

## DEPARTMENT OF FISH AND GAME

**WILDLIFE CONSERVATION BOARD**

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

Minutes, Meeting of November 21, 1989

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

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Pursuant to the call of the Chairman Robert A. Bryant, the Wildlife Conservation Board met in Room 113 of the State Capitol, Sacramento, California, on November 21, 1989. The meeting was called to order at 10:12 a.m. by Chairman Bryant. Mr. Bontadelli was on his way to the meeting at this time.

1. Roll Call

<u>Present:</u>	Robert A. Bryant, President	Chairman
	Fish and Game Commission	
	Pete Bontadelli, Director	Member
	Department of Fish and Game	
	Stan Stancell, Assistant Director	Member
	Department of Finance	
	Edna Maiba, Vice Assemblyman Costa	Joint Interim Committee
	Holly Liberato, Vice Assemblyman Isenberg	Joint Interim Committee
<u>Absent:</u>	Senator Barry Keene	Joint Interim Committee
	Senator Robert Presley	" " "
	Senator David Roberti	" " "
	Assemblyman Norman S. Waters	" " "
<u>Staff Present:</u>	W. John Schmidt	Executive Director
	Alvin G. Rutsch	Assist. Executive Director
	Clyde S. Edon	Field Agent
	Jim Sarro	Chief Land Agent
	Howard Dick	Land Agent
	Frank Giordano	Land Agent
	Georgia Lipphardt	Land Agent
	Marylyn Gzyms	Staff Services Analyst
	Sandy Daniel	Executive Secretary
	Janice Beeding	Office Technician
<u>Others Present:</u>	Jackie Temple	Warm Water Fishery Board
	Alan & Pam Schmeiser	Landowner
	Dave Paullin	USFWS
	Steve Nicola	DFG
	Roxanne Bittman	DFG
	H. H. Lisson	Citizen
	Lance Kiley	State Lands Commission
	Tess Dennis	Assemblyman Chandler
	Chris Unkel	The Nature Conservancy
	Donn Davis	Citizen
	Jim Messersmith	DFG

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2. Approval of Minutes

It was recommended that the Board approve the minutes of the August 10, 1989 meeting as amended to reflect a correction in item 15 (Walker River Wildlife Area, Mono County) changing the allocation from the Wildlife & Natural Areas portion of the California Wildlife, Coastal and Park Land Conservation Fund of 1988 from \$350,000.00 to \$360,000.00; the amount actually approved by the Board.

IT WAS MOVED BY MR. STANCELL THAT THE MINUTES OF THE AUGUST 10, 1989, WILDLIFE CONSERVATION BOARD MEETING BE AMENDED TO REFLECT A CORRECTION IN ITEM 15 (WALKER RIVER WILDLIFE AREA, MONO COUNTY) CHANGING THE ALLOCATION FROM THE WILDLIFE AND NATURAL AREAS PORTION OF THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 FROM \$350,000.00 TO \$360,000.00; THE AMOUNT ACTUALLY APPROVED BY THE BOARD.

MOTION CARRIED.

3. Funding Status as of November 21, 1989 (Information Only)

(a) 1989/90 Wildlife Restoration Fund Capital Outlay Budget

Governor's Budget - Land Acquisitions .....	\$ 429,000.00
Less previous Board allocations .....	-275,130.93
Unallocated Balance .....	<u>\$153,869.07</u>
 Governor's Budget - Minor Projects .....	 \$ 480,000.00
Less previous Board allocations .....	- 1,700.00
Unallocated Balance .....	<u>\$478,300.00</u>
 Governor's Budget - Major Development .....	 \$ 500,000.00

(b) 1988/89 Wildlife Restoration Fund Capital Outlay Budget

Governor's Budget - Land Acquisitions .....	\$1,730,000.00
Less previous Board allocations .....	-1,730,000.00
Unallocated Balance .....	<u>\$ -0-</u>

(c) 1987/88 Wildlife Restoration Fund Capital Outlay Budget

Governor's Budget - Land Acquisitions - Eco Reserves..	\$1,000,000.00
Less previous Board allocations .....	-909,206.80
Unallocated Balance .....	<u>\$ 90,793.20</u>
 Governor's Budget - Land Acquisitions .....	 \$ 417,000.00
Less previous Board allocations.....	-417,000.00
Unallocated Balance.....	<u>\$ -0-</u>

(d) 1988/89 Environmental License Plate Fund Capital Outlay Budget

Governor's Budget .....	\$3,292,000.00
Less previous Board allocations .....	-1,426,644.87
Unallocated Balance .....	<u>\$1,865,355.13</u>

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(e) 1989/90 Fish & Wildlife Habitat Enhancement Fund Capital Outlay Budget

Governor's Budget .....	\$4,093,000.00
Less previous Board allocations .....	- 871,550.00
Unallocated Balance .....	\$3,221,450.00

(f) 1988/89 Fish & Wildlife Habitat Enhancement Fund Capital Outlay Budget

Governor's Budget .....	\$3,434,000.00
Less previous Board allocations .....	-2,767,695.77
Unallocated Balance .....	\$ 666,304.23

(g) 1987/88 Fish and Wildlife Habitat Enhancement Fund Capital Outlay Budget

Governor's Budget .....	\$14,000,000.00
Less previous Board allocations .....	-13,991,164.43
Unallocated Balance .....	\$ 8,835.57

(h) 1989/90 Wildlife & Natural Areas Conservation Fund Capital Outlay Budget

Governor's Budget .....	\$15,000,000.00
Less previous Board allocations .....	- 1,285,000.00
Unallocated Balance .....	\$13,715,000.00

(i) 1988/89 Wildlife & Natural Areas Conservation Fund Capital Outlay Budget

Governor's Budget .....	\$10,500,000.00
Less previous Board allocations .....	-4,425,000.00
Unallocated Balance .....	\$ 6,075,000.00

(j) 1988/89 California Wildlife, Coastal & Park Land Conservation Fund

Direct appropriation to the Wildlife	
Conservation Board .....	\$81,300,000.00
Less previous Board allocations .....	-17,469,253.71
Less State administrative costs .....	- 1,219,500.00
Unallocated Balance .....	\$62,611,246.29

(k) 1989/90 Cigarette and Tobacco Products Surtax Fund

Governor's Budget .....	\$ 5,500,000.00
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RECAP OF FUND BALANCES

Wildlife Restoration Fund

Acquisition .....	\$ 244,662.27
Minor Development .....	\$ 478,300.00
Major Development .....	\$ 500,000.00
<u>Environmental License Plate Fund</u> .....	\$ 1,865,355.13
<u>1984 Fish &amp; Wildlife Habitat Enhancement</u> .....	\$ 3,896,589.80
<u>California Wildlife, Coastal and Park Land</u>	
Conservation Fund of 1988 .....	\$62,611,246.29
<u>Wildlife and Natural Areas Conservation Fund</u> .....	\$19,790,000.00
<u>Cigarette and Tobacco Products Surtax Fund</u> .....	\$ 5,500,000.00



4. Recovery of Funds

The following four projects previously authorized by the Board have balances of funds that can be recovered and returned to their respective funds. It was recommended that the following totals be recovered: \$8,807.50 to the Environmental License Plate Fund, and \$17,347.56 to the California Wildlife, Coastal and Park Land Conservation Fund of 1988; and that the projects be closed.

ENVIRONMENTAL LICENSE PLATE FUND

Carrizo Plain Ecological Reserve Expansion #1, San Luis Obispo County

Allocation	\$359,906.95
Expended	<u>-351,099.45</u>
Balance for Recovery	\$ 8,807.50

Feather River Riparian Habitat, Garden Highway Crossing, Sutter County

Allocation	\$110,000.00
Expended	<u>-110,000.00</u>
Balance for Recovery	\$ -0-

Total Environmental License Plate Fund Recoveries ..... \$8,807.50

California Wildlife, Coastal and Park Land Conservation Fund of 1988

Feather River Riparian Habitat, Garden Highway Crossing, Sutter County

Allocation	\$600,000.00
Expended	<u>-592,976.24</u>
Balance for Recovery	\$ 7,023.76

Hope Valley Wildlife Area Expansion #1, Alpine County

Allocation	\$1,080,000.00
Expended	<u>-1,069,676.20</u>
Balance for Recovery	\$ 10,323.80

Total California Wildlife, Coastal and Park Land  
Conservation Fund of 1988 Recoveries ..... \$17,347.56

IT WAS MOVED BY MR. STANCELL THAT THE WILDLIFE CONSERVATION BOARD RECOVER FUNDS FROM THE PROJECTS LISTED ON PAGE 4 AND CLOSE THE PROJECT ACCOUNTS. RECOVERY TOTALS SHALL INCLUDE THE SUM OF \$8,807.50 BE RECOVERED TO THE ENVIRONMENTAL LICENSE PLATE FUND; AND \$17,347.56 BE RECOVERED TO THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988.

MOTION CARRIED.

5. Special Project Planning Account

Informational

Mr. Schmidt reported this item was for information only and no action was required.

The Board has historically used a special project account to provide working funds for staff evaluation (appraisals, engineering, preliminary title reports, etc.) of proposed projects. Upon Board approval of a project, all expenditures incurred prior to approval are transferred from the Special Project Account to the approved project and reimbursements to Special Project Accounts are made accordingly. This procedure, therefore, acts as a revolving fund for the pre-project expenses.

Some appropriations now made to the Board do not include a specific budgeted planning line item appropriation necessary to begin a project without prior Board authorization. Pre-project costs are a necessary expenditure in most all capital outlay projects. However, if staff came before the Board for each expenditure, i.e., appraisal costs and Department of General Services cost, as well as the actual acquisition, at least two meetings would be required for each project. This Special Project account, as used for many years with Wildlife Restoration Fund projects, has proven to be a very successful cost and time efficient method of operating. This Special Project account would also be used to pay for State Treasurer and State Controller Offices costs for the necessary Pooled Money Bond Loans the Board applies for periodically.

The Board, at the May 6, 1986, meeting, authorized the Executive Director to use up to 1% of a budgeted appropriation to set up and maintain an appropriate planning account with the provision it would be reported to the Board as an information item at the next meeting. Accordingly, the planning accounts have been set up as follows:

Fish and Wildlife Habitat Enhancement Fund	\$20,000.00
Cigarette and Tobacco Products Surtax Fund	\$45,000.00

Mr. Schmidt introduced Mr. Pete Bontadelli, Director of the Department of Fish and Game, who joined the meeting.

6. Fall River Fishing Access, Shasta County

\$33,000.00

Mr. Schmidt reported this proposal was to consider leasing approximately one acre of land lying adjacent to Fall River for fishing and recreational access. Mr. Frank Giordano explained the project area and what the intent of the project was. The term of the lease will be for a period of five years with an option to renew the lease for an additional five years subject to a reappraisal of the lease's value for the second term. The subject property is located in Shasta County, approximately one mile east of the town of Glenburn and five miles northwest of the towns of Fall River Mills and McArthur.

The Department of Fish and Game has been interested in acquiring public fishing access to Fall River for several years. Since this river was first declared navigable, there has been concern that the general public does not

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have reasonable access to the upper reaches of the river which flows almost entirely within private lands; in effect denying the public access to one of the best trout fishing rivers in the State.

It is felt that limited public access to the upper Fall River has actually affected fishing patterns. Creel census data has shown that most anglers who have their own access put in and take out at the same location and fish sections of the river adjacent to their launch location. However, all other anglers must put in where they can and with the limited access available this results in unneeded traffic that detracts from the fishing experience and, for gasoline powered boats, contributes to bank erosion.

This proposed lease would make it possible to provide a much needed public access to upper reaches of the river. It is proposed that the site will be improved with a parking area, which will accommodate not more than 15 vehicles, vehicle barriers, fencing, gate, a small dock and portable toilet. Funding consideration for these improvements may be presented to the Board at a future meeting.

In conjunction with the proposed leased area, the Department will also have the use of the adjoining PG&E property, known as the Dredge Site. PG&E has agreed to the State's use of a portion of this site.

The owner has agreed to lease to the State at the appraised value and has also agreed to allow the State the first right to purchase the area at fair market value should he decide to sell the property during the lease term. The appraised value of a five year term, to be paid at the start of the lease, is \$27,600. An additional \$5,400 is estimated to be necessary for costs to cover the appraisal and administrative charges bringing the total to \$33,000.00.

Mr. Schmidt reported that the proposal to develop the project is estimated to be \$18,000.00 and would be brought to the Board at a future meeting. He also added that the Department has been trying to obtain access on this stretch of the river for 15 years and this is the first opportunity to do so.

Staff recommended that the Board approve this lease as proposed; allocate \$33,000.00 from the Wildlife Restoration Fund; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt pointed out that Mr. John Reginato from the Shasta Cascade Wonderland Association had called and expressed his concern that the project doesn't go far enough and should include larger motorboat access. Mr. Schmidt told Mr. Reginato about the problems of obtaining any access at all on the river and that it was felt that this was a start in providing access to this stretch of the river.

Mr. Bryant asked how the lease value was determined? Mr. Giordano responded that an independent appraiser appraised a small parcel, basically appraised as a home site, and appraised the lease interest in that piece of land for a period of five years. At the end of the five year period, Mr. Giordano

stated that the State will have the land re-appraised and the value will be subject to the Department of General Services review and approval.

Mr. Bontadelli stated this clearly resolves a very long standing point of concern and will effectively re-open the river at a point where the access had been terminated due to actions of the owner several years ago and it also resolves any questions of inverse condemnation through this purchase.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD APPROVE LEASING THIS 1+ ACRE OF LAND ADJACENT TO FALL RIVER, SHASTA COUNTY, FOR FISHING AND RECREATIONAL ACCESS AS PROPOSED; ALLOCATE \$33,000.00 FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

7. Lake Earl Wildlife Area Expansion #16, Del Norte County \$10,000.00

Mr. Schmidt reported this proposal was to accept a donation of a portion of one privately owned parcel containing approximately 25 acres on the south side of the Lake Earl Wildlife Area, Del Norte County. The parcel is part of an abandoned log pond, the remainder of which was previously acquired by the Wildlife Conservation Board.

The Board, at its June 22, 1979, meeting approved the concept of acquiring certain lands to protect and preserve Lakes Earl and Talawa, as proposed by the Department of Fish and Game, in coordination with the Department of Parks and Recreation and the State Lands Commission.

The Lakes Earl & Talawa 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 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 State and 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 flood plain, lakes and surrounding uplands support over 250 species of birds, most of them water-associated, and 58 species of mammals.

In accordance with specific authorizations made by the Board over the last 10 years, staff has acquired over 2,500 acres in fee and easements within or adjacent to Lakes Earl and Talawa. An additional 2,600 acres has been leased from the State Lands Commission, placing a total of over 5,100 acres under Department of Fish and Game management.

The acquisition currently being proposed has been highly recommended by the Department of Fish and Game in its attempt to obtain control of properties up to the 10 foot elevation. When this is accomplished, it will be possible to better maintain the water levels of these lakes for better management of



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the existing fish and wildlife resources. The acquisition will also provide additional protection to the riparian habitat in this area.

In addition to protecting this valuable and ecologically significant wildlife habitat, this acquisition will help ensure public access to the Lake Earl area for a wide variety of compatible recreational and educational uses such as fishing, bird watching, nature and scientific study, hiking and horseback riding. The lakes harbor 15 species of fish, including salmon and trout, and as such provides many user days of fishing opportunities.

The owner has agreed to donate the 25+ acre log pond area if the donation can be accepted by the end of the calendar year. Anticipated costs, which include the engineer's survey, escrow and Department of General Services charges are estimated at \$10,000.

Staff recommended that the Board approve acceptance of this donation as proposed; allocate \$10,000.00 for costs including a survey from the Environmental License Plate Fund, that was set up specifically for Lake Earl in the 1988/89 Budget; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Bontadelli stated that this completes one more step in the overall acquisition to insure that any conflicts are eliminated with surrounding owners on the lake level.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACCEPTANCE OF THIS DONATION OF PROPERTY AT THE LAKE EARL WILDLIFE AREA, DEL NORTE COUNTY, AS PROPOSED; ALLOCATE \$10,000.00 FROM THE ENVIRONMENTAL LICENSE PLATE FUND AS SPECIFICALLY AUTHORIZED FOR THE LAKE EARL AREA, TO COVER SURVEY, ESCROW AND DEPARTMENT OF GENERAL SERVICES PROCESSING COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

8. Moss Landing WLA Wetland Restoration Phase II, Monterey County \$200,000.00

Mr. Schmidt reported this proposal, submitted by the Department of Fish and Game, was to complete Phase II of a three-phase effort to restore coastal wetland habitat on the Department's 616 acre Moss Landing WLA, adjacent to State Highway 1 near the town of Moss Landing. Mr. Clyde Edon of staff explained the proposal.

The Moss Landing Wildlife Area property was acquired pursuant to the Board's authorization in 1984. Approximately 200 acres of the property was formerly utilized for the production of salt by solar evaporation. During active salt production, pond levees served to harbor nesting colonies of several species of water-associated birds (avocets, stilts, terns, gulls and snowy plovers). The ponds themselves were rich in brine shrimp and brine fly larvae which attracted thousands of migrant waders. At the time of State acquisition of the property, the outward main levee ruptured and permitted



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daily tidal inundation to destroy the interior pond system. Thus this extraordinarily valuable bird habitat was considerably reduced in value. As part of a phased habitat restoration effort, the outboard levee is being restored on a new alignment. The interior pond system would then be recreated to such a degree that most of the original forage values could be restored. Phase I of this three-phase program was concluded using Department of Fish and Game funds in early June of 1989 with the deposition of spoils for the new outboard levee. This proposal, scheduled for spring/summer 1990 construction, would include shaping and compacting the levee material excavated during Phase I, facing segments of the new levee with riprap as necessary, and the installation of a tide-control structure. Phase III, the development of ponds and internal levees suitable for supporting nesting and foraging water-associated birds, would be initiated in the spring of 1991 at an estimated cost of \$150,000.00.

Design of a system of salt evaporation ponds is currently being developed by Department of Fish and Game Engineering Section. DFG is also planning to develop two large ponds with water-control structures along the western edge of the total project area to create a combined late summer-autumn night roost area for the endangered brown pelican and a spring breeding area for snowy plovers, a candidate endangered species. Water manipulation will permit DFG to use the same double-pond area for both purposes independent of the habitat area to be developed with this proposal. Similarly, a Duck Stamp/Ducks Unlimited "MARSH" Project request has been submitted for development of a freshwater waterfowl habitat area on the north boundary of the project area. These two independent developments would bracket the area to be affected by the request submitted herewith resulting in approximately 200 acres of wetland enhancement behind the new levee.

As designed in the approved management plan for the area, the salt ponds to be developed from this proposal will be managed as habitat for a wide variety of water-associated birds, both breeding and migratory species. All of the area encompassed within the area for this WCB request would be available for waterfowl sport hunting in season.

The total project presents the potential to provide habitat for dozens of species of water-associated birds, including waterfowl (divers and some puddle duck species), plus waders ranging from rails to herons and allies.

Contract administration of this project will be carried out by the Department of Fish and Game engineering staff. The Department of Fish and Game has filed the appropriate CEQA document covering all development phases of the project recorded and dated by the State Clearinghouse on September 7, 1988. All permits covering construction will be amended for each phase prior to construction.

Staff recommended that the Board approve funding for Phase II of this wetland development project as proposed; allocate \$200,000.00 from the 1984 Fish and Wildlife Habitat Enhancement Fund, as designated for Coastal Wetlands; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt noted that a letter of support had been received from the Defenders of Wildlife.

Mr. Bryant asked if there were any questions or concerns, and since there was no further discussion, the following action was taken.

IT WAS MOVED BY MR. STANCELL THAT THE WILDLIFE CONSERVATION BOARD APPROVE PHASE II OF THE RESTORATION OF COASTAL WETLAND HABITAT AT THE MOSS LANDING WILDLIFE AREA, MONTEREY COUNTY, AS PROPOSED; ALLOCATE \$200,000.00 FROM THE 1984 FISH AND WILDLIFE HABITAT ENHANCEMENT FUND, AS DESIGNATED FOR COASTAL WETLANDS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

9. Salmon and Steelhead Habitat Enhancement Projects \$66,500.00

Mr. Schmidt reported that this was a proposal for the Board to allocate funds for two projects for the enhancement and rehabilitation of salmon and steelhead spawning and rearing habitat on the Scott River in California.

The anadromous fishery resource in California has suffered a severe decline over the past thirty years. For example, records indicate that the king salmon population in the Klamath River has declined from a historic level of 500,000 to 180,000 by 1963, 114,000 by 1978, to 54,000 by 1984. One of the major causes for this decline is degradation of natural habitat due to stream and watershed disturbances from logging, road construction, mining and other activities associated with modern development. There has been a dramatic increase in the numbers of artificially produced fish returning to the Klamath system since 1985. Returns of naturally produced salmon are still very low, however, due to the widespread loss of habitat.

In addition, the 1964 flood, which produced record high flows in many waterways in Northern California, caused serious damage or completely destroyed miles of productive salmon and steelhead habitat. In addition to thousands of cubic yards of debris and sediment being deposited in the lower gradient sections of the streams, miles of flood riffles were also created by the high flood waters.

Flood riffles are broad, shallow stream sections commonly referred to as "bowling alleys" which are composed primarily of 6 to 8 inch cobbles or boulders. These areas lack pools and provide little if any spawning or rearing habitat for salmon and steelhead. Some streams have usable spawning and rearing habitat that is blocked by a rock or log barrier. Modification of these barriers can open miles of good habitat that currently can not be reached by anadromous fish. Flood waters also caused the loss of bank stability and associated streamside shade canopy which is needed to maintain cooler summer water temperatures required for survival of juvenile salmon and trout. Since anadromous fish spend the juvenile portion of their life cycle in their natal stream, the need for adequate rearing habitat is a significant factor relative to the overall status of a population.

Habitat enhancement and restoration is also needed on many interior streams that support populations of resident fish species. Over the years grazing and timber harvest practices, coupled with damage from high storm flows, has caused serious impacts to many of California's smaller interior streams resulting in an overall degrading of habitat.

Many of the problems associated with the larger coastal streams are also common to the smaller interior waterways. Long stretches of some interior streams also lack the proper pool-riffle ratio and require log-rock weir structures and boulder clusters to re-create the proper habitat elements. Unstable stream banks are common and create conditions that reduce stream habitat values.

Stream banks lacking cover generate increased sedimentation which smothers spawning gravel and fill pools needed for rearing habitat. The lack of stream bank riparian growth also results in higher water temperatures, less hiding cover and a reduced food source. Some segments of streams that are heavily fished lack adequate hiding and holding cover which reduces angler success and lessens the fishing experience. Stream habitat modifications are also necessary to protect, enhance and restore populations of threatened or endangered species of fish.

The following stream restoration projects have been recommended by the Department of Fish and Game. They are exempt from CEQA under Section 15301, Class 1 (1), maintaining fish habitat and stream flows to protect fish. A Notice of Exemption for each project has been filed and posted with the Governor's Office of Planning and Research in accordance with CEQA. All of the projects listed in this item are intended to correct or enhance situations identified above. The Department of Fish and Game will, in all cases, either administer projects themselves, or monitor the work of other public agencies.

Site specific information for each of the two proposed habitat enhancement projects is briefly provided below:

a. Scott River Bank Stabilization, Siskiyou County \$50,000.00

This is a cooperative project with the Siskiyou Resource Conservation District and the landowners to enhance spawning and rearing habitat for salmon and steelhead on the Scott River, a main tributary to the Klamath River.

The proposed work consists of stabilizing approximately 1600 lineal feet of unstable riverbank on the Scott River by placing large angular riprap, planting deciduous riparian vegetation, and excluding livestock by fencing. Bank stabilization will reduce downstream spawning and rearing area sedimentation, diversify on-site juvenile rearing habitat, and deepen and shade the river channel resulting in more suitable water temperatures.

Bank stabilization work has been performed in the Scott River for over 30 years under the sponsorship of the Siskiyou Resource Conservation



District and the guidance of the Soil Conservation Service. Because riparian vegetation is planted during the placement of large riprap and riparian areas are fenced to reduce livestock damage, resultant fish habitat and population response is excellent. Cursory electrofishing by California Department of Fish and Game and USFS biologists in the the early 1980's indicated heavy juvenile salmonid use of riprap and revegetated banks compared to unstable raw banks. The District using WCB funds will contract for labor and materials for the riprap work.

The landowner will secure plant materials, plant and care for riparian vegetation and purchase, install and maintain a fence to exclude livestock. All project maintenance will be at the landowner's expense for a period of 10 years. A written agreement will be secured between the District and the landowner to this effect. The work will be completed at two different sites which are approximately one and four miles south of Fort Jones. Final design will be reviewed and approved by the DFG project administrator.

- b. Scott River Spawning Habitat, Siskiyou County \$16,300.00

This is a cooperative project between the Department of Fish and Game and Siskiyou Resource Conservation District with assistance from the Soil Conservation Service (SCS) and fisheries personnel from the Klamath National Forest.

The Scott River, a major tributary to the Klamath River, provides significant habitat for fall-run chinook salmon, coho salmon, and winter-run steelhead. Spawning habitat in the vicinity of the proposed project area, approximately 11 miles south of Fort Jones, has been degraded by the deposition of granitic sediments. Sampling in the past several years indicates that the average spawning gravels in this vicinity contain about 35-40% sand and fines (by volume). The proposed project will serve as a prototype to determine the effectiveness of sediment routing. The contractor will place 15 boulder deflectors and 10 boulder groups in the river channel to increase water velocities to flush sand and fine sediment through spawning riffles without destabilizing spawning gravels or adjacent banks. Monitoring the effectiveness and feasibility of structure placement to route detrimental sediments away from critical spawning areas will be contributed by USFS and SCS personnel. The project will be completed by the Siskiyou Resource Conservation District through contractual means. Final design and structure placement will be reviewed and coordinated with the DFG project administrator.

Staff recommended that the Board approve the two salmon and steelhead habitat projects as one item; allocate \$66,500.00 from the 1984 Fish and Wildlife Habitat Enhancement Fund (Stream Restoration and Enhancement) including \$200.00 for WCB contract processing costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Bryant stated that one of these projects was being done in conjunction with the landowner and wondered if there was plenty of public access to the river system for fishing. Mr. Edon explained that access for this project

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would be through private land; the private landowner is required to grant both the State and the local Resource Conservation District an access permit (permit of entry) and a statement of concurrence and agreement with the project in support for maintenance. He further added that the landowner is required as part of this project to install at his cost the fence to protect the installation from cattle. The landowner is also required to install the planting of riparian growth along the upper portion of the bank. As far as access is concerned, there will be no conveyance of public access across the landowner's property because an agreement is being entered into to do this.

However, Mr. Edon stated he didn't foresee any problems with fishing access along the river, and one of the ways the projects were reviewed in the pre-project review was to put a canoe upstream and canoe down the entire river looking at the various sites. He further stated that he didn't think there was any problem with public access but it is not granted as part of this project. It is felt that this project will enhance fishing opportunities in areas currently accessible by the public.

Mr. Bontadelli stated this fits the category of expenditures allowable by the Federal government to help trigger the total Federal expenditures under the Federal Klamath River Act and allows us to receive a 50% Federal match on overall expenditures from the Klamath River during the course of the year. Mr. Bontadelli moved the projects as being beneficial, both from their own right, and also in the long term overall Federal/State program on the Klamath.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE TWO SALMON AND STEELHEAD HABITAT PROJECTS AS ONE ITEM; ALLOCATE \$66,500.00 FROM THE 1984 FISH AND WILDLIFE HABITAT ENHANCEMENT FUND, AS DESIGNATED FOR STREAM RESTORATION AND ENHANCEMENT, INCLUDING \$200.00 FOR WILDLIFE CONSERVATION BOARD CONTRACT PROCESSING COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

10. Grizzly Island Wildlife Area, Denverton Unit, Solano County \$397,000.00

THIS ITEM WAS WITHDRAWN FROM CONSIDERATION AT THE REQUEST OF THE DEPARTMENT OF FISH AND GAME.

11. Napa Marsh Wildlife Area, Camp Two West, Sonoma County \$317,000.00

Mr. Schmidt reported this proposal was to consider the acquisition of 133+ acres of land within the Napa Marsh Complex as part of the Board's and the Department of Fish and Game's ongoing acquisition and restoration efforts in the northern San Francisco Bay Area. Ms. Georgia Lipphardt described the proposal. The subject property lies 5+ miles south of the town of Sonoma on the east side of Highway 121. This area has been identified in the Department's Conceptual Area Acquisition Plan for inclusion in the Napa Marsh Wildlife Area.



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A few miles northeasterly of the subject, the Napa River flows from just south of the town of Napa, southerly to Vallejo and Mare Island, and on to the Carquinez Straits. Sonoma Creek, one of the numerous tributaries to the Napa River forms the easterly boundary of the subject. Across the creek to the east, approximately one mile, lies over 512 acres of previously approved Napa Marsh acquisitions. Negotiations for an additional 528+ acres adjacent to the east side of Sonoma Creek are currently under way.

Less than 100 years ago the Napa Marsh was one of the largest wetland systems in the San Francisco Bay Area, providing habitat for millions of migratory waterfowl and shore birds. Today the remaining approximately 41,000 acres of the Napa Marsh is composed of 18,000 acres of reclaimed marsh lands used for agriculture, 10,000 acres of diked historic wetlands used for solar salt production and about 13,000 acres are open water and marsh lands. The sloughs and salt ponds provide the primary habitats for fish and water birds as well as the endangered California clapper rail and the salt marsh harvest mouse. The diked agricultural lands provide seasonal wetland habitats during heavy rain periods.

There is a noticeable lack of quality fresh/brackish water marshes and seasonal wetlands. Historically these wetland habitats were available at the upper reaches of the marsh and in low depressions in the surrounding uplands. Unfortunately, these freshwater and seasonal wetlands have essentially been eliminated. Presently, crops such as oat-hay, planted in diked lands are harvested in early fall, allowing winter rains to pond in the depressions creating "wetlands" during the winter months when large numbers of waterfowl and shore birds are present in the area. However, the Napa Marsh and the San Francisco Bay is also a very important area during the early migration as waterfowl, primarily pintail, start arriving in late August to early September when the "diked land wetland habitats" are least available. Additional managed wetlands in the Napa Marsh would provide more habitat for these early migrants as well as increased habitat on a year around basis.

A portion of the subject parcel is currently used as pasture for cattle grazing. Under Department of Fish and Game ownership, the parcel would be managed as freshwater to brackish water wetland, thereby creating additional habitat for migrating and wading birds, as well as some upland species. Management of this parcel by the Department would be in conjunction with the parcels already acquired east of the subject.

The property has been appraised and has an approved fair market value of \$2,300 per acre. Department of General Services review costs, appraisal and survey costs, and closing expenses are expected to be about \$11,000. Potential State claims to the property by way of the State Lands Commission have been considered and their effect on value has been taken into account in the appraisal.

Funds are available from the California Wildlife, Coastal and Park Land Conservation Fund of 1988 [Section 5907 (c)(11)] for wetlands in the Napa Marsh, and the acquisition is exempt from CEQA under Section 15313 as an acquisition of land for wildlife conservation purposes.

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Mr. Schmidt noted that this is part of an ongoing Department of Fish and Game and Wildlife Conservation Board project to acquire the perimeter areas around the Napa Marsh, both for its protection but also to provide the ability to enhance the area through earlier flooding to provide the early arrival of waterfowl an area to feed and rest.

Staff recommended that the Board approve the purchase of this 133+ acre parcel as proposed; allocate \$317,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988, as designated for the Napa Marsh [Section 5907 (c)(11)], for the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt noted that a letter of support had been received from the Defenders of Wildlife.

Mr. Bryant asked if the space between the ownerships would be purchased in the future. Mr. Jim Sarro reported that the Sonoma Valley Sanitation District has a project underway for a sewage treatment facility and it is their intention to acquire a good portion of the property for their facility and use the treated water.

IT WAS MOVED BY MR. STANCELL THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF PROPERTY AT THE NAPA MARSH WILDLIFE AREA, CAMP TWO WEST, SONOMA COUNTY, AS PROPOSED; ALLOCATE \$317,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988, AS DESIGNATED FOR THE NAPA MARSH, [SECTION 5907 (c)(11)], FOR THE PURCHASE PRICE AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

12. Napa Marsh, Steamboat Slough Expansion #3, Sonoma County \$8,900.00

Mr. Jim Sarro explained this proposed exchange/purchase, like the previous item, was within the Napa Marsh Complex and, in fact, lies about one mile northeasterly of the Camp Two West project.

The proposal is actually in the nature of a boundary line adjustment between State property which was acquired in 1988 and a privately-owned property on its northern boundary. The transaction would result in a transfer to the private landowner of 1.4 acres of dry farmland, valued at \$1,000 per acre, and a transfer to the State of 13.0 acres of wetlands, valued at \$600 per acre. In addition, while protecting additional wetland habitat, the private property will now contain the entirety of a levee which separates the properties, thus relieving the Department of Fish and Game of any maintenance obligation for the levee.

The exchange of these lands at their respective values would result in a net payment to the landowner by the State of \$6,400.00, based on approved appraisals. Potential State claims to the property by way of the State Lands Commission have been considered and their effect on value has been

taken into account in the appraisal. The landowner has agreed to this exchange/sale as proposed by WCB staff. The estimated costs for closing expenses and Department of General Services review charges are \$2,500.00, bringing the total necessary allocation to \$8,900.00.

The exchange/acquisition is specifically authorized by the California Wildlife, Coastal and Park Land Conservation Fund of 1988 (Prop. 70), and this is the first such exchange undertaken by the Board. Funding is also made available in Prop. 70 for acquisitions of lands in the Napa Marsh complex. The transaction is exempt from CEQA as a minor boundary adjustment and acquisition of land for wildlife conservation purposes. The DFG would manage the property along with its adjacent Napa Marsh holdings.

Mr. Sarro mentioned an additional benefit to the Department is the landowner will be receiving the levee on his property and the obligation for maintenance of the levee.

Staff recommended that the Board approve this exchange/acquisition as proposed; allocate \$8,900.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988, as designated for Napa Marsh, [Section 5907 (c)(11)], to cover the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

IT WAS MOVED BY MR. STANCELL THAT THE WILDLIFE CONSERVATION BOARD APPROVE THIS EXCHANGE/ACQUISITION OF PROPERTY AT THE NAPA MARSH COMPLEX, SONOMA COUNTY, AS PROPOSED; ALLOCATE \$8,900.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988, AS DESIGNATED FOR THE NAPA MARSH, [SECTION 5907 (c)(11)], FOR THE PURCHASE PRICE AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

13. Fall River Mills Ecological Reserve, Shasta County \$195,000.00

Mr. Schmidt reported this proposal was to consider the acquisition of 1.4+ acres of land and improvements in downtown Fall River Mills, which is located in the northeastern corner of Shasta County between the Sierra-Nevada Mountain Range on the south and the Cascade Range on the north. The area proposed for acquisition consists of a grassy flat in the commercial area of Fall River Mills. On the south edge of the property is a 15 foot high sandy bank which is used by nesting bank swallows from about March through August each year. In 1987, the colony consisted of approximately 600 breeding pairs. Ms. Lipphardt explained the location of the property.

On March 3, 1989, the California Fish and Game Commission listed the bank swallow (Riparia riparia) as a threatened species. A recently completed statewide study revealed that this species is seriously threatened in most of its breeding range because of habitat destruction and human disturbance. As much as 50 percent of the species' original range in the State has been lost since the turn of the century. During the study, 111 nesting colonies



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consisting of over 45,000 burrows were located, mostly along the Sacramento River. Pending erosion control projects along the river threaten over 50 percent of these known colonies.

The Fall River Mills colony contains over 1,100 burrows and is the second largest colony known in the State. The estimated 600 breeding pairs of birds represents 2.3% of the State's population. Additionally, while most colonies are inaccessible, this colony is only 20 feet from Highway 299 and is passed by many thousands of people each day. The colony's unusually high visibility provides an exceptional opportunity to educate the general public regarding threatened species and gives bird watchers and photographers increased opportunities to study the species.

The improvements on the property include an approximate 1,400 square foot two bedroom, two bath, double-wide modular home, a 480 square foot add-on structure, a garage and shop building, a 289 square foot detached bedroom, and approximately 849 square feet of wood decking. The landowners have indicated a desire to discourage the birds nesting because they feel the burrowing swallows are contributing to bank erosion which threatens their home. An engineering review of the site revealed that predicting the rate of erosion is not possible due to the number of variables (such as weather, man-induced events, and soil composition) that could impact the rate. According to the review, the structures are in no immediate danger.

The primary management objective of this property acquisition is to preserve and protect the bank to facilitate nesting. Maintenance would be required to keep the bank in a suitable eroding condition and to prevent the establishment of any vegetation or sloughing. Such work is expected to be minor and would include dirt removal every few years. This acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition of land for wildlife conservation purposes. Funds are available from the Wildlife and Natural Areas Conservation Fund [Section 2720 (c)], for protection of threatened species.

The owners have agreed to sell the subject property at the approved fair market value of \$170,000. Escrow, relocation, administrative and closing costs would be an additional \$25,000. The property owners are elderly and ailing and have asked to lease back the property for a two-year period prior to moving off the property. A relocation plan and report has been prepared and the property owners have been notified of the benefits available to them. They have agreed to the lease terms which provide that approximately the first two months of payments due the State be offset by the relocation benefits due the owners. Thereafter monthly payments shall be paid to the State at the fair market rental rate of \$485.00 per month. This acquisition will help fulfill the Department's objectives of protecting nesting colonies from human harassment, and educating the public relative to threatened and endangered species.

Mr. Schmidt stated that the reason the acquisition price is so high is that staff recommended that the Board allocate funding in the amount to cover the acquisition of a house (modular home) that sits on top of the bluff. The reason for that is that we do not feel we should put the State into a position of possible damage if somewhere down the line the levee or bank

continues to erode which we, in fact, need to have (erosion) for continued use by bank swallows. Rather than put the Department or the State in a position of being sued somewhere down the line, we feel we should buy the house and take care of potential future problems.

Staff recommended that the Board approve the purchase of this 1.4+ acre parcel and improvements as proposed; allocate \$195,000.00 from the Wildlife and Natural Areas Conservation Fund (Prop. 70), [Section 2720 (c)], for the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Stancell asked how the amount of the lease was arrived at. Mr. Schmidt reported that the lease value was based on the appraisal of land plus the fair market leased value of the home site. Mr. Stancell stated he was thinking more in the terms of the costs of the homeowner. Ms. Lipphardt stated that a rental appraisal in the area was completed. Basically, Mr. Schmidt stated they are not having to rent the whole 1.4 acres back, just the home site. Mr. Bryant asked that after the two years would it be a safe home to rent to someone else. Mr. Schmidt reported that it's possible and the possibility also exists that it may be damaged by that time. Mr. Schmidt stated staff would recommend buying the house at this time.

Mr. Bontadelli noted that absence this acquisition we are facing a potential gutting and illuminating the value of the habitat or, if they chose not to, facing a potential suit to the State of California for creating a defect of condemnation of the property.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION AND LAND IMPROVEMENTS AT THE FALL RIVER MILLS ECOLOGICAL RESERVE, SHASTA COUNTY, AS PROPOSED; ALLOCATE \$195,000.00 FROM THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND (PROP. 70), [SECTION 2720 (c)], FOR THE PURCHASE PRICE AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

14. San Bruno Mountain, Owl & Buckeye Canyons Ecological Reserve, San Mateo County

\$1,330,000.00

Mr. Schmidt reported this next proposal was to acquire 93+ acres of land in northerly San Mateo County, near the city of Brisbane, for the protection of rare plant communities and habitat for two endangered butterfly species and numerous other wildlife species. Mr. Sarro described the proposal. The subject property consists of two canyons, of approximately 93 gross acres, located on the north slope of the San Bruno Mountain, on the south side of Quarry Road. The site is surrounded by open space to the east and south and abuts a quarry operation to the west. Directly across Quarry Road to the north is the Crocker Industrial Park. Brisbane is the closest city to the subject site and is located approximately 8 miles south of downtown San Francisco. U.S. 101 and the San Francisco Bay lie approximately one mile east of the canyons.



The steepness and varying exposures of Owl and Buckeye Canyons produce numerous microclimates that support the tremendous diversity of California native plants found on the property. In its simplest breakdown, three habitat types are identified as follows:

The primary habitat type is a grassland ecosystem unique to Owl and Buckeye Canyons on San Bruno Mountain. This habitat is heavily influenced by fog which is channeled through the two canyons, providing moisture to the grassland year round. The grassland is composed of a rare plant community that is extraordinarily diverse and is prime habitat for the endangered San Bruno Elfin butterfly.

A second habitat type of mixed grassland and stunted shrubs is found on the subject's drier areas. The oaks and bays in this plant association are dwarfed by frequent winds generated by the fog and are referred to as the elfin forest because of their diminutive stature. The mixed grassland/scrub association is habitat for the endangered Mission Blue butterfly.

A third habitat type is found along the fog streams in the canyon bottoms. This riparian habitat consists of California buckeye, oaks, bays, willows, and islals. Many species of birds including songbirds, raptors, and owls use these canyons while the wooded portions provide shelter and nesting sites for birds of prey which use the nearby grasslands for a food source.

The property contains critical habitat for at least five species of concern. These include the already mentioned federally listed endangered Mission Blue butterfly and San Bruno Elfin butterfly and the Callippe Silverspot butterfly, a federal candidate for listing. It also includes two plants of significance to Franciscan flora, the Franciscan wallflower and the Clarkia rubicunda. In addition, potential habitat exists for the Bay Checkerspot butterfly, a federally threatened species.

The colony of Mission Blue butterflies that occurs on this property is characterized by an unusual larval food plant and a late flight period for adults. Larvae of the Mission Blue feed on the lupines. Over most of its normal ranges, the lupine (L. albifrons), is the typical food plant. However in Owl and Buckeye Canyons, which support the largest populations of the lupine, L. formosus on the mountain, L. formosus is the critical resource for the Mission Blue butterfly. It is heavily utilized by egg-laying females during the middle and end of the adult flight season. These differences, in food plant and flight period, indicate the strong possibility of a unique genetic composition and, in fact, this population has been considered an ecotype distinct from others on the mountain. Additionally, the mouths of Owl and Buckeye Canyons are important for active dispersal of butterflies between the mountain's southeast ridge and the nearby Guadalupe Hills, the two areas of greatest density for the Mission Blue butterfly. All of these factors suggest that this site is extremely important to the long term survival of this species.

The San Bruno Elfin butterfly is dependent on a single larval food plant. This plant, Sedum spathulifolium, is abundant in the grasslands of this property.

The Callippe Silverspot butterfly is known only from San Bruno Mountain and has a distribution similar to the Mission Blue butterfly. The Silverspot's larval food plant, the johnny-jump-up violet, grows on the slopes above the canyons and has yet to be successfully propagated from seed. Therefore, preservation of existing habitat is the only conservation option for this butterfly. The property is also important as a nectaring area and water source for late-flying adults.

The Bay Checkerspot butterfly has been sighted in recent years along the ridge top above this property. The population of this species has declined in recent years and it may now be extinct on the mountain. Nevertheless, its larval food plants, plantain and owl's clover occur on the property and may support individuals of this species.

San Bruno Mountain contains one of the last remnants of the once prevalent Franciscan flora commonly found on the slopes of San Francisco. Many botanists consider this distinct fog zone flora to be floristically unique, distinct from other coastal areas, and of great scientific importance in its own right without considering its value as habitat for endangered butterflies. The plant associations present on the property, especially the grassland dominated by Festuca californica and including coast rock cress, Clarkia rubicunda, and Franciscan wallflower are unique to San Bruno Mountain and unlikely to be present anywhere else in the state or region.

The property is used year round by gray fox, raptors (red-tailed and red-shouldered hawks, turkey vultures, kestrels, and golden eagles), great horned owls, small mammals, songbirds and other nongame animals. Songbirds and nongame wildlife also use the property for breeding, nesting, and migration. The canyons are commonly used by hikers and those interested in nature study. Groups of school children frequent the site, guided by local naturalists while students and researchers from San Francisco State University and the University of California, Berkeley, use the site for scientific research.

A Habitat Conservation Plan (HCP), an interagency agreement governing land use in the area, allows for light industrial development in the mouths of each canyon disturbing a total of 15 acres. The current landowner has compiled a development plan that complies with the requirements of the HCP and, according to San Mateo County planners, it would no doubt be readily approved. Any type of development in this area will destroy the integrity of the delicate ecosystem. It has become apparent that the only method of assurance of preservation of the wildlife resources of these canyons is through public acquisition.

For more than a year, The Trust for Public Land (TPL) has worked with local, state and federal representatives, as well as the private owners of the subject properties and, as a result, has identified the critical portions to be acquired and preserved. The Department of Fish and Game strongly recommends the purchase of this property. The owners granted an option to TPL which TPL has offered to assign to the State at substantially below the approved fair market value of \$2.95 million. The State's purchase price would be \$1.32 million, approximately 45% of the appraised value. Costs of closing the sale and Department of General Services review charges are estimated to be \$10,000.

Funding is available for this purchase through the Wildlife and Natural Areas portion of the California Wildlife, Coastal and Park Land Conservation Act (Prop. 70), for acquisition of highly rare examples of the State's natural diversity. The purchase is exempt from CEQA as an acquisition of land for wildlife conservation purposes.

The City of Brisbane has offered to provide \$50,000 for use in any needed site restoration, posting or other protective measures. The County of San Mateo operates a County park on adjacent lands and has indicated a willingness to enter into a management agreement with the Department of Fish and Game if this property is acquired by the State. The uses of the reserve would primarily be scientific and educational.

Staff recommended that the Board approve the acquisition of the 93+ acre Owl and Buckeye Canyons as proposed; allocate \$1,330,000.00 from the Wildlife and Natural Areas portion of the California Wildlife, Coastal and Park Land Conservation Act, [Section 2720 (a)], to cover the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt read a list of those who supported the project. The list included: 46 private letters, Defenders of Wildlife, Senator Quentin Kopp, Assemblyman Jackie Speier, San Mateo County, City of Brisbane (who have put \$50,000.00 on the table for restoration or other needs on this project), U.S. Fish & Wildlife Service, California Native Plant Society, Bay Area Mountain Watch, and Trust for Public Land (TPL). Mr. Schmidt also publicly thanked TPL for their involvement and cooperation in making this acquisition a reality.

Mr. Bryant asked if there were any questions or concerns from the public or the legislative representatives. Ms. Edna Maita, representing Assemblyman Costa, stated that the funding is from the significant natural areas portion which is a large pot of money with limited, and very specific, opportunity on which to spend it, so this was a good selection. She also added that the Board does its usual fine job of negotiating a reasonable price.

IT WAS MOVED BY MR. STANCELL THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE PURCHASE OF THE OWL AND BUCKEYE CANYONS PROPERTY ON THE SAN BRUNO MOUNTAIN, SAN MATEO COUNTY, AS PROPOSED; ALLOCATE \$1,330,000.00 FROM THE WILDLIFE AND NATURAL AREAS PORTION OF THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT (PROP. 70), [SECTION 2720 (a)], TO COVER THE PURCHASE PRICE AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.



15. Calhoun Cut Ecological Reserve, Solano County

\$790,000.00

Mr. Schmidt reported this item was before the Board at its last meeting and because of some special concerns the Board asked staff to go back and work with the appraiser and the State Lands Commission and check out some of the issues.

Mr. Schmidt reported that this proposal was to consider the acquisition of 967+ acres for the protection of rare and endangered plants and plant communities, as well as for the protection of interior wetland habitat. Mr. Frank Giordano described the location of the property. The property is located in Solano County, approximately 15 miles south of the town of Dixon, near Calhoun Cut and Barker Slough. Barker Slough borders the property on the northeast and Calhoun Cut runs through the middle of the property. Lindsey Slough is east of the property and The Nature Conservancy's (TNC) Jepson Prairie Preserve is located immediately to the west, across Highway 113, which forms the western boundary of the property and provides access to the site.

The property is near sea level in the southern end of the Yolo Bypass area. Elevation varies over a range of about ten feet. This slight variation in elevation creates a swale and hummock topography typical of the remaining native vernal pool/grassland habitats in this area.

There are at least three main habitat types present on the properties, all of which are vanishing in California: Valley Riparian, Valley Needlegrass Grassland and Northern Claypan Vernal Pools. The Valley Riparian is found along Barker Slough and represents some of the finest untouched, unleveled riparian habitats remaining in the delta today.

The Valley Needlegrass Grassland and Claypan Vernal Pools create a mosaic in the swale and hummock topography. This area, from Travis Air Force Base east to the delta area, is one of the last remaining representative examples of the native California Valley Grassland community. There are a few other spots where the Claypan Vernal Pools occur, but they are mostly small and threatened.

The proposed Calhoun Cut Ecological Reserve is home to three globally rare natural communities and six rare and endangered plants and is strongly suspected to also support at least two rare animals. The six taxa and the natural communities with which they are associated were all once more common in the delta area, but have experienced serious reductions in range and overall viability due to flood control efforts and urban and recreational development. These are known to be well represented on the proposed Calhoun Cut Ecological Reserve with the exception of the tiny legumene, which has not been collected in the area since 1961. It is suspected this plant may still occur on the property and has simply not been seen. On the other hand, the habitat is so good for the Mason's lilaeopsis that the Department of Water Resources has chosen the Barker site for this plant as partial mitigation for destruction of a population across the slough on another property.

The Calhoun Cut property is also considered to be critical habitat for the threatened Delta green ground beetle, an animal which is only known from native valley grassland and vernal pool habitats, both of which are depleted nearly to the point of extinction. In addition, in 1981, it was reported to the Department of Fish and Game's Natural Diversity Data Base that tri-colored blackbirds were nesting in the cattails of the freshwater marshlands near Calhoun Cut (on or near the property in question).

The most apparent type of wildlife use is by the thousands of ducks, primarily mallards, and geese wintering in the rich freshwater marshlands located on the property. The Calhoun Cut proposed Ecological Reserve also offers ideal opportunities for non-consumptive users. Perhaps the most significant of these are the educational opportunities offered by the last remaining intact Valley Needlegrass Grassland and Claypan Vernal Pool matrix of this kind in the world. The educational and research opportunities on the Calhoun Cut land are at least as great as are found and have been widely utilized on the adjacent Jepson Prairie property.

The property also offers good opportunities for bird watchers, photographers, wildflower enthusiasts and other non-consumptive users. There is potential for short canoe tours up Calhoun Cut as well, offering a different view of the riparian vegetation and animal life along the water.

The overall management objective would be to preserve and protect the rare natural community types and the endangered plant and animal species represented in their natural condition. In addition, the Department of Fish and Game has indicated that waterfowl hunting would be allowed on the cut area and would be limited to hunting from boats on this navigable waterway. It is most likely that the Department would seek cooperative management of the property by way of a Memorandum of Understanding or other arrangement with TNC.

Potential State claims to this property by way of the California State Lands Commission have been considered and their effect on the value has been taken into account in the appraisal.

The owners have agreed to sell their ownership at the appraised value of \$775,000. It is estimated that an additional \$15,000 will be needed for escrow, title fees, review and appraisal costs.

This purchase is exempt from CEQA as an acquisition of land for wildlife conservation purposes. Funding is available from the Wildlife and Natural Areas Conservation Fund (Prop. 70).

Mr. Giordano stated the property is very highly recommended by the Department of Fish and Game and the concerns that the Board addressed at the last meeting to the staff have been addressed.

Mr. Schmidt stated that one of the concerns of the last meeting was the lack of hunting being made available on the property. In fact, he added that there will be hunting and Mr. Jim Messersmith from the Department of Fish and Game was present should there be any questions on that issue.



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Staff recommended that the Board approve the purchase of the Calhoun Cut Ecological Reserve, as proposed; allocated \$790,000.00 from the Wildlife and Natural Areas portion of the California Wildlife, Coastal and Park Land Conservation Act, [Section 2720 (a)]; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt also indicated that the State Lands issue had been addressed and Mr. Lance Kiley from State Lands Commission was present if there were any questions on that issue. Mr. Schmidt reported that a letter of support had been received from the Defenders of Wildlife and Mr. Giordano received a phone call this morning from the opposition that was present at the last meeting. He further indicated that the owners of the property, Mr. & Mrs. Schmeiser, were present should there be any questions.

Mr. Giordano explained he received a phone call at 9:30 this morning from Mr. Kent Woodell, who had appeared before the Board in August. Mr. Woodell indicated he was fogged in and unable to attend the meeting and that he also left a telephone message with Mr. Bontadelli. Mr. Giordano reported that Mr. Woodell expressed that he wished he could have been present and that he had very important information concerning this project but was unable to appear and wanted the project held over for two weeks. Mr. Giordano informed Mr. Woodell that the next Board meeting was in February. Mr. Schmidt indicated that since this item was last presented to the Board three months ago, he questions why their concerns, or new information, was not brought up during this time period and that why they were brought up again today without input prior to this is unknown. Mr. Giordano then stated that Mr. Woodell did not indicate what his concern was.

Mr. Schmeiser, the landowner, was present and stated that he had been patient over the last three months waiting for a decision and would like a decision one way or the other today.

Mr. Stancell asked how the State Lands issue was resolved. Mr. Sarro indicated that meetings had been held with State Lands and the Department of General Services and essentially the appraiser took another look at it and made the assumption that the State Lands Commission's claim was a valid claim. The appraisers conclusions were, regardless, that the property would still have its same attributes, still have its same uses and the recreational benefits afforded by the fact that it is adjacent to the waterways actually enhances the value of the property. The fact of the matter is that if this property were out on the market, according to this appraiser, with the knowledge that a State claim is being made, the valuation would be the same. That's the appraisers conclusion and it has been agreed to by the State Department of General Services in their review and essentially WCB staff is also satisfied.

Mr. Bontadelli asked whether it's true that the vast majority of areas in and around the Delta are subject to this or similar claims and if there is any form of traditional waterways that exist. Mr. Sarro stated yes, we are finding it all over the state. Mr. Bontadelli added that this is a subject area which has been unresolvable legislatively for several years; therefore, what we are facing is a long standing and, as yet, unresolved series of claims throughout virtually the entire Delta and that basically what was heard from the appraiser was a statement that given the long standing

unresolved nature of this, properties are being sold at comparable value ratios and this issue is not a determining factor in modifying the appraisal. Mr. Sarro stated that this is correct in this case, and in most other cases. There are cases where State ownership will devalue property but this is just not one of them. Mr. Schmidt reported he had received a phone call yesterday from one of the people that spoke at the previous meeting and he felt that possibly one of the messages they wanted to bring today is that they feel there is a substantially larger State claim than what the State Lands Commission shows. The comment on the telephone was that anyone can look at the map and figure it out. I have double checked with State Lands Commission and they feel very confident that the claim that they have shown us in writing is, in fact, the claim, and I believe that is why Mr. Kiley is present should the Board have any questions.

Mr. Lance Kiley, Chief of Division of Land Management for State Lands Commission, stated that his staff expressly deals with the issue of determining where claims are and also what they might be worth in the opinion of his staff. Mr. Kiley added that they do stand by the work they have done in the past and expressed in writing to the Board; and the area of this claim they believe is substantiated by the evidence examined.

Mr. Jim Messersmith, Department of Fish and Game, reported that as it relates to hunting, the proposal is to operate the area, in a sense the way it has been in the past, that navigable waters will continue to be accessible to hunters. The thing that will be done that may not have been done in the past, is that when a hunter shoots a bird, he will be allowed to 'trespass' on the land within a distance of 100 yards in order to retrieve the bird leaving the weapon behind. The reason for that is that it is a typical process that is used on wildlife areas so when a person downs a bird and it falls in a closed area, the area where you can not hunt, the hunter is allowed to go and retrieve that bird, again leaving the weapon behind in the process. The reason for this is so that enforcement can observe and realize that the hunter is not shooting the bird in the closed area but just retrieving it. Mr. Messersmith stated there is one other complication that will come about and that had to do with transplanting of some rare plant species, some of which have been described here, from one side of the slough to the other side of the slough which is the Schmeiser property we are proposing to purchase. These are relatively small plots and it is a study which began this past April in consort with the Department of Water Resources and Jones and Stokes Consultants, which has to do with mitigation for some riprap work done on the opposite side of the slough. The DFG is not 100% clear on what may need to be done in order to protect these plots from people walking on them. There is a study period of observation during which they want to make sure these plants are transplanted and survive. There are four different site locations approximately two feet square each. Each site will need to be marked in some way but has not been decided as yet. Mr. Messersmith encouraged the Board to approve this purchase as it is a very valuable acquisition but also a valuable acquisition to the Wildlands program.

Ms. Maita asked if this area could be operated as an ecological/wildlife management area scenario. Mr. Messersmith stated that you can hunt on ecological reserves; you can have consumptive uses as long as they don't come in conflict with the reasons you acquired the property in the first place. The main reason for this acquisition is the T & E species.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE PURCHASE OF THE CALHOUN CUT ECOLOGICAL RESERVE PROPERTY, SOLANO COUNTY, AS PROPOSED; ALLOCATE \$790,000.00 FROM THE WILDLIFE AND NATURAL AREAS PORTION OF THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT (PROP. 70), [SECTION 2720 (a)]; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

16. Buttermilk Country Wildlife Area, Inyo County \$494,000.00

Mr. Schmidt reported this was a proposal to acquire a 317.5+ acre parcel of privately-owned deer winter range habitat which is surrounded by the Inyo National Forest. Mr. Howard Dick explained the location. The property is located approximately 12 miles west of Bishop on the eastern slope of the Sierra Nevadas and can be accessed by taking Highway 168 and Buttermilk Road. The topography in Buttermilk Country is classified as a high desert meadow area. McGee Creek, a permanent stream that supports Brook trout, runs along the eastern portion of the subject property.

According to the Department of Fish and Game, this habitat is crucial for the Buttermilk deer herd, which currently numbers approximately 2,000 animals. The site contains the Great Basin type vegetation including the "Sagebrush-Steppe" and "Pinon-Juniper woodland". The Steppe consists of a generally treeless, shrub-dominated community located along the eastern slopes of the eastern Sierra Nevada and boundary of California and Nevada. The "Pinon-Juniper woodland" basically runs from Topaz Lake south to Kern County on the east-facing slopes of the Sierra Nevada between the sagebrush below and coniferous forests and woodlands above. The communities on this parcel of land are composed largely of big sagebrush, bitterbrush, rabbitbrush, buckwheat, black brush and salt brush. These species are commonly found at lower elevations while the Pinon pine occurs at the higher winter range elevations. The principle browse species on the Buttermilk winter range include bitterbrush, big sagebrush and buckwheat.

The area is considered a major intermediate or holding area, where migrating deer pause for a time when traveling from summer to winter ranges. Telemetry collar deer studies have shown that this site is also within a major part of the winter range.

It is a known fact that deer population numbers have been and currently are decreasing. The major reason for this decline is the loss of habitat, which reduces the carrying capacity for a particular deer herd. It is extremely important that we do not lose anymore habitat than what is absolutely necessary. This is a rare chance to secure a major piece of deer winter range for a deer herd that has been declining dramatically over the past few years.



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The subject property is currently for sale and if not purchased by the State will no doubt be sold and developed into 40 acre home sites. The Department, which feels any development would be very detrimental to this deer herd, has no plans to develop or change the area from its current condition. Therefore, no intensive management is planned or necessary for the area.

The owners have agreed to sell the property at its approved fair market value of \$484,000.00. An additional \$10,000.00 is estimated to cover the costs of appraisal, survey, escrow, closing and administrative charges, bringing the total needed allocation to \$494,000.00.

This project is exempt from CEQA as an acquisition of land for habitat preservation purposes. Funding is available for this purchase from the Cigarette and Tobacco Products Surtax Fund of 1988 (Proposition 99).

Mr. Schmidt noted that the land totally surrounding this property is in Federal ownership which may make one question the reasoning for buying this property if everything already around it is already protected. Local DFG reported that this parcel is directly in the center of the migration corridor and because of its elevation can be used as deer winter range.

Staff recommended that the Board approve this acquisition as proposed; allocate \$494,000.00 from the Cigarette and Tobacco Products Surtax Fund of 1988 (Prop. 99); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt noted that letters of support had been received from the Defenders of Wildlife, California Native Plant Society-Bristle Cone Chapter, Sierra Club-Eastern Sierra Nevada Chapter, Audubon Society, Inyo-Mono County Fish and Game Advisory Commission, plus a resolution from the Inyo County Board of Supervisors encouraging this acquisition.

Mr. Bryant asked if there were any questions or concerns, and since there was no further discussion, the following action was taken.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE BUTTERMILK COUNTRY WILDLIFE AREA, INYO COUNTY, AS PROPOSED; ALLOCATE \$494,000.00 FROM THE CIGARETTE AND TOBACCO PRODUCTS SURTAX FUND OF 1988 (PROP. 99), TO COVER THE PURCHASE PRICE AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.



17. Other Business

a. Discussion - Kesterson

Mr. Bontadelli raised an issue for the Board's consideration since there is an item under consideration that has a multi-aspect use. At the current time, the Department of Fish and Game is working with the U.S. Fish and Wildlife Service and Bureau of Reclamation in reviewing a variety of options in the Kesterson area to insure that any adverse impacts of Kesterson are fully resolved and also that the North American Waterfowl Plan goals are met. Along those lines, there are several parcels that DFG has recommended to the Wildlife Conservation Board staff that are being reviewed and may be brought to the Board in the near future. Prior to bringing these acquisition proposals to the Board, all water commitments would be secured from the Department of Interior.

Mr. Schmidt reported that staff is working on the acquisitions now and it is very possible they will be brought to the next Board meeting in February. This would be a substantial acquisition in the central valley.

Mr. Bontadelli stated that basically the proposal is the acquisition of lands in the Kesterson area that would then be able to be converted to wetlands to fully offset all development and all the long term water would be provided by the Bureau for the operations of the area as the offset for any Kesterson impacts but it would be on permanently secured property owned by the State of California. There is currently a closure and clean up plan administered by the State Water Board on Kesterson and its wildlife values have been lost.

There being no further business to consider, the meeting was adjourned at 11:05 a.m. by Chairman Bryant.

Respectfully submitted,

*W. John Schmidt*

W. John Schmidt  
Executive Director

## PROGRAM STATEMENT

At the close of the meeting on November 21, 1989, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$225,814,068.74. This total includes funds reimbursed by the Federal Government under the Accelerated Public Works Program completed in 1966, the Land and Water Conservation Fund Program, the Anadromous Fish Act Program, the Pittman-Robertson Program, and the Estuarine Sanctuary Program.

The statement includes projects completed under the 1964 State Beach, Park, Recreational and Historical Facilities Bond Act, the 1970 Recreation and Fish and Wildlife Enhancement Bond Fund, the Bagley Conservation Fund, the State Beach, Park, Recreational and Historical Facilities Bond Act of 1974, the General Fund, the Energy Resources Fund, the Environmental License Plate Fund, the State, Urban and Coastal Park Bond Act of 1976, the 1984 Parklands Bond Act, the 1984 Fish and Wildlife Habitat Enhancement Bond Act, the California Wildlife Coastal and Park Land Conservation Act of 1988 and the Wildlife Restoration Fund.

a.	Fish Hatchery and Stocking Projects .....	\$16,037,244.20
b.	Fish Habitat Development .....	11,449,114.00
	1. Reservoir Construction or Improvement .	\$3,065,821.39
	2. Stream Clearance and Improvement .....	5,679,031.22
	3. Stream Flow Maintenance Dams .....	498,492.86
	4. Marine Habitat .....	646,619.07
	5. Fish Screens, Ladders and Weir Projects	1,559,149.46
c.	Fishing Access Projects .....	33,005,847.56
	1. Coastal and Bay .....	\$3,124,536.25
	2. River and Aqueduct Access .....	6,973,730.95
	3. Lake and Reservoir Access .....	6,197,560.43
	4. Piers .....	16,710,019.93
d.	Game Farm Projects .....	146,894.49
e.	Wildlife Habitat Acq., Development & Improvement Projects ..	157,838,601.00
	1. Wildlife Areas (General) .....	\$119,920,281.54
	2. Miscellaneous Wildlife Habitat Dev. ...	3,308,962.19
	3. Wildlife Areas/EcoReserves, (Rare & Endangered) .....	34,609,357.27
f.	Hunting Access .....	533,743.57
g.	Miscellaneous Projects .....	6,008,012.87
h.	Special Project Allocations .....	311,995.42
i.	Miscellaneous Public Access Projects .....	482,615.63

Total Allocated to Projects ..... \$225,814,068.74