15
Previous Recovery	-40,179.65
Balance for Recovery	373.20

Lake Tahoe Public Access - Improvements *Placer*

Allocation	\$49,100.00
Expenditures	-40,376.16
Balance for Recovery	8,723.84

Santa Cruz Pier (Expansion, Phase 2) *S. Cruz*

Allocation	\$109,000.00
Expenditures	\$108,900.00
Less: Fed. LWCF Reimbursement	-53,239.14
WCB Expenditures	-55,660.86
Previous Recovery	-53,239.14
Balance for Recovery	100.00

Santa Cruz Pier (Expansion, Phase 3) *S. Cruz*

Allocation	\$60,000.00
Expenditures	-46,437.30
Balance for Recovery	\$13,562.70

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Point Pinole Fishing Pier, *C. Costa Co.*

Allocation		\$347,700.00
Expenditures	\$342,467.59	
Less: Fed. LWCF Reimbursement	<u>-156,207.21</u>	
WCB Expenditures		-186,260.38
Previous Recovery		<u>-156,058.55</u>
Balance for Recovery		5,381.07

San Clemente Fishing Pier, *Orange*

Allocation		\$263,050.00
Expenditures	\$262,400.00	
Less: LWCF Reimbursement	<u>-114,360.95</u>	
WCB Expenditures		-148,039.05
Previous Recovery		<u>-114,360.95</u>
Balance for Recovery		650.00

Horseshoe Ranch Wildlife Area, *Siskiyou*

Allocation		\$505,000.00
Expenditures	\$491,017.16	
Less: LWCF Reimbursement	<u>-231,117.65</u>	
WCB Expenditures		-259,899.51
Previous Recovery		<u>-242,201.47</u>
Balance for Recovery		2,899.02

Horseshoe Ranch Wildlife Area - Initial Improvements, *Siskiyou*

Allocation		\$15,000.00
Expenditures		<u>-5,633.32</u>
Balance for Recovery		9,366.68

Duck Creek Wildlife Area, *San Joaquin Co.*

Allocation		400.00
Expenditures		<u>- 100.00</u>
Balance for Recovery		300.00

Marine Fisheries Aircraft, *Statewide or Misc.*

Allocation		\$145,000.00
Expenditures		<u>-143,799.60</u>
Balance for Recovery		1,200.40

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Anderson (Sacramento River) Fishing Access, *Shasta Co.*

Allocation		\$108,500.00
Expenditures	\$96,006.48	
Less: LWCF Reimbursement	<u>-36,750.00</u>	
WCB Expenditures		-59,256.48
Previous Recovery		<u>-36,750.00</u>
		12,493.52

(Of the initial Board allocation, \$10,000 was to be spent on development of a road, foot bridge, site preparation, signs and fences. It was later determined by the City and the Department that preserving the property in its natural state would be more beneficial than development of the site. The remaining balance should be recovered and project closed without prejudice.)

Mt. Whitney Hatchery *Inyo Co.* To be recovered - \$14,000.00

(The Board allocated \$14,000 on 9/30/77 for completion of expansion and modernization of the broodstock facilities at the hatchery. This amount was to cover the recognized deficit. As it turned out, the work was completed within the original allocation. The entire allocation can be recovered, and project account closed.)

Hogback Island Public Access, *Sacramento Co.* To be recovered - \$25,000.00

(The Board on 6/21/77 allocated \$25,000 for a permanent restroom at the Hogback Island facility. The bids received for the project were in excess of funds available, and other requirements made the project infeasible. The funds should be recovered and project cancelled without prejudice.)

Fall River Public Access (Gas Line Crossing Development), *Shasta Co.*
To be recovered - \$73,039.25

(On 12/20/77 the Board allocated \$73,200 for Shasta County's proposed access development. Opposition developed and the County requested project be withdrawn. Some minimal costs were incurred in the amount of \$160.75. The remaining balance of the allocation should be recovered and the project account closed without prejudice.)

Total WRF Recoveries - \$182,066.86

1976 Bond Act Fund Recovery

Bass Hill Expansion, *Lassen Co.*

Allocation	\$72,500.00
Expenditures	<u>-70,313.00</u>
Balance for Recovery	2,187.00

1976 Bond Act Fund Recoveries - \$2,187.00

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IT WAS MOVED BY MS. MORGAN, SECONDED BY MR. FULLERTON, THAT
THE WILDLIFE CONSERVATION BOARD RECOVER FUNDS FROM THE FOLLOW-
ING PROJECTS AND CLOSE THE PROJECT ACCOUNTS AS FOLLOWS:

Lower Sherman Island Public Access	\$509.57 - WRF
Battle Creek Fishing Access	14,467.61 - "
Navarro River & Beach Fishing Access (Acq.)	373.20 - "
Lake Tahoe Public Access-Improvements	8,723.84 - "
Santa Cruz Pier (Expansion, Phase 2)	100.00 - "
Santa Cruz Pier (Expansion, Phase 3)	13,562.70 - "
Point Pinole Fishing Pier	5,381.07 - "
San Clemente Fishing Pier	650.00 - "
Horseshoe Ranch Wildlife Area	2,899.02 - "
Horseshoe Ranch WLA - Initial Improvement	9,366.68 - "
Duck Creek Wildlife Area	300.00 - "
Marine Fisheries Aircraft	1,200.40 - "
Anderson (Sacto River) Fishing Access*	12,493.52 - "
Mt. Whitney Hatchery	14,000.00 - "
Hogback Island Public Access*	25,000.00 - "
Fall River Public Access*	73,039.25 - "
(Gas Line Crossing Development)	
	<u>\$182,066.86 - Total WRF</u>

Bass Hill Expansion	2,187.00 - 1976 Bond Fund
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*Without prejudice.

THE SUM OF \$182,066.86 IS TO BE RETURNED TO THE WILDLIFE RESTORATION
FUND AND \$2,187.00 IS TO BE RETURNED TO THE UNALLOCATED BALANCE OF
THE 1976 BOND FUND.

PASSED UNANIMOUSLY.

5. 1974 Bond Act

Mr. Hart advised that this is an informational report on the accomplishments of the Board under the 1974 State Beach, Park, Recreational and Historical Facilities Bond Act. At the time of agenda preparation, it was believed it would be a simple matter to summarize this. However, it was more complex than anticipated to provide a complete summary because of recycling of federal grant monies, etc., and therefore this report is of a preliminary nature. A more complete and finalized report will be presented at a later date, both to the Board and to the public through the magazine, Outdoor California, a Department of Fish and Game publication.

SUMMARY REPORT

WCB Projects Acquired with 1974 Bond Act Funds

The State Beach, Park, Recreational and Historical Facilities Bond Act of 1974 included \$10,000,000 in supplemental funding for the WCB program.

Expenditure or obligation of these funds has been completed, all being utilized for land acquisition projects as authorized by the Board and the State Legislature.

Final accounting has not been completed but is far enough along to provide the Board with a summary report of accomplishments.

Overall, 43 projects were completed for acquisition of approximately 34,986 acres of high priority wildlife habitat, which in most cases also provided important opportunities for public outdoor recreation of a wide variety.

With the expenditure of the \$10,000,000 in state funds, donations of approximately \$810,755 in land value were received. Also, \$5,216,569 was obtained in federal grants, under the Land and Water Conservation Fund program and the federal program for establishing estuarine sanctuaries. Thus, it was possible to acquire lands valued at \$12,990,354 with the \$10,000,000 provided.

Unusual opportunities enabled maximum extending or "recycling" of funds in the series of four projects carried out in the Santa Rosa Mountains in Riverside County, primarily for acquiring habitat for bighorn sheep. Here, some 20,228 acres of land valued at \$2,511,353 were acquired with the \$500,000 in state funds allocated to this project. This was through donations of \$740,755 in land value being received, which in conjunction with \$500,000 in state funds enabled federal grants of \$1,154,405 to be obtained.

In addition, the lands acquired in the Santa Rosa Mountains were in a "checkerboard" pattern with public lands owned by BLM or the USFS, so that more than twice the purchased acreage was blocked up in public ownership.

Mr. Fullerton commented favorably on the Board's record of extending the \$10,000,000 received to more than \$15,000,000 through utilizing these monies as state matching funds to obtain federal grants. Mr. Hart responded that the total figure actually is about \$16,000,000 if donations also are considered.

6. Malibu Pier, Los Angeles County

A brief report on the status of the State's acquisition and renovation of the Malibu Pier pursuant to recent legislation was given to the Board at the June 23, 1980, meeting. Mr. Hart stated this item is to present more detailed background and an update on the project.

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The acquisition and development of Malibu beach and pier as a state facility was first proposed in early 1977 when the owner offered to sell 650 feet of beach frontage and adjoining 700 foot pier and restaurant to the Department of Parks and Recreation. Legislation introduced by Senator Cusanovich (SB 1641) was enacted in 1978 after an earlier measure (SB 448) was item vetoed by the Governor.

As originally introduced, SB 1641 made an appropriation of funds to the Department of Parks and Recreation for acquisition of the pier and beach property for the State park system and for a structural safety report. Amendments provided for, among other things, the seller to prepare a structural safety report at his own expense, and made him liable for the improvements necessary to bring the pier into a condition of good, sound repair.

The bill was further amended to provide that following the initial repair, the Wildlife Conservation Board be empowered to make such improvements or perform rehabilitation or replacement work it deems necessary, and to cooperate with the County of Los Angeles in carrying out this work. No funds were provided to WCB in this bill.

Negotiations by the Department of General Services in 1979 for acquisition and repair of the pier and discussions with WCB and the other agencies involved, revealed that amendments to SB 1641 were needed to successfully carry out and finance the project. This was attempted first with a bill by Assemblyman Goggins (AB761) and finally accomplished with the present law (AB 594, Goggins) which was signed in September, 1979.

The essential provisions of the law and the present status of the project is as follows:

1. State Lands Commission is to certify that seller has fulfilled all rental obligations due the State for use of tide and submerged lands. This has been done.
2. Public Works Board to approve and Department of General Services to acquire the beach and pier with \$2,500,000 appropriated to Department of Parks and Recreation from the Collier Park Preservation Fund. This has been done.
3. Department of General Services to put the pier into a condition of reasonably sound repair, with funds not to exceed \$150,000 provided for this purpose to be reimbursed from pier and restaurant revenues. The Office of the State Architect is presently determining the extent of such work and is expected to complete the necessary repairs by the end of this year.
4. After completion of repairs, Department of General Services transfers jurisdiction of the pier and restaurant to Department of Parks and Recreation.

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5. Within a period of five years after Department of Parks and Recreation takes over the beach, pier and restaurant, WCB to make any and all improvements, rehabilitation or replacements necessary to protect public health, safety or welfare.
6. All revenues produced by operation of the pier and restaurant for five years from date of transfer to Parks, (estimated at \$150,000 or more annually) to be deposited in the Wildlife Restoration Fund (except for Department of General Services administrative or repair cost reimbursements). Such deposits to be used by WCB for the more permanent improvements, rehabilitation or replacements, and are appropriated to the Board for such purposes without regard to fiscal years.
7. WCB is to cooperate with County of Los Angeles in discharging its responsibilities pursuant to the legislation.

Inasmuch as this is a departure from normal WCB projects carried out under the Wildlife Conservation Law of 1947 and therefore particularly unique as a WCB pier project, staff feels it is important that the Board and the Department of Fish and Game be fully informed of the requirements of the Malibu Pier legislation.

It is expected that the actual management of the pier and beach area will be by Los Angeles County and that the assistance of the County of Los Angeles Department of Beaches or Department of Public Works will be available to WCB staff to make investigations and to prepare plans and cost estimates for the WCB work. Subsequent reports will be made to the Board as this is accomplished, together with an accounting of the deposits received from pier and restaurant revenues. It is planned to place such revenues in a special account in the Wildlife Restoration Fund. When appropriate, a repair and renovation proposal will be presented to the Board for approval and allocation of funds from this special account.

There are two points that are not clear in the legislation that the Board may wish to take a position upon at this time to avoid other interpretations in the future. These are:

- (1) That WCB responsibilities for future improvements are limited to the fishing pier only; and
- (2) That the Board is not obligated to expend more than the revenues made available to it from the project.

In regards to item (2) above, it would appear that this statute provides direct authorization to receive and expend Malibu Pier revenues for pier rehabilitation purposes, without the proprietary interest and other requirements for usual WCB projects under the Wildlife Conservation Law of 1947.

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If the Board should decide to expend more than the revenues received, and should fund such additional costs from other monies in the WRF, the project, or as much thereof as is funded from such additional WRF monies, would need to be carried out under the provisions of the Wildlife Conservation Law of 1947, as staff interprets the matter.

It was Mr. Hart's recommendation that the Board pass a resolution at this time to express its position and intent regarding this project.

Mr. Fullerton requested that the staff be directed to contact the Department of General Services staff with regard to the interpretation of the legislation and to get these understandings in writing. He believed that although this may not come about for another 5 or 10 years, it was important that these understandings be in writing so that the Board would not be refurbishing a restaurant or things of that nature and would be responsible only for public fishing and safety on the pier, which is a purpose of this Board. Otherwise, we should go back and change the legislation to clarify these points.

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MS. MORGAN, THAT THE WILDLIFE CONSERVATION BOARD ACKNOWLEDGES ITS RESPONSIBILITIES FOR THE MALIBU PIER PROJECT UNDER AB 594 WITH THE INTERPRETATION THAT ITS RESPONSIBILITIES FOR FUTURE IMPROVEMENTS ARE LIMITED TO THE FISHING PIER ONLY; THAT THE BOARD IS NOT OBLIGATED TO EXPEND MORE THAN THE REVENUES MADE AVAILABLE TO IT FROM THE PROJECT; AND DIRECT STAFF TO SECURE A WRITTEN AGREEMENT FROM OTHER AGENCIES PARTICIPATING IN THE PROJECT OF THESE INTERPRETATIONS AND UNDERSTANDINGS.

PASSED UNANIMOUSLY.

7. Elkhorn Slough Estuarine Sanctuary, Monterey County

This was an informational item provided by Mr. Hart to update the information provided at the WCB meeting of 6-23-80.

The Department of Fish and Game has established the Advisory Committee for sanctuary management, and has held the first meeting of the committee.

The Department also is in the process of hiring the estuarine sanctuary manager. Having a manager on-site should considerably expedite most matters related to developing and managing the sanctuary.

The WCB staff is continuing negotiations with private landowners for purchase of the remaining lands within the planned sanctuary boundary, with about 1/3 of the area remaining to be acquired.

Perhaps the primary item of interest is that OCZM has indicated an additional \$172,635 in federal funding is available to supplement previous federal financing available for the area. Necessary documents for the additional grant are being processed.

This brings the total federal funding for the Elkhorn Slough Estuarine Sanctuary for acquisition and development purposes to \$1,910,635.

The WCB had previously expressed willingness to provide \$1,888,000 for the project for acquisition purposes, and would now need to indicate willingness to provide an additional \$22,635 to maintain the required 50% matching fund arrangement.

Such funding is available from the WCB's share of 1976 Bond Act funds that must be spent for coastal project purposes.

Staff would plan to structure the overall project so that the State expenditures would all be for land acquisition, supplemented as necessary by federal funds, with federal monies utilized for all development. This is permissible, so long as the State pays for 50% of the overall costs. Present estimates are \$3,152,635 for land acquisition, and \$668,635 for development.

It was Mr. Hart's recommendation the Board indicate willingness to provide the additional \$22,635 in state matching funds from 1976 Bond monies available for such purposes, and authorize staff and the Department to proceed substantially as planned.

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MS. MORGAN, THAT THE WILDLIFE CONSERVATION BOARD RECOGNIZE THE ADDITIONAL FEDERAL FUNDING MADE AVAILABLE FOR THE ELKHORN SLOUGH ESTUARINE SANCTUARY PROJECT, MONTEREY COUNTY; INDICATE ITS WILLINGNESS TO PROVIDE AN ADDITIONAL \$22,635 IN STATE MATCHING FUNDS USING 1976 BOND MONIES AVAILABLE FOR COASTAL WETLANDS PROJECTS; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

8. Proposed Coastal Wetlands Restoration Program

There have been some staff work and ongoing discussions, primarily by the State Coastal Conservancy and the Department of Fish and Game, and more recently with the WCB staff, regarding a coordinated program to restore and enhance coastal wetlands through the statutory authorities and funding sources available to the various state agencies that would be involved.

At present it appears that the primary agencies involved in this area would be the Department of Fish and Game, WCB, State Coastal Conservancy, California Coastal Commission, State Lands Commission, and in some cases, Department of Parks and Recreation and S.F. BCDC.

Most of the wetlands restoration and enhancement that has been carried out by state agencies to date, both for inland and coastal wetlands, has been through WCB projects that are managed by the Department of Fish and Game. It appears that the WCB would have a key role in any such coordinated program as is being discussed.

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Although there have been no real problems apparent from previous, informal coordination procedures, there could be possible benefits from a more formalized process in view of the increasing emphasis, and number of agencies that are becoming involved in coastal wetlands restoration.

Staff prepared a report, in part with staff assistance from DFG, that summarizes previous WCB participation in wetlands acquisition and restoration for background purposes, and some proposed guidelines or criteria for Board consideration regarding the WCB role in such a coordinated program. The additional information provided to the Board is attached as an Addendum.

Mr. Hart provided a summary as follows:

Summary and Conclusions

There is no doubt that coordination of state agency efforts as proposed is highly desirable to avoid duplication and confusion, and should help to obtain maximum benefits from the limited public funding that can be focused on such restoration efforts.

Although both the Department of Fish and Game and the Coastal Commission would have very important roles, it would appear that specific authorization and funding for such projects would come primarily from the WCB or the Conservancy. Thus, coordination between these two agencies would be particularly important.

It also appears that there was no legislative intent to supersede or duplicate existing authorities of the WCB or DFG for acquisition, restoration or enhancement of coastal wetlands primarily for wildlife areas or natural areas such as ecological reserves, in establishing authorities and functions of the Conservancy.

However, the statutes are sufficiently ambiguous in some areas, and there are enough "gray" areas, that coordination and agreement among participating agencies would appear desirable on roles, responsibilities and authorities. For example, there are such basic problems as the Conservancy statutes defining "restoration" and "enhancement" projects in a significantly different way from the definitions normally used by the WCB, DFG, or other conservation agencies.

Staff has prepared some general criteria for possible WCB participation in such a coordinated program, based largely on statutory authorities and responsibilities of the WCB, and upon long-standing policies and procedures of the Board. Approval of these criteria was recommended for staff guidance, along with such other criteria, guidance or direction as the Board may consider appropriate.

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Recommended Criteria for WCB Participation in a Coordinated State
Program for Coastal Wetlands Restoration and Enhancement

1. There should be agreed-upon areas of responsibility for the agencies involved in such a cooperative program, preferably in written form such as a memorandum of understanding.
2. The WCB and DFG should have primary state agency responsibility for projects that are wildlife areas, or natural areas suitable for designation as ecological reserves.
3. A coordination process should be established and maintained to ensure that the appropriate lead agency will handle a given project, and to determine degrees of direct participation by various agencies.
4. Project proponents should be encouraged to submit proposals directly to the logical lead agency when this is evident.
5. To the extent feasible, WCB projects of this nature should be based on surveys of resource needs, potentials, and benefits that will be produced in order to determine relative priorities and timing of projects. A DFG evaluation and recommendation should be obtained regarding the wildlife aspects of all proposed projects.
6. Coordination, evaluation and administrative procedures should be kept as simple, direct and practical as possible to ensure that the workload involved can be handled, if possible, by the existing WCB staff and such staff effort as can be provided by DFG.
7. WCB priorities will generally remain higher for acquisition than for restoration and enhancement projects until acquisition needs are essentially met. This is based on logic that public ownership provides protection, and that restoration, although desirable, can be carried out later.
8. WCB projects should be cost-effective and engineeringly and otherwise feasible. A phased project approach should be utilized where this is appropriate and may produce greatest long-term benefits due to the relatively new and developing "state of the art" in coastal wetlands restoration and enhancement techniques and methods.
9. Upon favorable recommendation by staff and DFG, individual projects will be submitted to the WCB for consideration for authorization and funding after evaluation, coordination, and preliminary plans and cost estimates have been completed.

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It was staff recommendation that the Board approve and adopt the above criteria to provide guidance to staff, and others as may be appropriate, for WCB participation in a coordinated state agency program for coastal wetlands restoration and enhancement.

Mr. Fullerton asked if there was anyone present from the Coastal Conservancy, and Mr. Greg de Giere advised that he did not believe there was. However, he stated he was in touch with Joe Petrillo, Executive Officer of the California Coastal Conservancy, and had read him the recommended criteria. Mr. Petrillo indicated he did not have any problem with it. He further offered the services of Senator Keene's office to work with staff in securing concurrence on this issue.

There was discussion of areas of potential problems. Mr. Fullerton stated he would be concerned if the Coastal Conservancy allowed the use of public monies to buy mitigation lands for losses of wildlife because of a project, which, in his view, would be a misuse of public monies.

There was consensus that a coordinated state agency program for coastal wetlands restoration and enhancement is desired and that staff should work with the various agencies to develop and formulate such a program with the cooperation and participation of the Department of Fish and Game, using the criteria laid down here.

Mr. Bruce Browning, Coastal Wetlands Program Coordinator for the Department of Fish and Game, reported that this process is already in motion. They are presently completing their inventory of the wetlands and will evaluate them for restoration potential. When that work is completed, he believed the criteria and the problem would fall into place as to which areas would be more appropriate for ecological reserves and wildlife areas as opposed to which are suitable for the Conservancy's area of responsibility.

9. Delta Fisheries Base, Contra Costa County \$20,000.00

On September 20, 1979, the Board approved the relocation and renovation of the Department's Delta Fisheries Base and allocated \$66,000 for this work, based on the Department's cost estimate.

On January 10 of this year, a change in scope to provide for the construction of a new building was approved by the Board. This was on the basis that quotations received from contractors for the renovation of the 30 year old building would be more costly than the erection of a new structure.

Bids received by the Department on August 14 for a basic 30' x 80' steel building, providing the same space as existed in the old facility, were over the engineer's estimate. In addition, funds for WCB's share of the powerline relocation costs were not included in the original estimate and are now included as a project cost. Current and projected funding for the project to proceed as planned is as follows:

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Demolish old building, clear site (completed)	\$ 1,600
Const. new 30'x80' building (bid rec'd)	60,954
Paving, fencing & misc. (estimated)	15,446
Powerline relocation ($\frac{1}{2}$ of est. cost)	8,000
Total projected project cost	<u>\$86,000</u>
WCB Allocation	<u>66,000</u>
Additional funds required	\$20,000

Bid alternates were received for the construction of a 20 foot addition to the basic building for the use of the East Bay Regional Park District, which, by agreement with the Department, operates and maintains the adjacent Antioch Bridge Fishing Pier project. The District, by separate agreement, will provide reimbursement for the cost of the building addition. The bid for the larger building was \$69,536 and the District's cost will be \$8,582.

Since the two facilities are adjacent, it is considered to be in the best interest of the agencies involved to cooperate in the joint development and use of such an addition to the Delta Base facility. The alternative would be for the District to construct a separate equipment storage building on the site, at greater cost and less efficient use of space and utilities.

It is proposed to amend the agreement for operation and maintenance of the Antioch Bridge Pier to include the District's extension so that they would be responsible for its maintenance.

The extension, being of similar construction as the approved Delta Fisheries Base building and for purposes of the approved pier project is exempt from CEQA under Section 15101 of the Act, Class 1(e).

Mr. Hart recommended the Board approve the extension of the Delta Base building for the purposes expressed, include it as a part of the Antioch Bridge Pier project, and allocate an additional \$20,000 to the Delta Fisheries Base project to meet the costs as determined by bids received.

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MS. MORGAN, THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE EXTENSION OF THE DELTA BASE BUILDING FOR THE PURPOSES EXPRESSED; INCLUDE THE EXTENSION AS A PART OF THE ANTIOCH BRIDGE PIER PROJECT; ALLOCATE AN ADDITIONAL \$20,000 FROM THE WILDLIFE RESTORATION FUND TO THE DELTA FISHERIES BASE PROJECT TO MEET ADDITIONAL PROJECT COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

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10. Cottonwood Creek Wildlife Area, Development Planning \$23,500.00
Merced County

This proposal is a request by the Department of Fish and Game for funds to plan a development project on this wildlife area previously acquired by WCB.

The Cottonwood Creek Wildlife Area consists of two parcels of approximately 6,136 acres adjacent to San Luis Reservoir in western Merced County. These parcels were part of the area acquired by the Department of Water Resources for the San Luis Project. They were subsequently purchased by WCB as surplus property pursuant to Board authorization at its meeting of April 24, 1978, and are under DFG management.

The westerly parcel of 4,098 acres is at higher elevation and generally has good to excellent vegetation for wildlife habitat. It is providing significant public hunting opportunity for deer and other game species.

However, it is felt that this parcel could be improved considerably for wildlife by providing increased water supplies and related riparian vegetation, through developing small dams and ponds.

The easterly parcel of 2,038 acres has very little brushy or tree vegetation remaining, probably due primarily to heavy livestock grazing over a long-term period. However, this property has a high potential for improvement as wildlife habitat, through restoring and enhancing cover, food and water conditions.

On this parcel, water supplies also will be the key to making such habitat improvements, but it appears necessary to develop the water from wells.

The proposal is for drilling test wells and for conducting soil sampling for suitability of dam sites as follows:

Drill two test wells	\$12,000
Collect and analyze soil samples to determine suitability of dam sites	<u>11,500</u>
TOTAL	\$23,500

The information obtained will be utilized to plan a development project to be considered by the Board for approval and funding at a later date.

It was staff recommendation that the Board approve the planning project for the Cottonwood Creek Wildlife Area as proposed, allocate \$23,500 therefor from the Wildlife Restoration Fund, and authorize staff and the Department to proceed substantially as planned.

IT WAS MOVED BY MS. MORGAN, SECONDED BY MR. FULLERTON, THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE PLANNING PROJECT FOR THE COTTONWOOD CREEK WILDLIFE AREA AS PROPOSED; ALLOCATE \$23,500 THEREFOR FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED SUBSTANTIALLY AS PLANNED .

PASSED UNANIMOUSLY.

11. San Elijo Lagoon - East Basin Development, San Diego County \$202,560.00

The concept of this proposal was presented to the Board at its meeting on June 23, 1980, and was approved in principle. The finalized development with cost estimates is now ready for Board consideration.

By way of review, the overall project is to establish an ecological reserve and regional park at San Elijo Lagoon, consisting of the approximately 773 acres now in public ownership, which may be supplemented by future acquisitions.

Much of the ecological reserve would consist of the 268+ acres acquired by Wildlife Conservation Board, with the remainder made up of wetlands or floodplain owned by the County or the State Lands Commission.

The uplands areas acquired by the County would serve as a regional park oriented to protection and appropriate public use and enjoyment of the lagoon's natural values.

A cooperative agreement for management of the overall area would be entered into by the Department of Fish and Game and San Diego County, which generally would make the Department responsible for management of the fish and wildlife resources and their habitat, and the County responsible for park and public use facilities, and to the extent feasible and appropriate, flood control and sedimentation.

The East Basin area of the lagoon contains the most degraded wetlands, and is the focus of this proposal for restoration development. In order to restore this area to more viable habitat for wildlife and to enable wetlands management for these purposes, it is planned to cut and remove much of the existing cattail and tule vegetation; dredge channels and construct two islands, in part for least tern nesting; rebuild the existing levee, with a spillway; and install water controls.

Preliminary plans and cost estimates for such development have been prepared by the County and the Department, and reviewed by staff. They are as follows:

Vegetation control	\$15,000
Earthwork - channels & islands, 45,000 c.y.	270,000
- levees, 1600 l.f.	51,000
Structures - spillway	44,200
- water control	32,760
Engineering and administration	39,600
Subtotal	\$452,560
Contingencies	50,000
Total	\$502,560
Available State and County Funding	300,000
Proposed WCB funding	\$202,560

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The contingency of approximately 11% is considered reasonable and desirable under the circumstances, in that actual working conditions in the marsh may be more difficult and costly than anticipated.

The \$300,000 presently available for the project consists of \$225,000 appropriated to Fish and Game from EPP funds for purposes of this project, which San Diego County had agreed to supplement with \$75,000.

It is proposed that the State funds, both EPP and WCB, be used for direct construction costs, with San Diego handling engineering, inspection, and contract administration duties and costs with part of their \$75,000 contribution.

The WCB would be funding the overall project costs in excess of \$300,000 and would be able to recover any unutilized funding upon project completion.

The County also has prepared and processed a final EIR to meet CEQA requirements, and has obtained, or will obtain, necessary permits.

To meet proprietary interest requirements for WCB projects, as well as for Fish and Game Commission designation of ecological reserves, the County has agreed to lease necessary county-owned lands to the State, and an additional lease or permit from the State Lands Commission would be required. The State Lands Commission has already leased to the Department the state tidelands area adjacent to that purchased by WCB, so an additional lease appears to be no problem.

Mr. Hart recommended that the Board, with consideration of the EIR, approve this project as proposed, allocate \$202,560 therefor from the Wildlife Restoration Fund, and authorize staff and the Department to proceed substantially as planned, including obtaining the necessary leases as described.

Mr. Joe Barry with the San Diego County Department of Sanitation and Flood Control provided to the Board members a letter of support from the San Elijo Alliance, recommending positive action on the staff recommendation for this project.

Mr. Barry was requested to bring the Board members up to date on County plans for controlling the siltation problem. He indicated there was no change in the County's plans as reported at the June 23 meeting, but that there is still an attempt being made to establish special districts in developed areas and charging fees to people within those drainage districts to correct the erosion-sedimentation problem. In response to Ms. Morgan's question as to County's participation in this development project, Mr. Barry responded that \$75,000 is being used to fund this project, but reminded the Board that over \$3 million has already been spent by the County to acquire the area.

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IT WAS MOVED BY MS. MORGAN, SECONDED BY MR. FULLERTON, THAT THE WILDLIFE CONSERVATION BOARD, WITH CONSIDERATION OF THE EIR, APPROVE THIS PROJECT AS PROPOSED; ALLOCATE \$202,560 THEREFOR FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED SUBSTANTIALLY AS PLANNED, INCLUDING OBTAINING THE NECESSARY LEASES AS DESCRIBED.

PASSED UNANIMOUSLY.

12. Slinkard/Little Antelope Valley Wildlife Area, Phase 2 \$258,730.00
Mono County

This proposal is to acquire two privately owned inholdings located within the Slinkard/Little Antelope Valley Wildlife Area, Mono County. The original acquisition containing 10,800+ acres was approved by the Board at its April 24, 1978, meeting. These additional acquisitions have been given a high priority recommendation by the Department of Fish and Game.

The two parcels proposed for purchase are both located within the Little Antelope Valley portion of the wildlife area and contain a total of 180+ acres (160 acres and 20 acres).

Mr. John Schmidt, land agent, pointed out on a map displayed, the earlier acquisition.

The wildlife area lies on the lower, eastern slopes of the Sierra-Nevada mountains, in northern Mono County, centered about 20 miles northerly of Bridgeport. Monitor Pass Highway No. 89 severs the northern tip of the subject property, while State Highway 395 is generally about 1/4 to three miles east of the property.

Overall, the wildlife area extends about 14 miles in a north-south direction. Access is available to all parcels via State Highway 395, county roads and USFS roads. It includes mountainous and mountain meadow or valley terrain and has natural springs and/or streams on all portions.

The parcels proposed for acquisition include a part of the winter range for the West Walker deer herd. A decrease in this deer population has been recorded in recent years. Part of this decrease has been attributed to the increase in cattle grazing and the conversion of native vegetation to grassland for livestock grazing on these parcels. However, the property still supports important browse plants for deer including bitterbrush, big sage, and desert peach, and there is a potential for restoration of such native plants.

Both parcels have been considered for subdivision and there is no doubt that such use would eventually be approved on one of the parcels if public acquisition is not completed. This, of course, would seriously degrade the natural values of this area for deer and other wildlife habitat, and for public use, and would have a detrimental effect on much of the existing wildlife area. Mono County has taken action to support and assist in the acquisition of the 20 acre parcel.

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In addition to protecting deer winter range values, this acquisition will provide additional recreational opportunities to the public, such as deer and other hunting, fishing, hiking, and various other outdoor recreation.

This property will be managed by the Department of Fish and Game as part of the existing wildlife area, possibly on a cooperative basis with BLM and/or the USFS in view of the adjacent landownership of these agencies. It appears that little, if any, additional development of the property will be necessary for management and recreational purposes.

The proposed acquisition is within Class 13 of Categorical Exemptions from CEQA requirements. Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes, including fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

The proposed acquisitions would be on a willing sale basis, with the parcels appraised for a total of \$250,380.00 (\$42,380 and \$208,000). An additional \$8,350.00 will be required for related acquisition costs such as appraisals, title insurance and processing costs.

It was staff recommendation that the Board approve the purchase of the two parcels as individual transactions, as proposed, allocate \$258,730.00 for the purchase and related costs from the Wildlife Restoration Fund, and authorize staff and the Department to proceed substantially as planned.

In the discussion that followed, it was pointed out that the owner has withdrawn its application to Mono County for subdivision of the 20 acre parcel pending negotiations with WCB, and that there is a possibility the 160 acre parcel could be subdivided into four 40-acre ranchettes which may still comply with the access easement being limited to agricultural purposes. The owners of the other two inholdings in this block of 10,000+ acres are considering conservation easement arrangements with the State.

IT WAS MOVED BY MS. MORGAN, SECONDED BY MR. FULLERTON, THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE PURCHASE OF THE TWO PARCELS AS INDIVIDUAL TRANSACTIONS AS PROPOSED FOR THE SLINKARD/LITTLE ANTELOPE VALLEY WILDLIFE AREA, PHASE 2, MONO COUNTY; ALLOCATE \$258,730 FOR THE PURCHASE AND RELATED COSTS FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

13. Big Game Habitat Acquisition Project
Antelope Valley, Phase 2, Sierra County \$606,000.00

At its meeting of May 2, 1980, the Board authorized the acquisition of 2,080 acres of critical deer winter range and migration trails in Sierra County in Antelope Valley. The present proposal is for the purchase of the remainder of the landowner's lands, about 2,400 acres altogether, lying generally to the north and west of the previously acquired lands.

As the Board may recall, the land has historically been used as deer winter range, and according to the Department of Fish and Game, is among the best winter ranges in Sierra County. In addition, deer migration trails that exist within the southern portion of the property are considered to need protection from encroaching developments. The subject property has recently been considered for subdivision lots for homesites.

The DFG indicates that the loss of this land would result in a serious impact on the well-being and future numbers of deer in the Loyalton/Truckee herd. Therefore, the Department has recommended acquisition of the particular property under consideration. This will enable the preservation of the winter range and migration trails and will also allow the Department to enhance wildlife habitat values in this area.

The landowner has agreed to sell the remaining 2,400 acres of this critical habitat for its appraised fair market value of \$604,000. Costs of sale and escrow are expected to be approximately \$2,000 for a total requested allocation of \$606,000. Staff intends to apply for 50% reimbursement from federal LWCF funds, assuming such are available.

The property is reached by County Road 885, proceeding south from State Highway 49. Public use opportunities include hunting and general outdoor recreation. It is planned that the Department will manage the entire parcel for habitat protection and compatible uses.

The acquisition is exempt from CEQA requirements under Class 13, Categorical Exemption for acquisition of lands for wildlife conservation purposes.

Mr. Hart recommended that the Board approve Phase II of the Antelope Valley Deer Winter Range acquisition as proposed, allocate \$606,000 from any unencumbered 1976 Bond Act funds available for Big Game Habitat Acquisition and whatever Wildlife Restoration Funds are necessary to cover this acquisition, and authorize staff and the Department to proceed substantially as planned.

Ms. Morgan asked about private inholdings in the area, and Mr. Jim Sarro, land agent, pointed out that there is only one 40-acre parcel which is a private inholding. The other area in a checkerboard pattern with State ownership are federal lands. He concurred with Mr. Fullerton's suggestion that the Board staff should look into this acquisition if the Department were to recommend such acquisition.

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IT WAS MOVED BY MR. FULLERTON, SECONDED BY MS. MORGAN, THAT THE WILDLIFE CONSERVATION BOARD APPROVE PHASE 2 OF THE ANTELOPE VALLEY DEER WINTER RANGE ACQUISITION AS PROPOSED; ALLOCATE \$606,000 FROM ANY UNENCUMBERED 1976 BOND ACT FUNDS AVAILABLE FOR BIG GAME HABITAT ACQUISITION AND WHATEVER WILDLIFE RESTORATION FUNDS ARE NECESSARY TO COVER THIS ACQUISITION; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

14. Interior Wetlands and Riparian Habitat Acquisition Project
Salinas River Riparian Habitat (Atascadero), S. Luis Obispo Co. \$43,000

This proposal is to acquire an 84+ acre parcel of land along the Salinas River in northern San Luis Obispo County. The area is surplus to the needs of the Atascadero County Sanitation Water Treatment Plant. Acquisition of this area has been recommended by the Department of Fish and Game.

The subject property is located near the City of Atascadero and is bounded on the northerly and southerly sides by private ownerships, the easterly side by the Salinas River, and on the westerly side by County property.

The property is located entirely within the floodplain of the Salinas River and is subject to periodic inundation. The area is covered with typical riparian habitat (willows, cottonwoods, berry vines, etc.). As such it provides feeding, nesting and resting areas for small mammals and birds dependent upon this type of habitat.

Although the property is in no immediate danger of development, public sale by the County could lead to destruction of its riparian values for agricultural purposes. Riparian habitats have extremely high values for wildlife, but have been disappearing at a rapid rate due to the spread of urbanization and agricultural development.

The acquisition of this parcel will not only add to the protection of this riparian area, but will afford some public recreational opportunities including nature observation, hiking, photography, as well as educational opportunities. No development of this area is proposed. The parcel would be managed in essentially its existing condition by the Department of Fish and Game.

The proposed acquisition falls within Class 13 of the Categorical Exemptions from CEQA requirements. Class 13 consists of acquisition of land for fish and wildlife habitat, establishment of ecological reserves under Fish and Game Code Section 1580, and preservation of access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

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The property has been appraised for a total of \$42,000. The County has agreed to transfer it for this amount. Approximately \$1,000 will be required for processing costs.

It was staff recommendation that the Board approve this project as proposed, allocate \$43,000 from the 1976 Bond Act funds available for this purpose for payment of the purchase price and processing costs, and authorize staff and the Department to proceed substantially as planned.

It was brought out that this area is presently typical riparian habitat, including cottonwood, willows, etc., but that it could very well be cleared and put into agricultural use. The parcel adjoins another state ownership, the Atascadero State Hospital.

IT WAS MOVED BY MS. MORGAN, SECONDED BY MR. FULLERTON, THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE SALINAS RIVER RIPARIAN HABITAT ACQUISITION PROJECT (ATASCADERO), SAN LUIS OBISPO COUNTY; ALLOCATE \$43,000 FROM THE 1976 BOND ACT FUNDS AVAILABLE FOR THIS PURPOSE FOR PAYMENT OF THE PURCHASE PRICE AND PROCESSING COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

15. Coastal Wetlands Acquisition Project
Lakes Earl/Talawa, Phase 2, Del Norte County

\$596,395.00

This proposal is to acquire six privately owned parcels totalling 305+ acres along the easterly shore of Lake Earl, Del Norte County. At its June 22, 1979, meeting, the Board approved WCB participation in a coordinated tri-Department effort to acquire 7,880+ acres generally westerly of the proposed parcels. These acquisition have been completed, placing 4,144+ acres under DFG control (1,544 acres by purchase and 2,600 acres by permit from the State Lands Commission) and 3,736 under Department of Parks and Recreation control. The additional parcels now presented for Board consideration are within the area originally proposed for acquisition by DFG.

Mr. Schmidt pointed out on a map displayed the various ownerships at Lake Earl and Talawa, and commented that the lines shown are not accurate, but that surveys are now being conducted so that the boundaries are drawn to the proper contours.

This area is on the Smith River plain, which extends southward from the mouth of the Smith River to Crescent City, the county seat of Del Norte County. The six parcels proposed for acquisition are scattered among twelve privately owned parcels on the east shore of Lake Earl. Efforts toward purchase are continuing on the remaining six ownerships.

The acquisitions in this proposal will provide protection to the riparian habitat as well as some small portions of actual lake area included within each parcel. As part of the acquisition process, any claims of the State Lands Commission to underlying lake bed areas would be recognized on the basis that such lands be leased by the Commission to DFG for a long-term period.

The Smith River plain is an integral part of the coastal arm of the Pacific Flyway. The waters of Lakes Earl and Talawa and the lands in this proposal include habitat that is critical to the existence of significant waterfowl populations, such as the Aleutian Canada goose. This species is presently listed by the U.S. Fish and Wildlife Service as endangered. The waters of Lake Earl also support the highest wintering population of canvasback ducks north of San Francisco Bay. The overall floodplain, lakes and surrounding uplands support over 250 species of birds, most of them water-associated (almost three million bird days of use annually between 1970 and 1973), and 58 species of mammals.

In addition to protecting valuable and ecologically significant wildlife habitat, this acquisition will provide public access to the area for a wide variety of compatible recreational and educational uses such as fishing, bird watching, nature and scientific study, hiking, and horse-back riding. The lakes harbor 15 species of fish, including salmon and trout, and as much as 3,000 user days have been expended on them during the waterfowl season. Because of these recreational uses of the area, it is felt that this acquisition should qualify for matching federal funds from the Land and Water Conservation Fund, and application under this program is planned.

The proposed acquisition by WCB falls within Class 13 of Categorical Exemptions from CEQA requirements which include acquisition of lands for fish and wildlife conservation purposes. No development is presently planned for this area. Management by the Department of Fish and Game is planned, with some joint use or coordinated management agreements with the Department of Parks and Recreation anticipated.

The acquisition of these parcels has received a high priority recommendation from the Department of Fish and Game.

The properties have been appraised for a total of \$576,395.00, and the landowners have indicated willingness to sell for the appraised values. It is proposed that they be acquired as negotiations can be completed on each individual transaction. Survey of the parcels is required to arrive at a more accurate acreage determination. Staff is recommending the allocation of sufficient funds to cover the purchase of up to 305+ acres with the understanding that final settlement will be adjusted pursuant to the approved per acre value and to the acreages determined by survey. Approximately \$20,000 is needed for appraisal, survey, title insurance and processing costs.

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Mr. Hart recommended that the Board approve purchase of the parcels as proposed, as individual transactions, allocate \$596,395 for the purchase and related costs from the 1976 Bond Act funds available for coastal wetlands acquisition, and authorize staff and the Department to proceed substantially as planned, including authorization to proceed with obtaining the State Lands Commission lease for the lake areas.

Mr. deGiere asked if the County has any objection to this acquisition and was advised that the County has had discussion with staff regarding management of the area and the payment of property taxes. He commented that this Board's recommendation for the first acquisition a year ago included the provision that the Fish and Game Commission designate it as a wildlife area which would allow the Department of Fish and Game to pay to the County in-lieu taxes. This project, he was advised, would be an addition to that wildlife area as a second phase.

Mr. deGiere then stated that Senator Keene has supported this project for years and recommended its approval.

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MS. MORGAN, THAT THE WILDLIFE CONSERVATION BOARD APPROVE PURCHASE OF THE PARCELS AS PROPOSED FOR THE LAKES EARL AND TALAWA, PHASE 2, DEL NORTE COUNTY; ALLOCATE \$596,395 FOR PURCHASE AND RELATED COSTS FROM THE 1976 BOND ACT FUNDS AVAILABLE FOR COASTAL WETLANDS ACQUISITION; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED, INCLUDING AUTHORIZATION TO PROCEED WITH OBTAINING THE STATE LANDS COMMISSION LEASE FOR THE LAKE AREAS.

PASSED UNANIMOUSLY.

16. Coastal Wetlands Acquisition Project
Navarro River and Beach Public Access Expansion, Mendocino Co. \$153,600

This project presently consists of 55+ acres generally including the beach area and south side of the river estuary up to the Highway 1 bridge at the mouth of the Navarro River, as authorized for acquisition by the WCB at its April 9, 1975, meeting. Mendocino County is providing interim maintenance for public use of the beach area, with the Department of Fish and Game managing the remainder of the property.

Final planning for appropriate development and management of the property has been held in abeyance pending resolution of questions relating to access. Such questions were discussed with the Board at its April 24, 1978, and June 22, 1978, meetings, in connection with the Board allocating funds and authorizing temporary improvements to the existing access road. Although most of these planned improvements were not made due to landowner objections, some access road grading on the state-owned property was carried out this year through Mendocino County.

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Recently, one of the two landowners over whose property the existing access road passes, has offered to sell his land to the state on the basis of a lease-back provision.

This would resolve the access question without the possible necessity of expensive and extended litigation, and would help to insure integrity of the state project by precluding development of this parcel in a manner that could be incompatible.

The property consists of 2+ acres with a house and some small sheds, including a small shop utilized for the owner's woodworking business.

Staff has obtained an appraisal of \$150,000 on the property, which has not yet been approved by the Department of General Services at the time of agenda preparation.

The landowner has expressed willingness to sell provided that there be a lifetime right to remain and continue his present woodworking business on the premises, and that this be on a lease-back basis instead of life estate.

The house reportedly is the oldest dwelling on the Mendocino coast still utilized for a private residence, and as such could be eligible for the National Register of Historic Places. Continued occupancy of the house appears desirable.

The appraisal also established that, subject to DGS approval, the present monthly value of such a lease is \$450.

Basically, this proposal is for WCB acquisition of the property with the provision that the present owners would have lifetime lease-back rights for their present uses. Property management and leasing would be by the Department of Fish and Game, with the lease including provisions that the proposed monthly rental of \$450 be adjusted periodically in accordance with prevailing rates, that the renter be given credit for improvements made in accordance with previous approval by DFG, and such other terms and conditions as may be appropriate.

It was staff recommendation that the Board approve the proposed acquisition, allocate \$153,600 for purchase and related costs from 1976 Bond Act funds available for such purposes, and authorize staff and the Department to proceed substantially as planned, subject to DGS approval of appraised values.

Mr. Hart believed that acquisition of this property would consolidate the Department's ownership there and preclude any future undesirable or incompatible development.

Mr. Fullerton asked if the lease-back provision would give the present owner control over the property, and he was informed that the owner's interest is in the house and shops although possibly he may want some area for his chickens. It would not preclude the Department's right to

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improve the road or public access, and the actual lease to be worked out would exclude the road. Mr. Fullerton was assured that he would see the final lease when he signs for the Department.

Mr. Ron Ashby, owner of the subject property, advised that the King-Dietz decision in the court guarantees public access to the beach. He then gave a brief history of this site which he has owned for 12 years. At that time, the road was in good shape, and access was no problem. It has always had high use because motorists have easy access to the beach. The problem developed when the State acquired the property, at which time the County suddenly stopped maintaining the road, according to Mr. Ashby. With State ownership of the property and maintenance of the road is assured, the problem would be eliminated.

It was brought out that the County has indicated willingness to maintain the road if the problems are straightened out and reasonable development is carried out.

Mr. deGiere stated that Senator Keene had asked him to compliment the staff on its good work in attempting to correct this tremendous problem and had recommended approval of this acquisition proposal.

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MS. MORGAN, THAT THE WILDLIFE CONSERVATION BOARD APPROVE ACQUISITION FOR THE NAVARRO RIVER AND BEACH PUBLIC ACCESS EXPANSION, MENDOCINO COUNTY, WITH A LEASE-BACK PROVISION AS PROPOSED; ALLOCATE \$153,600 FOR PURCHASE AND RELATED COSTS FROM 1976 BOND ACT FUNDS AVAILABLE FOR COASTAL WETLANDS ACQUISITION; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

17. Wild Trout, Steelhead & Salmon Habitat Acquisition Project
Rubicon River, Phase 2, El Dorado County \$516,250.00

This proposal is for the acquisition of approximately 935 acres of northern El Dorado County, partly for aiding the preservation of the wild trout fishery in the Rubicon River, and partly for access and wildlife habitat protection.

At its June 23, 1980, meeting, the Board approved the purchase of two adjacent properties, consisting of about 631 acres on the east and west of the subject parcel.

Mr. Sarro pointed out the unique characteristics of this acquisition, relating the second phase acquisition to the already acquired portion in this area. He further summarized that acquisition in fee simple of the entire parcel, and at the same time the landowner will donate the timber rights on the Rubicon River side of the ridge (a donation of \$200,000). He will reserve timber rights for a two-year period over the remainder of the property and donate timber rights at the end of that period. (Present value \$800,000).

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The property is approximately ten miles northeast of Georgetown and 3 miles north of Georgetown Divide Road. The parcels are currently used for timber production and have potential for some rural recreational development. The property is within the El Dorado National Forest.

The DFG has designated the Rubicon River for preservation of California's wild trout resources, and it is one of only 17 waters, statewide, with such designation at the time of this proposal. This reach of the stream is largely pristine, situated in a steep canyon with few trails and access points. The stream, in its remote section, supports an excellent back country wild trout fishery, including occasional trophy-sized trout. The quality of the fishery is enhanced by the remote nature of most of the stream and the natural integrity of the streamside, including the adjacent canyon slopes. It represents one of the few remaining high-quality wilderness wild trout fisheries in California.

In 1978, the DFG completed its management plan for this stream with the primary goal of the plan being maintenance of the stream's natural values. The major threat to achieving this goal reportedly stems from likelihood of eventual logging, road construction, and subdivision of the private lands along the river. Such activities would severely alter the nature of the canyon, present threats to water quality and aquatic habitat and potentially eliminate portions of the stream for public access.

The subject property includes about 450 acres in the canyon above the river, which has been recommended for public acquisition in the Department's Rubicon River Wild Trout Management Plan.

The remaining 485 acres lies on the opposite side of the ridge and includes about 1½ miles of frontage on both sides of Pilot Creek, another excellent trout stream. It also contains significant wildlife habitat, including deer migration trails and winter range, and the only road providing access into the property.

There is a substantial amount of merchantable timber on the property, most of which would require helicopter logging procedures. The land, exclusive of timber rights, has been appraised and the fair market value is \$514,250, subject to slight modifications for possible acreage recalculations. The landowner has agreed to sell this property to the State for the appraised value of the land, reserving timber rights for a 2-year period on the 485 acres of land lying outside the Rubicon Canyon. In effect, the acquisition will include an immediate donation of the 450 acres of timber in the Rubicon River watershed and a donation of the remaining timber in two years.

Together with costs of sale, title insurance and escrow fees of about \$2,000, the total allocation necessary for this purchase would be \$516,250.

Staff proposes that funding for the canyon portion be from the Wild Trout, Steelhead and Salmon Habitat Acquisition Project, 1976 Bond Act, since this acquisition is primarily to protect wild trout habitat in the Rubicon River. Although the remaining 485 acres has considerable frontage on Pilot Creek, its overall values are highest for wildlife habitat, so that funding from the WRF would be most appropriate here.

It is also planned that application under the LWCF program would be submitted for possible matching federal funds in view of the fishing, hunting, and other outdoor recreational opportunity afforded. Management of the property would be by the DFG and would likely be on a cooperative basis with the U.S. Forest Service, which owns adjacent property. No development is considered necessary. The proposed acquisition is within Class 13 of Categorical Exemption from CEQA.

Mr. Hart recommended that the Board approve the purchase of this property as proposed, allocate for the purchase and related costs the sums of \$202,000.00 from the 1976 Bond Act and \$314,250 from the Wildlife Restoration Fund available for such purposes, and authorize staff and the Department to proceed substantially as planned.

The Board was informed that no objection was received for this acquisition.

IT WAS MOVED BY MS. MORGAN, SECONDED BY MR. FULLERTON, THAT THE WILDLIFE CONSERVATION BOARD APPROVE ACQUISITION OF LANDS FOR THE RUBICON RIVER, PHASE 2, EL DORADO COUNTY, AS PROPOSED; ALLOCATE THE SUMS OF \$202,000 FROM THE 1976 BOND ACT FUNDS BUDGETED FOR WILD TROUT, STEELHEAD AND SALMON HABITAT ACQUISITION PROJECT AND \$314,250 FROM THE WILDLIFE RESTORATION FUND AVAILABLE FOR SUCH PURPOSES; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

18. Resolution

Mr. DiGierye stated that Senator Keene had asked that his name be specifically included in the motion to adopt a resolution honoring Mr. Bell.

IT WAS MOVED BY MR. DE GIERYE, FOR SENATOR KEENE, SECONDED BY MR. FULLERTON, THAT THE FOLLOWING RESOLUTION HONORING ROY M. BELL BE ADOPTED AND THAT A COPY THEREOF BE PROVIDED MR. BELL.

PASSED UNANIMOUSLY.

Minutes of Meeting, Wildlife Conservation Board
September 18, 1980

Resolution Honoring Roy M. Bell

WHEREAS, Roy M. Bell has retired after 34 years of faithful State service, culminating as Deputy Director and Director of the Department of Finance; and

WHEREAS, He has served as a member of the WCB since 1975, bringing to this body the expertise and vast knowledge of his extensive experience in public administration, governmental and fiscal matters; and

WHEREAS, By his unfailing good humor, sound judgement, and constructive attitude in furthering the WCB program, he has earned for himself the love, esteem, and respect of this Board and its staff;
Now therefore be it

RESOLVED, That we, the members of the Wildlife Conservation Board, Legislative Advisory Committee, and staff convey to Roy Bell our appreciation for his wise counsel, guidance, and unstinting service during his tenure as a member of the WCB; and be it further

RESOLVED, That we wish for him in his retirement, many years of happiness and good health; and

RESOLVED, That this resolution be made a part of the official minutes of this meeting, and that a copy of this resolution be furnished Mr. Bell.

There being no further business, the regular meeting was adjourned at 4:25 p.m.

Respectfully submitted,

Chester M. Hart

Chester M. Hart
Executive Officer

PROGRAM STATEMENT

At the close of the meeting on September 18, 1980, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947, totaled \$45,004,329.38. This total includes \$6,448,313.02 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 and 1976 Bond Acts will be included in this statement after completion of these programs.

a. Fish Hatchery and Stocking Projects	\$10,592,706.73
b. Fish Habitat Development	4,773,906.95
1. Reservoir Construction or Improvement	\$2,781,719.19
2. Stream Clearance and Improvement	337,992.19
3. Stream Flow Maintenance Dams	439,503.32
4. Marine Habitat	377,010.36
5. Fish Screens, Ladders & Weir Projects	837,681.89
c. Fishing Access Projects	14,772,882.61
1. Coastal and Bay Access	1,529,680.04
2. River and Aqueduct Access	3,444,896.51
3. Lake and Reservoir Access	3,303,255.14
4. Piers	6,495,050.92
d. Game Farm Projects	146,894.49
e. Wildlife Habitat Development and Improvement Projects	13,555,779.88
1. Wildlife Areas	12,835,371.47
2. Miscellaneous Wildlife Habitat Dev.	720,408.41
f. Hunting Access	472,436.81
g. Miscellaneous Projects	631,221.91
s. Special Project Allocations	58,500.00
Total Allocated to Projects	\$45,004,329.38

STATUS OF FUNDS WILDLIFE RESTORATION FUND

Unallocated balance at beginning of 9/18/80 meeting	\$4,816,188.19
Plus recoveries	+ 182,066.86
Less allocations	<u>-1,411,807.41</u>
Unallocated balance at end of 9/18/80 meeting	\$3,586,447.64

Proposed Coordinated Program for Coastal Wetlands and Enhancement

This item is presented to the Board to:

- (1) Inform the WCB about discussions and preliminary planning for a coordinated state program for coastal wetlands restoration and enhancement; and
- (2) Enable the Board to provide such policy direction and guidance as it considers appropriate for WCB participation in such a coordinated program.

Current Status

There has been increasing interest and activity by various state and federal agencies and the legislature in protecting, restoring, and enhancing coastal wetlands. In part this is an outgrowth of the federal Coastal Zone Management Act of 1972 and the California Coastal Act of 1976. Also, in 1979, Senate Concurrent Resolution 28 called for a 50% increase in California wetlands by the year 2000. The Department of Fish and Game presently is working on plans and programs to manage, restore and enhance over 16,000 acres of coastal and bay area wetlands. And, the Department is now working with the Coastal Conservancy to complete its inventory of all coastal wetlands, and at the same time evaluate them for restoration potential.

A relatively few years ago, the state agencies having active programs related to acquisition and restoration and enhancement of coastal wetlands were limited to the Department of Fish and Game and the Wildlife Conservation Board. The State Lands Commission had responsibilities where state tidelands were involved, and the Department of Parks and Recreation protected some wetlands by including in units of the State Park System. In 1969, S.F. BCDC was given special responsibilities for protecting remaining wetlands in San Francisco Bay and nearby areas.

On the federal agency side, the U.S. F&WS acquires and manages areas of this type in the National Wildlife Refuge system, and some are included in units of the National Park System managed by the National Park Service. In addition, the U.S. Corps of Engineers relatively recently became more active for wetlands protection due to expanded or reinterpreted permit authority.

The State Lands Commission has become considerably more active in protecting wetlands that are sovereign lands of the state, and in requiring mitigation for adverse effects on such lands.

The coastal acts and related legislation added authorities and funding of the State and Regional Coastal Commissions, the State Coastal Conservancy, and the federal Office of Coastal Zone Management. Under the Coastal Act of 1976, the coastal planning process also stimulated or required new interest and responsibilities for local governmental agencies in preparing local coastal land and resource use plans.

Thus, the coastal wetlands picture has become considerably more complex, including a substantial increase in the number of governmental agencies actively involved.

(ADDENDUM)

Recently there have been discussions and preliminary drafting of documents toward a coordinated state program for coastal wetlands restoration and enhancement within the defined coastal zone, involving primarily the Department of Fish and Game, WCB, State Coastal Conservancy, and California Coastal Commission, with the participation of other state, local and federal agencies as would be appropriate. The State Coastal Conservancy staff has assumed the lead in much of this effort and in working with the Department of Fish and Game, with some review and involvement of the WCB staff.

There is ongoing coordination with the U.S. Fish and Wildlife Service, but on a less formal basis.

Wetlands Accomplishments - WCB Program

The following summary of WCB involvement in wetlands acquisition and restoration is provided for background information.

Overall the WCB has acquired 24 areas totalling more than 42,800 acres primarily for wetlands protection, restoration or enhancement, or that provide significant benefits of this type. Acquisition costs were some \$20,200,000.

The Board also has funded projects totalling some \$2,600,000 for marsh restoration and enhancement on seven areas to date, and has a project for an eighth area under consideration (San Elijo Lagoon).

These projects include both inland and coastal wetland areas, as summarized below and in Tables 1 and 2. For these purposes, coastal wetlands are those included both in the designated coastal zone and in the area of S.F. BCDC jurisdiction.

Inland Wetlands

Early in the development of the WCB program, the Board gave very high priority to acquiring and developing wetlands, primarily for wintering habitat for migratory waterfowl. Main emphasis was on large units that could be intensively managed for waterfowl food production and wintering habitat. The need for large areas of flat, productive land and adequate water supplies capable of being manipulated for marsh management purposes dictated inland locations for these projects, except for Suisun Marsh. In more recent years, smaller areas or areas that included mixtures of wetlands with other habitat types have been acquired.

Overall, the WCB has acquired 11 areas of this type, consisting of 26,360 acres, at a cost of some \$8,212,000. (See Table 1) The WCB has also funded four projects to equip and develop these areas at a cost of approximately \$1,053,000. (See Table 1)

Coastal Wetlands

Coastal wetlands initially were given a secondary priority in the WCB program because of their lesser importance in maintaining overall migratory waterfowl populations. However, in recent years increasing emphasis has been placed on coastal wetlands projects because of the continued destruction and degradation of that resource.

The WCB to date has acquired thirteen areas totalling approximately 16,462 acres that are primarily coastal wetlands. Acquisition costs total approximately \$11,992,000.

The Board has funded three major projects for coastal marsh restoration and development at a cost of approximately \$1,559,000. A fourth project is under consideration for San Elijo Lagoon, wherein WCB participation of approximately \$202,000 is proposed in a half million dollar project.

In addition, the Elkhorn Slough Estuarine Sanctuary project includes general plans for marsh restoration and part of the federal grant funds are available for this purpose. However, what will actually be done here awaits further study and planning.

It is anticipated that additional restoration and enhancement projects will materialize when acquisition of necessary lands is completed and when the Department of Fish and Game completes the evaluation and planning previously mentioned.

General Authorities

Following is a brief review of the most pertinent points related to authorities of the principal state agencies involved for acquisition, restoration or enhancement of coastal wetlands.

Wildlife Conservation Board. The Board has statutory authority to determine what lands or rights in land or water should be acquired for wildlife conservation and related recreational purposes, and to authorize and fund appropriate acquisition and development programs, including those for coastal wetlands. Projects are implemented through the Department of Fish and Game project management and/or by contract and cooperative agreement with other state, federal or local agencies of government.

The WCB has available funding for such projects, and, for example, was the only state agency with existing authorities and funding to proceed immediately with the Elkhorn Slough Estuarine Sanctuary project, which involved an OCZM matching grant.

WCB authorities are limited to capital outlay projects, for acquisition and development purposes only.

TABLE 1

WCB
INLAND WETLANDS ACQUISITION & DEVELOPMENT PROJECTS
 (to 6-30-80)

<u>Acquisitions</u>	<u>Acres</u>	<u>Cost</u>
1. Indian Tom Lake, Siskiyou Co.	59	\$1,834
2. Honey Lake, Lassen Co.	491	116,000
3. Gray Lodge, Butte & Sutter Cos.	5,832	1,902,866
4. Los Banos, Merced Co.	208	46,506
5. Mandota, Fresno Co.	10,170	1,362,577
6. Deep Springs Lake, Inyo Co.	720	72,000
7. Little Lake, Inyo Co.	346	187,000
8. Mojave River, San Bernardino Co.*	801	763,000
9. Camp Cady, San Bernardino Co.*	1,223	917,000
10. Hidden Valley, Riverside Co.*	1,267	1,981,173
11. Imperial, Imperial Co.	5,243	862,105
	<u>TOTALS</u>	<u>26,360</u>
		\$8,212,061

Development Projects

1. Honey Lake	\$21,463
2. Gray Lodge	226,963
3. Mendota	390,000
4. Imperial	414,182
	<u>TOTALS</u>
	\$1,052,608

*Primarily riparian habitat but include significant wetlands or pond areas.

TABLE 2

WCB
COASTAL WETLANDS ACQUISITION & DEVELOPMENT PROJECTS
(to 6-30-80)

<u>Acquisitions</u>	<u>Acres</u>	<u>Cost</u>
1. Lakes Earl & Talawa, Del Norte Co.	1,544	\$1,371,000
2. Crescent City Marsh, Del Norte Co.	334	826,500
3. Navarro River Estuary, Mendocino Co.	55	81,300
4. Tomales Bay, Marin Co.	559	412,835
5. Day Island, Marin Co.	127	465,000
6. Petaluma Marsh, Marin & Sonoma Cos.	1,897	970,000
7. Napa Marsh, Napa & Solano Cos.	330	101,915
8. Suisun Marsh, Solano Co.	10,018	2,721,793
9. Elkhorn Slough, Monterey Co.	984	2,370,000
10. Buena Vista Lagoon, San Diego Co.	200	1,291,305
11. Batiquitos Lagoon, San Diego Co.	135	263,407
12. San Elijo Lagoon, San Diego Co.	268	910,000
13. San Dieguito Lagoon, San Diego Co.	11	206,760
TOTALS	16,462	\$11,991,815

Development Projects

1. Grizzly Island, Solano Co.		\$490,778
2. Hill Slough, Solano Co.		366,800
	Subtotal	\$857,578
3. Bolsa Chica Marsh, Orange Co.		701,000
	TOTAL	\$1,558,578
4. Proposed - San Elijo Lagoon, San Diego Co.		\$502,560
	(WCB -	\$202,560)

*Includes Grizzly Island, Hill Slough, and Peytonia Slough areas.

Department of Fish and Game. The Department has primary responsibility for the overall protection and management of the State's fish and wildlife resources, including those in coastal wetlands, in part through enforcement of state laws enacted for these purposes or enforcement of Fish and Game Commission regulations.

Most wetlands areas under direct control and management by the Department are acquired through WCB projects or by leasing from the State Lands Commission, although the Department has acquisition authority or is given special authority for such purposes from time to time by the legislature.

The Department also is responsible for identifying and inventorying coastal wetlands, documenting those of special ecological significance and under serious threat in a series of natural resources reports; recommending to WCB acquisition proposals for key wetland parcels; and, preparing and implementing management plans for Department-owned wetlands, and for publicly-owned coastal wetlands under cooperative agreement with other public agencies.

The Department's authorities and responsibilities in this area are so broad that it would be involved in practically any project, private or public, that would have a significant effect upon wetlands.

State Coastal Commissions. The State and Regional Coastal Commissions have broad authority in the designated coastal zone, primarily for land use planning and for certain controls on development through the permit process.

The SCC is recognized by the federal Office of Coastal Zone Management as the entity responsible for the State coastal zone management program, including designating areas for proposed estuarine sanctuaries under the federal grant program for these purposes.

The primary role of the Commission in a coordinated wetlands program would appear to be to help identify areas and projects, to review and approve wetlands restoration and enhancement projects for consistency with Coastal Act policies for protection of "environmentally sensitive habitats" through the permit process, and to regulate development in and adjacent to wetland areas.

State Coastal Conservancy. This agency was created to help implement the California Coastal Act, apparently to carry out programs and projects that did not fall within authorities and programs of existing state agencies. Special authorities given to the Conservancy include those for preservation of agricultural lands, coastal restoration and enhancement projects.

The Conservancy is given specific authority (Section 31251, PRC) to award grants to state or local public agencies to enhance coastal resources which, because of indiscriminate dredging or filling, improper location of improvements, or incompatible land uses, have suffered loss of natural and scenic values. Such grants are to be used to acquire lands to improve resource management, to relocate improperly located

or designed improvements, and for other corrective measures which will enhance the natural and scenic character of the area.

The statutes specifically preclude the Conservancy from making restoration or enhancement grants to acquire wildlife or natural areas, except as may be incidental to coastal restoration or enhancement projects.

The Department also is responsible for identifying and inventorying coastal wetlands, documenting those of special ecological significance and under serious threat in a series of natural resources reports, according to WCA acquisition proposals for key wetland parcels, and preparing and implementing management plans for department-owned wetlands, and for publicly-owned coastal wetlands under cooperative agreements with other public agencies.

The Department's authorities and responsibilities in this area are so broad that it would be involved in practically any project, public or private, that would have a significant effect upon wetlands.

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The SCL is established by the Federal Office of Coastal Zone Management as the entity responsible for the State coastal zone management program, including designating areas for proposed estuarine communities under the federal grant program for these purposes.

The primary role of the Commission in a coordinated wetland program would appear to be to help identify areas and projects, to review and approve wetland restoration and enhancement projects for consistency with Coastal Act policies for protection of environmentally sensitive habitats, through the permit process, and to regulate development in and adjacent to wetland areas.

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The Conservancy is given specific authority Section 5352, PSC to award grants to state or local public agencies to enhance coastal resources which, because of indiscriminate dredging or filling, improper location of improvements, or incompatible land uses, have suffered loss of natural and scenic values. Such grants are to be used to provide lands to improve resource management, to relocate improperly located

Executive Session of the Wildlife Conservation Board
immediately following public meeting on
September 18, 1980

The Wildlife Conservation Board met in executive session immediately following the public meeting on September 18, 1980. The Executive Officer, Chester M. Hart, advised that this involves litigation relative to the Day Island Wildlife Area acquisition in Marin County and to secure Board concurrence on a settlement agreement which is being proposed. Anne Jennings of the Attorney General's office and Pat Faulkner, County Counsel for Marin County, have been handling this legal action.

At its March 6, 1978, meeting, the Wildlife Conservation Board approved the acquisition of the Day Island area, which consisted of two ownerships totaling 130+ acres located on the west shore of the San Pablo Bay, Marin County.

In the course of the meeting, Mr. Hart outlined the proposal for acquisition and ultimate management of the area. Briefly, this included WCB purchase of 127+ acres of this area, with the Marin County Open Space District to acquire the remaining 3+ acres including two residences and various outbuildings. One residence was tentatively planned to be used as a nature center or interpretive center. All the property was to be conveyed to the State, thereby making the project eligible for 50% federal reimbursement of costs under the LWCF program.

At the time of the meeting, the County had an option from one of the owners to acquire approximately 129 acres in two phases. The first phase was to close prior to 12-31-78, and included 127 acres. The remaining portion was to be acquired after 1-1-79.

Acquisition of the 127 acre parcel was completed as scheduled, including State payment of \$465,000. However, the owners (Mr. and Mrs. Hover) later refused to proceed with the conveyance of the 2-acre parcel.

Marin County then filed legal action demanding specific performance pursuant to the option. As the LWCF approval of this project included the additional property and residences, the State joined in the legal action to prevent possible loss of Federal funds, some of which had already been received.

An out of court settlement has been recommended by legal counsel for the three parties to this action. This settlement would provide for transfer of the 2 acre parcel to the County immediately, with the owners retaining a life estate in the residence and approximately 1/2 acre for the remaining life of Mrs. Hover. Pursuant to the actuary tables, her remaining life is estimated to be 10 years.

As originally proposed, the County would convey all the property to the State at no cost and manage public recreational use of the area under a cooperative agreement.

Marin County has a potential savings of approximately \$50,000 in direct acquisition costs by the proposed change to a life estate, and has agreed

WCB Executive Session
September 18, 1980

to retain these funds for project purposes. Potential uses include providing interim interpretive facilities, possibly through conversion of buildings acquired, or providing public use facilities.

The proposed settlement has been discussed with representatives from the HCRS, who indicated there should be no problem in revising the LWCF project in this manner to retain LWCF funding participation.

In addition, the County has now offered to convey by donation an additional parcel to the State, containing 2+ acres. This parcel (consisting of 4 smaller parcels) is located along the westerly boundary of the State's property and would be a valuable addition to the overall wildlife area. Attempts are continuing by Marin County to acquire the second ownership.

It was recommended by Mr. Hart that the Board reauthorize the Day Island project to include the life estate provisions as described, and acceptance of the four parcels comprising 2+ acres as a donation, and authorize staff and the Department to proceed with the settlement and other project matters substantially as planned.

There was concurrence that pursuing further legal action against the landowner would not prove to be of any advantage, either to the State or the County, and with the knowledge that the landowner is agreeable to this settlement, the following motion was made.

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MS. MORGAN, THAT THE WILDLIFE CONSERVATION BOARD REAUTHORIZE THE DAY ISLAND PROJECT TO INCLUDE THE LIFE ESTATE PROVISIONS AS DESCRIBED, AND ACCEPTANCE OF THE 4 PARCELS COMPRISING 2+ ACRES AS A DONATION; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED WITH THE SETTLEMENT AND OTHER PROJECT MATTERS SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

There being no further business to be considered at this executive session, the meeting was adjourned by Chairperson Venrick.

Respectfully submitted,



Chester M. Hart
Executive Officer