

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 February 15, 1990

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

Minutes, Meeting of February 15, 1990

Pursuant to the call of Chairman Robert A. Bryant, the Wildlife Conservation Board met in Room 113 of the State Capitol, Sacramento, California, on February 15, 1990. The meeting was called to order at 10:10 a.m. by Chairman Bryant.

1. Roll Call

<u>Present:</u>	Robert A. Bryant, President	Chairman
	Fish and Game Commission	
	Stan Stancell, Assistant Director	Member
	Department of Finance	
	Pete Bontadelli, Director	Member
	Department of Fish and Game	
	Assemblyman Jim Costa	Joint Interim Committee
	Edna Maita	
	Vice Assemblyman Costa	Joint Interim Committee
	Dr. Andrea Tuttle,	
	Vice Senator Keene	Joint Interim Committee
	Sandy Silberstein	
	Vice Senator Presley	Joint Interim Committee
	Rick Battson	
	Vice Assemblyman Isenberg	Joint Interim Committee
<u>Absent:</u>	Senator David Roberti	Joint Interim Committee
	Assemblyman Norman S. Waters	" " "
<u>Staff Present:</u>	W. John Schmidt	Executive Director
	Alvin G. Rutsch	Asst. 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
	Sylvia Gude	Staff Services Analyst
	Sandy Daniel	Executive Secretary
	Janice Beeding	Office Technician

Others Present:

Tim McCullough	Merced Co. Assoc. of Gov't.
Bob Wright	San Joaquin River Committee
David Miller	San Joaquin River Parkway

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Others Present (Continued)

Reggie Hill	Lower San Joaquin Levee Dist.
Harry McGowan	Landowner
Joe Rosato	Sacramento Bee
Marilyn Cundiff-Gee	Dept. of Finance
Topper Van Loben Sels	Citizen
Dave Chapman	Chapman Forestry Foundation
Jim Mann	Glenn County Supervisor
George Whitmore	Sierra Club
Bruce McGowan	Landowner
Bob McGowan	Landowner
Hank McGowan	Landowner
Dan Chapin	Calif. Waterfowl Association
Mike McKown	State Lands Commission
Carla Markmann	Dept. of Fish and Game
Steve Nicola	Dept. of Fish and Game
Chris Unkel	The Nature Conservancy
Jennifer Jennings	Planning & Conservation League
David Showers	Dept. of Fish and Game
Barry Meyers	Sacramento River Pres. Trust
David G. Paullin	U.S. Fish & Wildlife Service
Bert Click	Landowner
Richard Spotts	Defenders of Wildlife
Clay McGowan	Landowner
Dick Daniel	Dept. of Fish and Game
Spike Naylor	Dept. of Fish and Game
Jim Messersmith	Dept. of Fish and Game
Jean Hackamack	Stanislaus Audubon/Sierra Club
George Nokes	Dept. of Fish and Game
Glenn Olson	National Audubon Society
Robert Kelley	Stevinson Water District
Ken Williams	Attorney General
Eric R. Robbins	Assembly Water Parks & Wildlife Committee
Linda Adams	Assembly Water Parks & Wildlife Committee
Pete Dangermond	Dangermond & Associates
Warren Ball	Landowner
James A. McKelvey	Attorney
Larry Frank	Citizen
George Nokes	Dept. of Fish and Game
Ed Smith	Dept. of Fish and Game
Ted Thomas	Dept. of Fish and Game
Jim White	Dept. of Fish and Game
Darlene Buscher	Sears Point Raceway
Vince Minto	Glenn County Assessor
Blake Stevenson	State Lands Commission

Minutes of Meeting, February 15, 1990
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2. Approval of Minutes

Approval of minutes of the November 21, 1989, meeting of the Wildlife Conservation Board was recommended.

IT WAS MOVED BY MR. BONTADELLI THAT THE MINUTES OF THE WILDLIFE CONSERVATION BOARD MEETING OF NOVEMBER 21, 1989, BE APPROVED AS WRITTEN.

MOTION CARRIED.

3. Funding Status as of February 15, 1990 (Information Only)

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

Governor's Budget - Land Acquisitions	\$ 429,000.00
Less previous Board allocations	-308,130.93
Unallocated Balance	\$ 120,869.07
 Governor's Budget - Minor Projects	 \$ 480,000.00
Less previous Board allocations	- 1,700.00
Unallocated Balance	\$ 478,300.00
 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	\$ -0-

(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	\$ 90,793.20
 Governor's Budget - Land Acquisitions	 \$ 417,000.00
Less previous Board allocations.....	-417,000.00
Unallocated Balance.....	\$ -0-

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

Governor's Budget	\$3,292,000.00
Less previous Board allocations	-1,427,837.37
Unallocated Balance	\$1,864,162.63

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

Governor's Budget	\$4,093,000.00
Less previous Board allocations	- 957,850.00
Unallocated Balance	\$3,135,150.00

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

Governor's Budget	\$3,434,000.00
Less previous Board allocations	-2,969,051.97
Unallocated Balance	\$ 464,948.03

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

Governor's Budget	\$14,000,000.00
Less previous Board allocations	-13,999,808.23
Unallocated Balance	\$ 191.77

(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	-6,740,000.00
Unallocated Balance	\$ 3,760,000.00

(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	-17,777,806.15
Less State administrative costs	- 1,219,500.00
Unallocated Balance	\$62,302,693.85

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

Governor's Budget	\$ 5,500,000.00
Less previous Board allocations	- 494,000.00
Unallocated Balance	\$ 5,006,000.00

RECAP OF FUND BALANCES

Wildlife Restoration Fund

Acquisition	\$ 211,662.27
Minor Development	\$ 478,300.00
Major Development	\$ 500,000.00
<u>Environmental License Plate Fund</u>	\$ 1,864,162.63
<u>1984 Fish & Wildlife Habitat Enhancement</u>	\$ 3,600,289.80
<u>California Wildlife, Coastal and Park Land</u>	
Conservation Fund of 1988	\$62,302,693.85
<u>Wildlife and Natural Areas Conservation Fund</u>	\$17,475,000.00
<u>Cigarette and Tobacco Products Surtax Fund</u>	\$ 5,006,000.00

4. Recovery of Funds

The following 51 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: \$2,066.05 to the Environmental License Plate Fund, and \$94,287.91 to the Wildlife Restoration Fund, \$503.00 to the Parklands Fund of 1984, \$279,591.86 to the 1984 Fish and Wildlife Habitat Enhancement Fund, \$117,134.20 to the California Wildlife, Coastal and Park Land Conservation Fund of 1988, and \$11,457.95 to the Wildlife and Natural Areas Conservation Fund; and that the projects be closed.

It was recommended by Mr. Schmidt that under the Wildlife Restoration Fund, the amount of \$28,525.71 for the Hudeman Slough Public Access project, Sonoma County, and \$16,613.69 for the Mad River Hatchery Fishing Access project, Humboldt County, not be recovered as there are still outstanding bills. This changes the total amount to be recovered to the Wildlife Restoration Fund from \$94,287.91 to \$49,148.51. Mr. Schmidt also noted a correction to the recoveries for the Parklands Fund of 1984. It was reported that \$156,000.00 had been expended for the Lopez Lake Public Access project, San Luis Obispo County, where in fact no money was expended and the balance for recovery should be \$156,000.00. This changes the total amount to be recovered to the Parklands Fund of 1984 from \$503.00 to \$156,503.00.

ENVIRONMENTAL LICENSE PLATE FUND

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

Allocation	\$ 551.25
Expended	- -0-
Balance for Recovery	\$ 551.25

Suisun Marsh Habitat Enhancement Project, Solano County

Allocation	\$250,000.00
Expended	-250,000.00
Balance for Recovery	\$ -0-

Upper Sacramento River (River Mile 209-East Bank), Butte County

Allocation	\$ 22,000.00
Expended	- 20,485.20
Balance for Recovery	\$ 1,514.80

Total Environmental License Plate Fund Recoveries \$2,066.05

WILDLIFE RESTORATION FUND

Collins Lake Wildlife Area, Phase I, Yuba County

Allocation	\$730,000.00
Expended	-724,198.12
Balance for Recovery	\$ 5,801.88

Fairmount Park (Evans Lake), Riverside County

Allocation	\$126,000.00
Expended	-126,000.00
Balance for Recovery	\$ -0-

Greyhound Rock Public Access, Santa Cruz County

Allocation	\$122,400.00
Expended	-118,939.05
Balance for Recovery	\$ 3,460.95

Hudeman Slough Public Access, Sonoma County

Allocation	\$217,000.00
Expended	-188,474.29
Balance for Recovery	\$ 28,525.71

THIS ITEM NOT
RECOVERED. SEE
RECOMMENDATION ON
PAGE 5 AND MOTION ON
PAGE 12.

Little Red Mountain Ecological Reserve, Expansion #1, Mendocino County

Allocation	\$106,000.00
Expended	-102,579.74
Balance for Recovery	\$ 3,420.26

Kangaroo Lake Public Access, Siskiyou County

Allocation	\$ 19,000.00
Expended	- 19,000.00
Balance for Recovery	\$ -0-

Luffenholtz Creek, Humboldt County

Allocation	\$ 31,200.00
Expended	- 31,200.00
Balance for Recovery	\$ -0-

Mad River Hatchery Fishing Access, Humboldt County

Allocation	\$ 54,000.00
Expended	- 37,386.31
Balance for Recovery	\$ 16,613.69

THIS ITEM NOT
RECOVERED. SEE
RECOMMENDATION ON
PAGE 5 AND MOTION ON
PAGE 12.

Navarro River Access, Mendocino County

Allocation	\$ 3,500.00
Expended	- 3,145.46
Balance for Recovery	\$ 354.54

Oroville WLA Ponds Fishing Access, Butte County

Allocation	\$ 93,000.00
Expended	- 78,072.22
Balance for Recovery	\$ 14,927.78

Prospect Avenue Public Access, Siskiyou County

Allocation	\$ 31,000.00
Expended	- 21,592.50
Balance for Recovery	\$ 9,407.50

Ruth Lake Public Fishing Access, Trinity County

Allocation	\$ 42,500.00
Expended	- 39,196.38
Balance for Recovery	\$ 3,303.62

Silverado Fisheries Base Water Supply, Napa County

Allocation	\$ 78,000.00
Expended	- 77,768.50
Balance for Recovery	\$ 231.50

Upper Long Valley, Sierra and Lassen Counties

Allocation	\$910,000.00
Expended	-905,162.20
Balance for Recovery	\$ 4,837.80

Valencia Lagoon Ecological Reserve Expansion, Santa Cruz County

Allocation	\$ 8,000.00
Expended	- 8,000.00
Balance for Recovery	\$ -0-

Wohler Bridge Public Fishing Access, Sonoma County

Allocation	\$ 47,300.00
Expended	- 43,897.32
Balance for Recovery	\$ 3,402.68

Total Wildlife Restoration Fund Recoveries \$94,287.91*

* RECOVERED AMOUNT WAS \$49,148.51. SEE RECOMMENDATION ON PAGE 5 AND
MOTION ON PAGE 12.

PARKLANDS FUND OF 1984

Cachuma Lake Fishing Access, Santa Barbara County

Allocation	\$ 23,650.00
Expended	- 23,147.00
Balance for Recovery	\$ 503.00

Lopez Lake Public Access, San Luis Obispo County

Allocation	\$156,000.00
Expended	-156,000.00
Balance for Recovery	\$ -0-

CORRECTION. AMOUNT
RECOVERED SHOULD BE
\$156,000.00. SEE
RECOMMENDATION ON
PAGE 5 AND MOTION ON
PAGE 12.

Total Parklands Fund of 1984 Recoveries \$503.00*

* RECOVERED AMOUNT WAS \$156,503.00. SEE RECOMMENDATION ON PAGE 5 AND
MOTION ON PAGE 12.

FISH AND WILDLIFE HABITAT ENHANCEMENT FUND

Big Creek, Madera County

Allocation	\$ 10,000.00
Expended	- 10,000.00
Balance for Recovery	\$ -0-

By-Day Creek #2, Mono County

Allocation	\$ 7,500.00
Expended	- 7,500.00
Balance for Recovery	\$ -0-

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

Allocation	\$399,541.80
Expended	-399,541.80
Balance for Recovery	\$ -0-

Chiquito Creek Drainage, Madera County

Allocation	\$ 49,800.00
Expended	-49,800.00
Balance for Recovery	\$ -0-

Grassland Water Facility Improvement Project, Merced County

Allocation	\$450,000.00
Expended	-450,000.00
Balance for Recovery	\$ -0-

Griffin Creek, Del Norte County

Allocation	\$ 12,000.00
Expended	- 6,407.38
Balance for Recovery	\$ 5,592.62

Grizzly Island Wildlife Area - Goodyear Slough Unit, Expansion #1,
Solano County

Allocation	\$ 2,000.00
Expended	- 1,428.90
Balance for Recovery	\$ 571.10

Laguna de Santa Rosa, Sonoma County

Allocation	\$307,200.00
Expended	-307,200.00
Balance for Recovery	\$ -0-

Lewiston Riffles (Site 2 and 2A), Trinity County

Allocation	\$ 52,000.00
Expended	- 29,803.36
Balance for Recovery	\$ 22,196.64

Mid-City Ranch Expansion #1 (Fay Slough WLA), Humboldt County

Allocation	\$446,800.00
Expended	-440,478.80
Balance for Recovery	\$ 6,321.20

Monkey Creek, Del Norte County

Allocation	\$ 20,000.00
Expended	-17,320.00
Balance for Recovery	\$ 2,680.00

Myrtle Creek, Del Norte County

Allocation	\$ 9,000.00
Expended	- 2,473.20
Balance for Recovery	\$ 6,526.80

Olsen Creek, Trinity County

Allocation	\$ 1,200.00
Expended	- 1,200.00
Balance for Recovery	\$ -0-

Portuguese Creek (West Fork), Madera County

Allocation	\$ 20,000.00
Expended	- 20,000.00
Balance for Recovery	\$ -0-

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Red Cap #2, Humboldt County

Allocation	\$ 9,000.00
Expended	- 8,970.00
Balance for Recovery	\$ 30.00

Rusch Creek #2, Trinity County

Allocation	\$ 2,600.00
Expended	- 1,582.36
Balance for Recovery	\$ 1,017.64

Sacramento River Gravel Restoration, Keswick Arm, Shasta County

Allocation	\$200,100.00
Expended	- -0-
Balance for Recovery	\$200,100.00

Saddle Gulch Hayfork Creek, Trinity County

Allocation	\$ 10,000.00
Expended	- 10,000.00
Balance for Recovery	\$ -0-

Sly Creek Spawning Channel, Plumas County

Allocation	\$ 34,500.00
Expended	- -0-
Balance for Recovery	\$ 34,500.00

Trinity River Diversions, Trinity County

Allocation	\$ 34,600.00
Expended	- 34,544.14
Balance for Recovery	\$ 55.86

Wildwood Hayfork Creek, Trinity County

Allocation	\$ 1,200.00
Expended	- 1,200.00
Balance for Recovery	\$ -0-

Willow Creek Barrier, Humboldt County

Allocation	\$ 25,000.00
Expended	-25,000.00
Balance for Recovery	\$ -0-

Total Fish & Wildlife Hab. Enhancement Fund Recoveries .. \$279,591.86

CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988

Blue Sky Ranch Wildlife Area, San Diego County

Allocation	\$1,815,000.00
Expended	-1,808,166.60
Balance for Recovery	\$ 6,833.40

Hope Valley Wildlife Area Expansion #2, Alpine County

Allocation	\$250,000.00
Expended	-241,732.30
Balance for Recovery	\$ 8,267.70

Laguna de Santa Rosa, Sonoma County

Allocation	\$200,000.00
Expended	-113,744.30
Balance for Recovery	\$ 86,225.70

Napa Marsh, Steamboat Slough Expansion #2, Sonoma County

Allocation	\$202,000.00
Expended	-188,238.65
Balance for Recovery	\$ 13,761.35

Upper Sacramento River Riparian Habitat, Jacinto Expansion, Glenn County

Allocation	\$177,000.00
Expended	-174,953.95
Balance for Recovery	\$ 2,046.05

Total California Wildlife, Coastal and Park Land
Conservation Fund of 1988 Recoveries \$117,134.20

WILDLIFE AND NATURAL AREAS CONSERVATION FUND

Bonny Doon Ecological Reserve, Santa Cruz County

Allocation	\$1,735,000.00
Expended	-1,731,163.45
Balance for Recovery	\$ 3,836.55

McGinty Mountain Ecological Reserve, San Diego County

Allocation	\$ 160,000.00
Expended	-156,303.70
Balance for Recovery	\$ 3,696.30

Pickel Meadow Wildlife Area, Mono County

Allocation	\$1,000,000.00
Expended	- 996,074.90
Balance for Recovery	\$ 3,925.10

Total Wildlife & Natural Areas Conservation

Fund Recoveries \$11,457.95

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD RECOVER FUNDS FROM THE PROJECTS LISTED ON PAGES 5-12 AS READ AND AMENDED BY MR. SCHMIDT AND CLOSE THE PROJECT ACCOUNTS. RECOVERY TOTALS SHALL INCLUDE THE SUM OF \$2,066.05 TO THE ENVIRONMENTAL LICENSE PLATE FUND; \$49,148.51 TO THE WILDLIFE RESTORATION FUND; \$156,503.00 TO THE PARKLANDS FUND OF 1984; \$279,591.86 TO THE 1984 FISH AND WILDLIFE HABITAT ENHANCEMENT FUND; \$117,134.20 TO THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988; AND \$11,457.95 TO THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND.

MOTION CARRIED.

5. Glenburn (Fall River) Fishing Access, Shasta County \$11,000.00

Mr. Schmidt reported that on November 21, 1989, the Board approved the acquisition of a five-year lease on a one acre parcel on the Fall River, near Glenburn, for fishing access use. As directed, staff has now secured this five-year lease with terms providing for a five-year extension at the Department of Fish and Game's option, subject to reappraisal of the lease value for the second term. Mr. Al Rutsch described the proposal.

The Department's proposal was for WCB funding to develop a car-top boat access on the leased site. Improvements planned are a graveled parking area for 15 cars or pickups, a cinder path to the water's edge, a cinder beaching area for launching or retrieving light car-top boats, a paved connection to the adjacent county road, a chemical toilet, fencing and gate and appropriate signs.

The lease and development of this parcel is proposed in accordance with the Department's Fall River Management Plan (Inland Fisheries Administrative Report No. 86-2, April, 1986). This Plan notes that public fishing access on Fall River is very limited as the river flows almost entirely within private lands. Public pressure to correct this situation has increased steadily since 1970 when the courts declared Fall River to be legally navigable for fishing purposes.

The development of this parcel will be kept to a minimum and most of the construction work can be done by Department personnel who will also provide facility maintenance. A cost estimate provided by the Department, and reviewed by WCB staff, details the project cost as follows:

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Vehicle barriers, 530 l.f.	\$ 1,800
Fence, 400 l.f.	800
Gate	200
Cinders, 150 c.y.	2,200
AC paving	3,500
Signs	1,000
Miscellaneous & Contingency	<u>1,500</u>

Total Estimated Project Cost: \$11,000

The work is exempt from CEQA under Section 15304, Class 4 of the State Guidelines and the Department has filed a Notice of Exemption in accordance with the Act.

Staff recommended that the Board approve the Glenburn (Fall River) Fishing Access project as proposed; allocate \$11,000.00 from the Wildlife Restoration Fund; 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 THE FISHING ACCESS IMPROVEMENTS AT THE GLENBURN (FALL RIVER) FISHING ACCESS SITE, SHASTA COUNTY, AS PROPOSED; ALLOCATE \$11,000.00 FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

6. Blue Lake Fishing Access, Lassen County \$10,500.00

Mr. Schmidt reported that the Modoc National Forest, Warner Mountain Ranger District, had requested WCB funding for construction of a fishing access trail and a handicapped accessible fishing platform at Blue Lake, located in the southern Warner Mountain Region, northeastern Lassen County. Mr. Rutsch described the proposal. This 165 acre lake is situated in pine and fir timbered mountains at an elevation of 6067 feet. Access is by a paved road from Highway 395 at Likely, about 37 miles southeast of Alturas. A 48 unit campground is located at the lake, as well as a primitive boat launching ramp. The lake surface elevation only varies about a foot or two each year.

The Forest Service plans other improvements at the lake and has obtained a grant from the Department of Boating and Waterways (DBW) for a new boat ramp, parking area and restrooms. The proposed trail is scheduled for construction this summer along with the other improvements.

WCB funding would be used to construct 5800 feet of unsurfaced trail along the east shore of the lake, a handicapped accessible fishing platform and about 400 feet of paved trail linking the fishing platform and new paved parking area. The new trail will tie in with the existing Blue Lake Campground and an existing trail along the south and west shores of the lake. When completed, the Blue Lake trail will provide fishing access and bird watching opportunities around the entire lake shore, a two and one-half

mile loop. The new trail segment will be incorporated into the currently designated National Recreation Trail which is maintained by the Forest Service for public use.

Forest Service personnel have consulted with the U.S. Fish and Wildlife Service and Department of Fish and Game, as well as local agencies, sportmen's groups and individuals and have received overwhelming support for both the WCB and DBW projects. The Department endorses this proposal, noting the excellent fishery at the lake consisting of a variety of cold water game fish including trophy sized rainbows, German brown trout and catfish, as the predominant species. This is also, perhaps, the most popular deer hunting area in the Warner Mountains. Wildlife observation in this uncrowded and unpolluted environment is an added benefit for visitors to this area.

A Letter of Management Intent has been received from the Modoc National Forest indicating the project will be developed as proposed and will be maintained for public use by agreement with the Department in accordance with WCB requirements.

The Forest Service has also filed a Categorical Exclusion for this project pursuant to Federal guidelines. This document is submitted as the Departments' compliance with CEQA under Section 15220-15228 of the State Guidelines which permits such coordination for qualifying projects.

The environmental document notes the presence of some threatened or endangered species in the area, including a bald eagle nest near the west shore of the lake. Mitigation measures will be taken to control and integrate work activities so as to minimize any disturbance to these species. Cultural resources, though sparse, will likewise be protected.

The trail project will be supervised by Forest Service personnel with work to be performed by the California Department of Corrections (CDC) personnel, thereby enabling the WCB funds to be used for materials and administration costs only. The project cost breakdown as submitted by Forest Service is as follows:

Handicapped fishing platform	\$3,000
Trail construction, 5800 ft. (CDC)	0
Handicapped trail, 400 ft., AC & base	2,000
Trail around inlet	2,500
Miscellaneous, signs	500
Subtotal	\$8,000
Contingencies	900
Contract Administration	1,600
Total Project Cost	\$10,500

Staff recommended that the Board approve the Blue Lake Fishing Access proposal as proposed; allocate \$10,500.00 from the Wildlife Restoration Fund; and authorize staff and the Department of Fish and Game to proceed substantially as planned. Mr. Schmidt noted this is part of an ongoing program to develop handicapped access.

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 CONSTRUCTION OF A HANDICAPPED FISHING ACCESS TRAIL AND PLATFORM AT BLUE LAKE, LASSEN COUNTY, AS PROPOSED; ALLOCATE \$10,500.00 FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

Mr. Schmidt reported that Assemblyman Costa requested Item #7 not be heard until he could be present. (Assemblyman Costa was attending a Senate hearing.)

7. San Joaquin River Riparian Habitat, Expansion #1,
Fresno County \$1,632,000.00

THIS ITEM WAS CONSIDERED AFTER ITEM #15a, SEE PAGE 33.

8. Upper Sacramento River Riparian Habitat, River Mile 171-R,
Glenn County \$115,000.00

MR. SCHMIDT REPORTED THAT THIS ITEM HAD BEEN WITHDRAWN AT THE REQUEST OF THE LANDOWNER.

To consider the acquisition of 113+ acres of riparian habitat on the west bank of the Sacramento River, south of the town of Glenn, for preservation of riparian habitat.

9. Upper Sacramento River Riparian Habitat, River Mile 159.5-R,
Colusa County \$118,000.00

Mr. Schmidt reported this proposal was to acquire a privately owned parcel of land containing 124.5+ acres of riparian habitat along the Sacramento River. The subject parcel is located about three miles south of the town of Princeton, off State Route 45, Colusa County. Ms. Georgia Lipphardt described the proposal. Generally, the land lies between State Route 45 on the west and the Sacramento River on the east. All of the ownership is located in the flood plain area, with the exception of a 2+ acre home site parcel which is located outside of an existing levee. This site has a small, vacant, dilapidated dwelling on it, as well as several valley oak trees. If acquired, the Department has indicated the structure would be removed and additional valley oak seedlings could be planted. A significant part of the riparian wooded area (70+ acres) has some potential for development to agricultural use which would certainly destroy its wildlife values. The balance of the property, some 52+ acres, consists of gravel and sand bars. Previous owners have considered the possibility of gravel extraction but were denied a permit for this use by the County.

This type of riparian habitat supports more than 200 species of birds and 42 species of mammals and is considered by the Department to be a very productive terrestrial ecosystem. Endangered or threatened species dependent upon these riparian forests include the valley elderberry longhorn beetle, bald eagle, American peregrine falcon, Swainson's hawk, yellow-billed cuckoo and the California hibiscus. Bird species of special concern include the double-crested cormorant, sharp-shinned hawk, Cooper's hawk, osprey, merlin, long-eared owl, willow flycatcher, purple martin, bank swallow, yellow warbler and the yellow-breasted chat. Species found on the State's fully protected lists include the black-shouldered kite and the ring-tailed cat.

Much of this type of habitat has already been cleared along the Sacramento River as evidenced by Department of Fish and Game studies which show that only about 1% of the Sacramento Valley riparian forests of the early 1800's remain today. Public acquisition of this habitat would prevent further loss. With the passage of Proposition 70, the financial means are now available to acquire riparian habitat along the Sacramento River. Other Department holdings in the area include the Pine Creek, Shannon Slough and Jacinto Units, as well as acquisitions at river miles 155 and 160. Management of the parcels would be in conjunction with these Department holdings.

In addition to rounding out the Department's holdings, state acquisition is seen as a guarantee to protect this valuable resource. Public ownership will also allow the Department the opportunity to restore and enhance habitat on this property.

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The owner has agreed to sell the subject parcel at the approved fair market value of \$113,250. Processing costs are estimated to be \$4,750, which includes the cost of an appraisal, escrow and Department of General Services charges. The acquisition would certainly be consistent with the mandate of Proposition 70 and with the Department's long-standing goal of increasing and protecting riparian habitat. The acquisition is exempt from CEQA under Section 15313 as an acquisition of land for wildlife conservation purposes. Potential State claims to this property by way of the California State Lands Commission have been considered and their effect on the fair market value has been taken into account in the appraisal.

Staff recommended that the Board approve the acquisition of this Upper Sacramento River parcel, as proposed; allocate \$118,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988, as designated for the Sacramento River [Section 5907 (c)(8)]; 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. He also noted that a letter of opposition had been received from Ms. Nadine Ohliger expressing her concerns about continuing acquisitions along the river.

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 ACQUISITION OF THE UPPER SACRAMENTO RIVER RIPARIAN HABITAT, RIVER MILE 159.5-R, COLUSA COUNTY, AS PROPOSED; ALLOCATE \$118,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988, AS DESIGNATED FOR THE SACRAMENTO RIVER [SECTION 5907 (c)(8)]; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

10. Napa Marsh Wildlife Area, Tolay Creek, Sonoma County

\$217,000.00

Mr. Schmidt reported this proposal was to consider the acquisition of 137.5+ acres of marsh 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. Mr. Schmidt reported that the acreage had been reduced to 99 acres at the request of the landowner. He also noted that the reduction in acreage had been worked out with the Regional Office of the Department of Fish and Game and they still concur with the original recommendation to pursue this acquisition. Ms. Lipphardt described the proposal. The proposed acquisition, a portion of the landowner's total ownership, is located east of Highway 121 near Sears Point Raceway at the intersection of Highways 37 and 121. Access to the property is from Highway 121 and via an access easement over adjacent lands. The San Pablo Bay and the National Wildlife Refuge are located on the south side of Highway 37. Located approximately ten miles northeast of the subject are over 512 acres of previously approved Napa Marsh acquisitions. This proposal easily fits within the Department's goal of increasing and protecting the wetland acreage and the associated biological values of the Napa Marsh area.

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 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 will provide more habitat for these early migrants, as well as increased habitat on a year around basis.

The subject property is generally low lying tule marsh with a vegetation covering that includes annual grasses, salt grasses, coyote bush, bulrushes and pickleweed. Management of this parcel would be handled by the Department in conjunction with parcels already acquired northeast of the

subject. In fact, the Department, with permission of the landowners, has previously held junior pheasant hunts on the subject property and if acquired, additional hunts could be scheduled in future years. 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 \$206,250.00, and to grant an access easement over their adjacent property. Department of General Services review costs, appraisal and survey costs, and closing expenses are estimated to be \$10,750. The acquisition is exempt from CEQA under Section 15313 as an acquisition of land for wildlife conservation purposes.

Mr. Schmidt reported that the fair market value of this property, as amended, is \$148,530.00. Department of General Services review costs, appraisal and survey costs, and closing expenses are estimated to be \$10,750.

Mr. Schmidt reported Department of Fish and Game recommends this acquisition proposal and there is no known opposition. A letter of support from the Defenders of Wildlife had been received.

Staff recommended that the Board approve the purchase of this 99+ acre parcel as proposed; allocate \$159,280.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988, as designated for wetlands in 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.

Ms. Darlene Buscher, representing Sears Point Raceway, welcomed the Department of Fish and Game as neighbors. Ms. Buscher stated that they wanted to make sure the Department was aware of the noise generated at the raceway and if the Department anticipated any problems relative to the management of the property. She also offered the Department the use of the facilities at the raceway. Ms. Buscher asked the Board for a letter stating that the noise would not be a problem. Mr. Schmidt stated he had talked to Mr. Brian Hunter, DFG Regional Manager, and was assured that the noise would not be a problem and that a letter would be sent.

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 ACQUISITION OF THE NAPA MARSH WILDLIFE AREA, TOLAY CREEK, SONOMA COUNTY, AS PROPOSED; ALLOCATE \$159,280.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988, AS DESIGNATED FOR WETLANDS IN 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.

11. North Grasslands Wildlife Area (Salt Slough Unit and China Island Unit), Merced and Stanislaus Counties \$6,275,000.00
(Formerly referred to as the Los Banos Wildlife Area Expansion #4)

Mr. Schmidt reported this proposal was to acquire a total of 5595.32+ acres of private land, in two separate units, for protection and restoration of wetlands, riparian habitat and uplands for a wide variety of wildlife species, including several threatened or endangered species. The acquisition will also provide the opportunity to enhance and restore some of the area to provide even greater wildlife values. Mr. Howard Dick explained the relationship of this parcel to the other wildlife areas in the area.

The areas proposed for acquisition have been identified as part of an overall joint (U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation and California Department of Fish and Game) habitat acquisition and wetland enhancement program that will meet the requirements of long-term mitigation for Kesterson Reservoir and assist in the implementation of the Central Valley Habitat Joint Venture (CVHJV) of the North American Waterfowl Management Plan. The Kesterson mitigation requirements include the creation of 1283 acres of new wetlands and the habitat values lost at Kesterson. Part of the CVHJV objectives are: 1) to protect 80,000 additional acres of existing wetlands through fee or perpetual easement acquisition, 2) increase wetland area by 120,000 acres by conversion of agricultural lands to wetlands, and 3) enhance wetland habitats on 290,000 acres of public and private lands.

The proposed acquisition consists of two parcels of land located north and west of the Los Banos Wildlife Area. The first parcel consists of 2243+ acres of land located adjacent to the north Los Banos WLA boundary at Wolfson Road. This parcel will be identified as the Salt Slough Unit. It fronts on the east side of Highway 165 for almost five miles and is located on the west side of Salt Slough. The second parcel, which will be known as the China Island Unit, contains 3352.32+ acres and is located some 8+ air miles northwest of the Salt Slough Unit. More specifically, it is located east of Newman and Gustine between Highway 140 and Hills Ferry Road, and is generally west of the San Joaquin River. Land uses on both properties are agricultural and recreational, including irrigated pasture and crop land, native pasture, riparian lands and duck clubs. There are some improvements on the properties including farm buildings, two residences and, of historical significance, the oldest adobe building in Merced County, which was built in 1848 by Francisco Perez Pacheco.

Acquisition of these parcels would provide many benefits including the protection of existing wildlife habitat but more importantly, the opportunity to greatly enhance existing habitat and restore historical habitat. Protection and restoration of wetlands on these parcels would be, as noted earlier, in keeping with the goals of the Central Valley Habitat Joint Venture component of the North American Waterfowl Management Plan as well as SCR-28 (79-Keene), the latter of which calls for an increase in wetland habitat of 50% by the year 2000. While this acquisition project will protect approximately 595 acres of existing wetlands, it will also provide for the opportunity of creating over 1600 acres of new wetlands.

More specifically, proposed management of the Salt Slough Unit would include the protection, restoration and enhancement of over 1100 acres of seasonal and permanent wetlands which would, of course, benefit waterfowl, including the endangered Aleutian Canada goose, as well as many other wildlife species. In addition, over 200 acres of prime riparian habitat, including 4.6 miles of Salt Slough frontage, would be protected. Protection of California's ever decreasing riparian habitat is extremely important because of the wide variety of wildlife species using these areas. Of particular concern in this area are the threatened giant garter snake and Swainson's hawk, as well as the endangered kit fox which uses the uplands, as well as the riparian area. Over 600 acres will be managed as pasture land and farmed for grain crops (wheat, corn, vetch) providing important winter habitat for sandhill cranes and geese in the fall and winter as well as waterfowl nesting in the spring. The remaining upland area will provide habitat for the kit fox as well as upland game species (pheasants, dove) and feeding areas for raptors commonly found in this area. Some plant species of special concern have been found in the area and may be located in these uplands, including the endangered Delta button-celery, valley sink scrub and valley sacaton grass.

The existing water source for this parcel is an 8900 acre foot water right allocation from Salt Slough. While this slough is currently contaminated with subsurface agricultural drain water, the implementation of the Zahm-Sanson-Nelson Plan will provide this slough with fresh water. Assuming final approval of this plan, such fresh water deliveries are anticipated in the fall of 1990. Approximately 12,020 acre feet of water will be needed to manage the property under the proposed management scenario. DFG is currently negotiating with the U.S. Fish and Wildlife Service for an unused portion of their Salt Slough allocation necessary to fulfill the total State's water needs on this area.

DFG management plans for the China Island Unit are oriented toward achieving the same basic goals as at the Salt Slough Unit. That is, maximizing the wetland habitat availability while enhancing and restoring the other habitat types discussed above. Specifically, their plans provide for the protection, enhancement and restoration of some 1120 acres of seasonal and permanent wetlands, 228 acres of irrigated pasture, 200+ acres of grain crop lands and 558 acres of riparian habitat, which includes approximately 14 miles of frontage on the Merced and San Joaquin River and on Mud Slough. The balance will be managed uplands for various species including kit fox, upland game and the plant communities discussed above. Some uplands will also provide support and buffer lands for the entire project.

The existing water source for the parcel includes water from five deep wells and two low lift pumps situated throughout the agricultural fields. While these wells could supply the 10,450 acre feet of water necessary to operate this area as proposed, DFG is negotiating a Memorandum of Understanding with the Bureau of Reclamation to deliver 10,000 acre feet of mitigation water via the Newman Wasteway. This mitigation water is to partially offset impacts at Kesterson Reservoir. The wells will be kept for use in dry periods. Drainage water from the wetlands will flow into the permanent marshes and natural sloughs of the San Joaquin River, thus benefiting the riparian area and improving habitat conditions for the resident fishery.

The Department of Fish and Game has highly recommended this acquisition. The proposed purchase falls 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.

According to Department of Fish and Game a public use program will likely be developed at the Salt Slough Unit that would allow limited waterfowl and upland game bird hunting, fishing in Salt Slough during certain times of the year and interpretive facilities such as foot or canoe trails. The China Island Unit would also provide outstanding public use opportunities. Access to the San Joaquin River for fishing and canoeing use is possible at Highway 140 (Fremont Ford) and the Hills Ferry Bridge. A waterfowl and upland game bird hunting program would likely be developed, as well as foot or canoe trails on the San Joaquin River during certain times of the year. Warmwater and fall salmon fishing could be encouraged along the San Joaquin River. In developing a final management plan, consideration will be given to insure that all existing cultural and historical resources will be identified and protected from disturbances.

State Lands Commission has been notified of Department of Fish and Game's intention to acquire these parcels and has indicated State claims on the lands, if any, are minimal in relation to the total properties.

Based on the acreage being acquired, the property has an approved appraised fair market value of \$6,234,000.00. Costs of possible relocation assistance, appraisal, escrow, title insurance and State Department of General Services administrative expenses are estimated to be approximately \$41,000, bringing the total required allocation to \$6,275,000.00. The owners have agreed to sell the property for its appraised value.

Mr. Schmidt noted that letters of support had been received from the Defenders of Wildlife, The Nature Conservancy, Trust for Public Land, Waterfowl Habitat Owners Alliance, National Audubon Society, Tulare County Sportsmen Council, Board of Directors of the Lower San Joaquin Levee District, as well as a letter from the Bureau of Reclamation indicating they will work with the Department to ensure water is available to this area.

Staff recommended that the Board approve this acquisition as proposed; allocate a total of \$6,275,000.00 as follows: \$3,065,830.00 from Section 5907 (c)(1)(B) [wetlands], and \$853,980.00 from Section 5907 (c)(7) [San Joaquin River Riparian] of the California Wildlife, Coastal and Park Land Conservation Fund of 1988 and \$1,385,170.00 from Section 2720 (a) [highly rare species] and \$970,020.00 from Section 2720 (c) [threatened and endangered] of the Wildlife and Natural Areas Conservation Fund to cover the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Ms. Jean Hackamack, Stanislaus Audubon Society & Sierra Club, was the first speaker and recommended approval of this acquisition.

Mr. Dan Chapin, California Waterfowl Association, stated he had some concerns with this acquisition relative to the availability of water. He then stated that the letter from the Bureau of Reclamation which indicated their willingness to work with the Department to ensure the availability of water to this area had satisfied his concerns and then recommended approval.

Mr. Schmidt noted that Mr. George Nokes, Regional Manager for this area, was present should there be any questions.

Mr. Reggie Hill, Lower San Joaquin Levee District, was the next speaker. He stated the District is concerned over the loss of revenue. Mr. Hill stated he is very supportive of the Department of Fish and Game.

Mr. Bontadelli stated that the reclamation levees are within the purview of the authorization of State law as applied to DFG's ability to pay assessments.

The next speaker was Mr. Tim McCullough from the Merced County Association of Governments. Mr. McCullough stated he was present today at the request of the County Administrative Officer to address the Board. Mr. McCullough stressed some of the concerns of the County regarding this acquisition: (1) that it would have tremendous impacts on the the County, (2) the large number of acres involved, (3) that the proposal is part of the Kesterson mitigation which only requires 1,283 acres of mitigation for wetlands which is substantially less than the 5,595 acres of this proposal, (4) that the proposal is connected in some way with the Joint Venture Project but doesn't understand what the full implication is, (5) loss of long term tax base, (6) long term impacts on agricultural productivity of the area, (7) loss of jobs, (8) loss of mitigation lands, (9) not enough time to review proposal before today's hearing, and asked if a decision could be delayed.

Mr. Bontadelli stated that this is basically within the Grasslands area which contains a significant acreage of wetlands, both privately and publicly owned at the current time. He asked Mr. McCullough if the presence of those wetlands were an economic drain to the County as a whole. After some discussion, it was determined that Mr. McCullough's concern was in the potential use of the area after State acquisition. Mr. Bontadelli stated that these two parcels are being foreclosed upon by Wells Fargo Bank and that if we delay this purchase today, the ability and availability to purchase these parcels may not be there in the future. Mr. Bontadelli stated that he understood that Mr. McCullough's concerns were for the entire 23,000 acre multi-parcel purchase, which includes state and federal agencies, but were these concerns strong enough to hold up the purchase today and take a chance of losing this acquisition, or would he have a problem with us moving forward on these two parcels today while we work with him on any land use changes before they are made. Mr. McCullough stated again that they had not had sufficient notification to act on the issue.

Mr. Schmidt noted that a Categorical Exemption was filed on January 3rd, and the Board of Supervisors was notified on January 17 and then again with the full agenda on January 31. He further commented that there wasn't much time to act on these parcels as they are being foreclosed upon and there is an outstanding offer.

Mr. Bontadelli stated that it will take several months to make any land use changes on these lands once acquired and no changes will occur without consultation with the Board of Supervisors. No other acquisitions are currently pending at this time and prior to any future acquisition, it was assured that Mr. George Nokes, DFG Regional Manager, will meet with the Board of Supervisors and go over all the details. The State is contemplating one additional purchase and the balance would be by the federal government.

Mr. McCullough stated that the County doesn't oppose this purchase, they just want to know what is going to occur.

There was a short discussion on the tax issue. Mr. Bontadelli noted for the record that the Department of Fish and Game is about the only State agency that pays in-lieu tax fees while most other State agency's purchases are fully exempt.

The next speaker was Robert Kelly from the Stevinson Water District. Mr. Kelly stated he was present on behalf of two water districts which provides irrigation of agricultural commodities within the confluences of the Merced, San Joaquin and Bear Creek Rivers. This proposed project is across the San Joaquin River from his District. The concern was that at the present time they have the protection of the Lower San Joaquin levee for flooding. He asked the Department to continue to allow the Lower San Joaquin Levee District to maintain their project in a manner that they have in past years.

Mr. Bontadelli stated that DFG personnel have reached an agreement with the Lower San Joaquin Levee District on how they will continue the maintenance and guaranteed there will not be any flood problems.

Ms. Edna Maita stated that Mr. Costa, at the request of landowners, flood control districts and the Department of Fish and Game, formed a 1601 Task Force for the purpose of allowing the levee districts to continue maintaining their property. She also stated that Mr. Costa had sent letters to the Districts stating his willingness to work with them.

Mr. Bontadelli gave his personal commitment to the County of Merced to work with them on the entire program to make sure as many issues be resolved as possible.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE NORTH GRASSLANDS WILDLIFE AREA, SALT SLOUGH UNIT AND CHINA ISLAND UNIT, MERCED AND STANISLAUS COUNTIES, AS PROPOSED; ALLOCATE A TOTAL OF \$6,275,000.00 AS FOLLOWS; \$3,065,830.00 FROM SECTION 5907 (c)(1)(B) [WETLANDS], AND \$853,980.00 FROM SECTION 5907 (c)(7) [SAN JOAQUIN RIVER RIPARIAN] OF THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 AND \$1,385,170.00 FROM SECTION 2720 (a) [HIGHLY RARE SPECIES] AND \$970,020.00 FROM SECTION 2720 (c) [THREATENED AND ENDANGERED] OF THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND 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.

12. Upper Butte Sink Wildlife Area Expansion #2, Glenn County \$4,870,000.00

Mr. Schmidt reported this proposal was to consider the acquisition of 1930+ acres of land for the preservation, restoration and enhancement of interior wetlands habitat, riparian habitat and habitat for threatened and endangered species. The property is located approximately 15 miles northwest of the town of Gridley. More specifically it lies adjacent to and on the west side of Butte Creek (Glenn County), and is bordered on the north by State Highway 162 and on the south by the Gridley-Colusa Highway. Access to the property is by either highway. Mr. Frank Giordano described the proposal.

This ranch, known as the McGowan Ranch, is divided by State Highway 162. The proposal is primarily for the purchase of the southern half of the original ranch, consisting of approximately 1823+ acres plus a 107+ acre parcel lying on the north side of Highway 162. This northerly parcel contains the water control structures for the proposed south area acquisition, as well as 1+ mile of frontage on Butte Creek. This creek runs the entire length of the proposed purchase, approximately four and one-half miles. The Board's recently approved acquisition, the Upper Butte Sink Wildlife Area, lies across the Gridley-Colusa Highway and along the east bank of the creek (Butte County).

The property is level and has historically been in rice production. In addition to its Butte Creek area, the property contains several fresh water marshes and sloughs, the largest of these being Howard Slough. Improvements on the area include a small single family residence and various outbuildings which are located off the Gridley-Colusa Highway.

Of the proposed property to be acquired, existing and restorable wetlands comprise about 80% of the area. Native riparian habitat makes up an additional 15%, while approximately 5% is attributable to habitat for threatened and endangered species. The latter includes use by the threatened greater sandhill crane and the endangered bald eagle, peregrine falcon, and the Aleutian Canada goose. The riparian areas are important for migratory bird passage and breeding by species including the threatened Swainson's hawk and the endangered yellow-billed cuckoo. There is also suitable habitat for the threatened giant garter snake and the California hibiscus, currently listed as threatened by the Native Plant Society.

In addition to the above noted threatened and endangered species, white-faced ibis, merlin, willow flycatcher, double-crested cormorant, northern harrier, osprey, burrowing owl, long-eared owl, short-eared owl, purple martin, yellow warbler, yellow-breasted chat, sharp-shinned hawk, Cooper's hawk, golden eagle and prairie falcon are birds of special concern that would benefit by habitat protection.

In all, more than 275 vertebrate species occur on the property, including 32 mammals, 200 birds and 30 fish, reptile and amphibian species. Plant species may exceed 300. During winter months, over 80,000 geese and a similar number of ducks may occur in a single day. A few hundred greater sandhill cranes have also been observed using the property. The resident fishery is expected to be fairly high for channel catfish, bullhead, black bass, and bluegill and a good spring and fall king salmon run exists as well as a steelhead run.

The proposed acquisition is located within the area identified within the Central Valley Habitat Joint Venture (CVHJV) component of the North American Waterfowl Management Plan. As noted in agenda Item #11, this plan calls for both protecting existing waterfowl habitat as well as creating new wetland habitat. Approximately 135 acres of this property are currently in wetlands, 315+ acres are considered natural valley oak riparian habitat and the balance is in rice. State acquisition could allow for conversion of nearly the entire rice area, or approximately 1380 acres, into new wetlands. This is certainly in compliance with the CVHJV as well as SCR-28 (79-Keene) which calls for increasing California's wetlands by 50% by the year 2000.

While providing for the increase in wetlands, habitat management goals could also provide for preservation, enhancement and expansion of the existing riparian areas and wetlands. A portion of the rice lands could be maintained in rice for use as a foraging area for geese and sandhill cranes. Leaving some areas in cultivated rice would be very valuable to many wildlife species, especially those native species that evolved with this upland-wetland habitat mix which is becoming so rare in California. Species that could benefit from this type of management would include yellow-billed cuckoos, Swainson's hawks, sandhill cranes, giant garter snakes and the California hibiscus. Some species historically found in this area could possibly be reintroduced. These could include the endangered least bell's vireo, the threatened valley elderberry longhorn beetle and the threatened black rail. Of course, waterfowl would be a major benefactor of the proposed wetlands management scenario for this area.

Public consumptive uses could include waterfowl and pheasant hunting as well as fishing. Non-consumptive uses could include many uses which are compatible with species and habitat goals envisioned for this area such as nature studies, hiking, natural resource education, wildlife viewing and photography.

It was felt that sufficient water is available from several sources for use in development and maintenance of this area as suggested. The primary source of water is through the Western Canal District. Secondary sources include Butte Creek, existing deep wells and drain water. The availability and reliability of the quality and quantity of this water is excellent.

It was estimated that the development costs of the property will not be excessive as most development could occur naturally in time. The Department has indicated there are funds currently available to begin improvement of this property. The area would be managed as a unit of the Department's Gray Lodge Wildlife Area.

As part of the negotiations, the grantors have requested the opportunity to lease-back the property for rice production for a period of two years at the fair market value as approved by the State Department of General Services. Grantors would reserve no other rights and state public uses would not be delayed or unreasonably limited by reason of this lease. The public could have full use, as Department's plans may allow, during normal waterfowl and upland game seasons. Grantors have also agreed to provide water and water management on the area as part consideration of the proposed lease. In addition, 5% of the rice crop would be left unharvested and standing for waterfowl and other wildlife species use.

Grantors have agreed to deduct an amount equivalent to a two year lease payment from the purchase price of the property. At the time of this writing, the Department of General Services had not completed their review of the lease values. However, their review will be completed prior to the Board's meeting.

The property has been appraised at the fair market value of \$4,821,275.00. As required, this appraisal has been reviewed and approved by the Department of General Services. Review costs, appraisal, survey, relocation and closing expenses are expected to be about \$48,725. 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 acquisition is exempt from CEQA under Section 15313 as an acquisition of land for wildlife conservation purposes.

Staff recommended that the Board approve the purchase of this 1930+ acre parcel as proposed, including the lease-back at the approved amount; allocate a total of \$4,870,000.00 as follows: \$3,896,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988 [Section 5907 (c)(1)(B)-wetlands], \$91,837.00 from Section 2720 (c) [threatened and endangered] of the Wildlife and Natural Areas Conservation Fund, and \$882,163.00 from the Environmental License Plate Fund 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 letters of support had been received from the following: Assemblyman Chris Chandler, Assemblyman Stan Statham, Defenders of Wildlife, California Waterfowl Association, Ducks Unlimited, The Nature Conservancy, Trust for Public Land, Waterfowl Habitat Owners Alliance, U.S. Fish and Wildlife Service, National Audubon Society, and the California Chamber of Commerce. In addition, Congressman Wally Herger and Senator Jim Nielsen sent letters of support but with concerns over taxes and the operation and maintenance issues. Mr. Schmidt reported that Mr. Jim Messersmith, Department of Fish and Game Regional Manager, was present should there be any questions.

Mr. Stancell asked if the two year lease-back values had been reviewed by the Department of General Services? Mr. Frank Giordano stated that the review had been completed. Mr. Schmidt reported that a reduction in value had not been shown because the lease had not been signed as there may be some changes on it, but the balance of unused funds would be recovered at a future WCB meeting.

Mr. Rick Battson asked if there would be rice burning or would the land be flooded for waterfowl? Mr. Jim Messersmith discussed that because of the lease-back there is some work they will do for us. The lease-back buys the Department two years of planning time but they are intending to consider the use of organic type growing.

Mr. Battson asked if the Federal government is generous in its in-lieu tax payments. Mr. Bontadelli replied that the Federal government is generous on paper but are short in actual payment-based on appropriation. On paper they are obligated to pay the full amount, or indicate they will return a full amount payment, but it has never been appropriated at that level nationwide.

Mr. Bert Click, Grass Valley Enterprises, spoke in support of the acquisition.

Mr. Jim Mann, Glenn County Board of Supervisors, stated that they were very supportive of this concept. Mr. Mann indicated that (1) there was not sufficient notice to act upon, (2) this hearing should have been held in Glenn County, (3) economic impacts to County should have been considered, (4) cooperation from the Department and WCB had been great, (5) economic impact report should be required, (6) they are concerned about loss of taxes, and (7) money may not be available for maintenance.

Mr. Vince Minto, Glenn County Assessor, stated they are not against the acquisition but did have some concerns. Concerns were (1) the communication gap between all agencies, (2) tax issues, (3) they would like to have a say in how the property will be managed, (4) the purchase price of property is twice what it should be and (5) would like earlier notice of acquisition.

Mr. Bontadelli noted that in regards to the management, the budget this year contains funds for five habitat crews located in the northeastern, northwestern, Sacramento, San Joaquin and Bishop areas to handle the basic maintenance.

Mr. Schmidt stated that the purchase price is the appraised fair market value which has been reviewed and approved by the Department of General Services. Once General Services has approved a fair market value, the State, by law, has to offer the fair market value.

Mr. Bontadelli stated he was fully aware of the tax situation and shared the County's concern but addressed the fact that should all state acquisitions be subject to the same tax or is the Department of Fish and Game being singled out because we are not providing value to the counties; and, if we are being singled out because we don't provide value, why is it that other state agencies, Parks and Recreation and CalTrans for example, are exempt from the taxes. This area will be designated a wildlife area and will be subject to in-lieu fees.

Mr. Clay McGowan, landowner of this property, discussed values of adjacent lands and pointed out how the value the State is paying is proper and, if anything, is a real bargain to the state.

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

Mr. Stancell expressed his desire to have the Department of Fish and Game to have open communications with the County and Mr. Bontadelli concurred.

IT WAS MOVED BY MR. STANCELL THAT THE WILDLIFE CONSERVATION BOARD APPROVE ACQUISITION OF THE UPPER BUTTE SINK WILDLIFE AREA, EXPANSION #2, GLENN COUNTY, AS PROPOSED; INCLUDING THE LEASE-BACK AT THE APPROVED AMOUNT; ALLOCATE A TOTAL OF \$4,870,000.00 AS FOLLOWS: \$3,896,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 [SECTION 5907 (c)(1)(B)-WETLANDS], \$91,837.00 FROM SECTION 2720 (c), [THREATENED AND ENDANGERED] OF THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND, AND \$882,163.00 FROM THE ENVIRONMENTAL LICENSE PLATE FUND 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. Bonny Doon Ecological Reserve, Expansion #1, Santa Cruz County \$1,500.00

Mr. Schmidt reported that at the meeting of May 11, 1989, the Board approved the purchase of 505 acres of land within a 525 acre ownership near Davenport, about 8 miles north of Santa Cruz, for preservation of habitat for numerous rare and endangered animal and plant species and rare natural communities. Mr. Jim Sarro described the proposal.

In the 1989 transaction, The Nature Conservancy (TNC) pre-acquired the 525 acre site and, at the request of the Department and WCB, retained 20 acres, part of which contains existing residences and part of which had been considered for use by a local community services district. Also, as part of the transaction, TNC agreed to use any rents received and any sale proceeds from the 20-acre holding for maintenance, management and operation of the ecological reserve.

Recently, it has been determined that the local community services district's use of 10+ acres within the site would simply not be compatible with the purposes of the ecological reserve, and TNC now proposes to grant the 10 acres to the State. The rectangular-shaped 10 acre parcel is surrounded on three sides by the existing reserve and on the fourth side by Ice Cream Grade, a county road which generally serves as the northerly reserve boundary. Acquisition is recommended by the Department for inclusion in the Bonny Doon Ecological Reserve.

If valued as a single lot, the minimum estimated value of a 10 acre site at this location would likely approach \$200,000.00. As part of the prior 525 acre appraisal, it was valued at about \$3,700/acre, a total of \$37,000.00. In any event, TNC proposes a no cost transfer to the State, considering this transfer to be part of its 1989 agreement with the WCB.

- As with the prior acquisition at Bonny Doon, it qualifies for funding under three separately specified criteria within the Wildlife and Natural Areas Conservation Fund, 1) highly rare species, 2) highly rare community and 3) assemblage. Qualification under just one such category would be sufficient to allow funding, and staff recommends this fund for payment of the administrative and closing costs, estimated to be about \$1,500.00.

Interim management of the property would be by the Department of Fish and Game, with the likelihood that the Department would enter into a long-term cooperative management agreement with TNC. This acquisition is exempt from CEQA under Class 13 of Categorical Exemptions, as an acquisition of land for wildlife conservation purposes.

Staff recommended that the Board approve the acceptance of this 10 acre parcel as proposed; allocate \$1,500.00 from the Wildlife and Natural Areas Conservation Fund, [Section 2720 (a)], as established by the California Wildlife, Coastal and Park Land Conservation Act of 1988, for the costs related to acquisition; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Stancell asked if this was a gift. Mr. Sarro clarified that the agreement between TNC and the Board in the first phase of this project provided that any rental or sales proceeds from the disposal of TNC's remaining Bonny Doon property would be returned to the State for use in operation and maintenance of the project. The result of this connection to the prior agreement is that the present transfer is not an outright gift; it just comes to the State at no additional cost.

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 ACCEPTANCE OF 10 ACRES AT THE BONNY DOON ECOLOGICAL RESERVE, EXPANSION #1, SANTA CRUZ COUNTY, AS PROPOSED; ALLOCATE \$1,500.00 FROM THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND, [SECTION 2720 (a)], AS ESTABLISHED BY THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT OF 1988, FOR THE PROCESSING COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

14. Poison Flat Creek, Alpine County

\$330,000.00

Mr. Schmidt reported this proposal was to consider the acquisition of two privately owned parcels totaling 720+ acres of forest and meadow lands located within the Carson Iceberg Wilderness, Alpine County. Ms. Georgia Lipphardt described the proposal and its location. The parcels are located approximately ten miles west of the town of Walker and two miles east of the Soda Springs Guard Station. Access to the area is over the Poison Flat hiking and pack trail which runs from Little Antelope Pack Station on the east to the East Fork Carson River on the west. Both parcels are surrounded by the Toiyabe National Forest (TNF) and are two of the last private inholdings within the wilderness area.

Poison Flat Creek crosses the parcels and provides essential habitat for the Lahontan cutthroat trout, a federally-listed threatened species. Analysis conducted by the University of California at Davis indicates that the Poison Flat Creek stock is genetically pure. The Lahontan cutthroat trout, with less than 50 pure, self-sustained populations in the world, qualifies as a "highly rare" species under the definition set forth in the "Wildlife and Natural Areas Conservation Program" portion of Proposition 70. Besides the high quality Lahontan cutthroat habitat, the parcels also supports wet meadow, riparian and old growth coniferous forest habitat used by a variety of wildlife, including deer, bear, beaver, bobcat, mountain quail and songbirds. Other principal amenities of the parcels include dramatic scenery, abundant wildlife and the unspoiled natural beauty of the terrain.

Due to the presence of the trail, a substantial amount of foot and equestrian traffic occurs on and near the properties. State acquisition would not only make it possible to maintain and enhance the Lahontan cutthroat population, but it would also assure continued public access for recreation.

The stream banks of Poison Flat Creek and the tributaries have been damaged by cattle trampling. If acquired, a program to stabilize stream banks, improve riparian vegetation and reduce livestock impacts would be initiated. This habitat restoration work could be done in cooperation with the U.S. Fish and Wildlife Service under their Lahontan Cutthroat Trout Recovery Plan and the Toiyabe National Forest Land and Resource Management Plan. Habitat restoration costs are expected to be less than \$20,000 and the Department anticipates entering into a contract with TNF for this purpose. Management of the parcels is anticipated to be through a cooperative agreement with TNF.

The Department does have other holdings within the Toiyabe National Forest, as well as in the Slinkard Valley to the east of the subject. In the future portions of these holdings, as well as the proposed acquisition, could be exchanged for lands TNF holds within Slinkard Valley as a means of consolidating ownership for both entities. The acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition for wildlife conservation purposes.

The owners have granted an option to the Trust for Public Land (TPL) which TPL has offered to assign to the State at below the approved fair market value of \$345,000. The State's purchase price would be \$325,000. Costs of closing the sale and Department of General Services review charges are estimated to be \$5,000.

Staff recommended that the Board approve the acquisition of these parcels as proposed; allocate \$330,000.00 from the Wildlife and Natural Areas Conservation Fund, [Section 2720 (a)], as established by the California Wildlife, Coastal and Park Land Conservation Act of 1988; 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 ACQUISITION OF THE POISON FLAT CREEK, ALPINE COUNTY, AS PROPOSED; ALLOCATE \$330,000.00 FROM THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND, [SECTION 2720 (a)], AS ESTABLISHED BY THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT OF 1988; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

15. Other Business

- a. Staff Report Regarding Little Hoover Commission's "Report on California's Fish and Game Commission and Department of Fish and Game", as this report pertains to land acquisition procedures.

Mr. Schmidt discussed the Little Hoover Commission Report and how it relates to the Wildlife Conservation Board's Land acquisition program. The report indicated three possible problems with the Board (1) notification of adjacent landowners, (2) lands acquired are not suitable for stated purpose and (3) has paid inflated prices. Summarized report is attached.

Staff recommended that current policies and procedures be continued as is except for the mailing of notices to the Board of Supervisors which will now be mailed Certified Return Receipt Requested.

Mr. Bontadelli reported that the Department has instigated a policy whereby at the proposal stage, the counties are notified that an acquisition has been proposed in their respective County.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD CONTINUE WITH THEIR CURRENT POLICIES AND PROCEDURES WITH THE ADDENDUM OF MAILING CERTIFIED RETURN RECEIPT REQUESTED NOTICES TO THE COUNTY BOARD OF SUPERVISORS.

MOTION CARRIED.

7. San Joaquin River Riparian Habitat, Expansion #1,
Fresno County

\$1,632,000.00

Mr. Schmidt reported this proposal, pursuant to mandates of voters in the passage of Proposition 70, was for the acquisition of 201.9+ acres of river frontage and riparian habitat along the San Joaquin River, about two miles south of the town of Friant and two miles north of the city limits of Fresno. Mr. Jim Sarro described the proposal. The property is part of a 600+ acre ownership which is bounded on the west by the river and on the east by Friant Road. Millerton Lake State Recreation Area is about four miles north of the property by way of Friant Road. Lost Lake Recreation Area, a project partially funded by WCB and operated by the County of Fresno, is about one and one-half miles upstream.

The flow of the San Joaquin River in this vicinity is controlled by releases from Friant Dam, just a few miles upstream. A mature, mixed riparian forest system runs the length of the property's river frontage, about one and one-third miles in all, primarily consisting of sycamores, cottonwoods, willows and oaks. Many years of sand and gravel extraction, now terminated, have left numerous ponds, most of which have become overgrown with riparian vegetation. The property is currently used for cattle grazing and paid fishing access and portions are leased out for operation as a worm farm and for gravel extraction.

The portion of the property which is recommended by the Department of Fish and Game (DFG) for purchase is the riparian corridor along the river, a block of riparian forests on the southwest side of the ownership and a 39+ acre pond and surrounding riparian vegetation on the southeast side of the property. The river front and southwest block of riparian habitat is characterized by abundant food, cover and nesting sites for a wide variety of wildlife. Endangered bald eagles winter on the property and it is also used by numerous species of special concern in California, including the golden eagle, Cooper's hawk, northern harrier, sharp-shinned hawk and prairie falcon.

With well-documented losses of riparian habitat throughout California, the San Joaquin River, from Friant Dam downstream to Highway 99 was among the areas designed for selective WCB acquisitions in the California Wildlife, Coastal and Park Land Conservation Act of 1988 (Proposition 70), and the subject property was noted to be the top priority identified by the DFG. The pond area, 39+ acres, fronts along Friant Road and has potential to be a well-utilized public warmwater fishery.

There is minimum public consumptive or non-consumptive use of this property at the present time. The proposed management plan for the property would be to protect and, possibly, enhance the riparian habitat and to provide angling access at the pond area. Fishing access would also be available along reaches of the river, to the extent compatible with sound riparian habitat management. Opportunities would also exist for educational experiences and other non-consumptive uses such as sightseeing, birding, photography, hiking and picnicking. Nature trails, if properly routed, could be readily incorporated into the San Joaquin River Parkway, which is currently being proposed for this area.

Currently, 592 acres of the ranch are proposed for development which would include an 18-hole golf course and 795 residential units. Under the proposed acquisition plan, the residential development around the south-westerly riparian forest would be eliminated. Two golf holes would remain in that location, but would be situated on uplands that are essentially lacking in any riparian habitat values. Access would be provided (as would be required if the development were to go forward) at the north end of the project at Friant Road, including a parking area and foot trails to the state-acquired property. No payment would be made for this access road in this transaction.

The State Lands Commission has indicated it would claim fee ownership to 28.5 acres lying in the low water channel of the river plus public trust rights over 51.4 acres along the river, a portion of which would not be acquired in this transaction. These claims were considered in a separate, specific market analysis by the appraiser, who concluded that the market for properties in this area with similar State claims reflect no reduction in per acre valuation. The Department of General Services has reviewed the appraisal and separate analysis and has approved both. In any event, the landowners have agreed to quitclaim and donate any interest they may have in the 28.5 acres of river bed to the State as part of this transaction.

Fair market value of the property is \$10,000 per acre in the riparian areas and \$7,000 per acre in the pond area, for a total of \$1,901,400. Deducting the 28.5 acres of river bed valuation, the owner has agreed to sell the property to the State for \$1,616,400. Related closing costs are estimated to be \$15,600. The sale to the State would be contingent upon approval of an amendment to the County's General Plan to allow for development of a planned residential community within the remainder of the landowners' 391.5+ acres. Any mitigation required as part of the proposed development would be separate from this transaction and would necessarily occur on lands lying outside of the acquisition area. Furthermore, any development which might be planned within the remainder on lands claimed to be subject to the public trust would necessarily be the subject of discussion between the landowners and the State Lands Commission.

Management of these lands, once acquired, would be by the DFG as noted above. The acquisition is exempt from CEQA under class 13 of Categorical Exemptions as an acquisition of land for wildlife conservation purposes. Funding is available, as indicated, through the California Wildlife, Coastal and Park Land Conservation Act of 1988.

Staff recommended that the Board approve this acquisition as proposed; allocate \$1,632,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988, [Section 5907 (c)(5)], 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 and letters of opposition from the San Joaquin River Committee, San Joaquin River Parkway Conservation Trust, Sierra Club, City of Fresno, The League of Women Voters of Fresno, and California Natural Resource Federation. The letters of opposition all appeared to contain similar concerns regarding the proposed acquisition being premature and placing undue influence upon the County's review of the proposed development

of the subdivision next to this proposed acquisition.

There was some discussion and Mr. Bontadelli clarified that 28 acres claimed in fee by the State is being quitclaimed at no cost; the balance of the public trust, which State Lands will clarify later, are not questions of fee ownership but of public trust easements and appropriate uses thereof.

Chairman Bryant asked for an indication of how many people desired to speak regarding this item. Since there was a significant number of speakers, Mr. Bryant asked that in light of time that each speaker be limited to three minutes.

The first speaker was Robert Wright, San Joaquin River Committee. Mr. Wright stated they are opposing this acquisition because (1) it comes at a premature time, (2) the sale is contingent upon approval of the proposed adjacent development plan, (3) it does not include significant riparian, upland and wetland habitat, (4) it does not provide a sufficient buffer from the San Joaquin River, (5) the golf fairways, greens and golf cart easements that bisect the proposed acquisition are incompatible with wildlife habitat preservation, (6) local government needs more time to study proposal, (7) the Draft Ball Ranch Specific Plan and Environmental Impact Report are now circulating for public comment, and (8) they would like to see the proposal postponed, not turned down.

Assemblyman Costa stated he understood that Mr. Wright's primary concern was that the acquisition should stand alone and not be contingent in any way with Fresno County's development plans. Mr. Wright indicated that was one of his concerns and stated that the entire Ball Ranch is an important area to acquire.

The next speaker was George Whitmore representing the Tehipite Chapter of the Sierra Club. His concerns were: (1) impacts of public trust property, (2) that the linkage to the proposed subdivision is inappropriate, (3) that this may not be the best possible use of Proposition 70 funds, (4) it is inappropriate for one State agency to pay for lands another State agency claims to own, and (5) he asked that the item be postponed.

Mr. Bontadelli clarified and discussed the reasonings behind DFG's evaluation of this property and its wildlife values.

The next speaker was David Miller representing San Joaquin River Parkway Trust. His concerns were: (1) they are opposed to linkage with County's development, (2) the Draft EIR is just now being circulated for comments, (3) they feel the acquisition should be postponed until land use policy is resolved.

Mr. Bontadelli complimented Mr. Miller for the outstanding job done on the San Joaquin River Conceptual Plan.

Mr. Costa stated that if this acquisition were postponed until the County's development plan was finalized, which could take up to a year or more, it was quite possible that the Proposition 70 funds may not be available for this acquisition at that time.

The next speaker was Richard Spotts from the Defenders of Wildlife. Mr. Spotts stated that he found it awkward to explain the Defenders' support, that they characterized this as an insurance policy, that in the event the development occurs, the riparian habitat would be protected. The Defenders of Wildlife opposes the Ball Ranch development and zoning. Defenders does support the acquisition with three suggestions: (1) that the Board condition approval of this item by using language to de-link acquisition from the development, (2) that the Board remove, from the proposal, those lands that State Lands Commission feels they have a strong easement claim to, and (3) if approved, that the Board clarify its position that it is not endorsing or opposing any development or zone change along this river.

Mr. Jim McKelvey, attorney for the developer (Sienna Corporation) of the Ball Ranch and the Ball family, was the next speaker. Mr. McKelvey stated that he wanted to respond to the opposition as it may be of some help to the Board. He explained that the configuration of the proposed acquisition parcel was designed by the Department of Fish and Game and not by the developer and further clarified that the narrowest point of the parcel is 300 feet from the river. He also clarified that they were not asking in any way for support of the zoning change by the county.

Mr. Costa stated that he believed this proposal has the ability to stand on its own and the Ball family should have the right to sell the property regardless of what happens with the proposed development. He then asked Mr. McKelvey that if this offer were made, and the proposed development rejected by the County, whether the family would still have the opportunity to sell for \$1.632 M to WCB. There was considerable discussion at this point. Mr. McKelvey stated that they need an offer to decide how to proceed. Mr. Bontadelli summarized that if this Board makes an offer today, we are prepared to make the offer at \$1.632 M for the land as configured, and that's all we say, you then have a choice of either accepting it or rejecting it. Mr. McKelvey responded 'yes'.

Mr. Bontadelli stated at this point, if the public trust issues can be answered satisfactorily by the State Lands Commission, that his inclination as a Board member was to offer \$1.632 M for the property and that offer would stand from now until the end of this fiscal year. If Sienna Corporation chooses not to exercise its option and the Ball family does, then that's fine, as the property has extremely high values.

Mr. Schmidt clarified for the record that the actual cost of the property was \$1,616,400 and the \$1,632,000 includes the processing costs.

Assemblyman Costa thanked the Board for taking the time to hear this issue.

Mr. Blake Stevenson, Attorney for State Lands Commission (SLC), was the next speaker. Mr. Stevenson indicated (1) that he disagreed with Mr. McKelvey on where WCB purchases might go on this river, (2) regarding the linkage issue - only one way to de-link it is by basically saying the Ball family is just like any other seller of land to WCB and must do so in a set period of time, and the acquisition would have nothing to do with the County's EIR or

specifically state that the purchase must occur before the County's decision on the development, (3) SLC's position is not in agreement with staff - public trust lands cannot be developed, or cleared, (4) meaning of public trust easement - easement is dominant easement which gives the State the right to go in and dictate the uses of property if there is a need for public trust purposes, including open space, and that taking possession of property can be done without compensation except for existing improvements.

Considerable discussion was heard at this point. Mr. Bontadelli indicated that on part of the area where SLC is exercising its state easement, there are significant public improvements, including a worm farm, and asked if SLC would be required to pay compensation if the public trust easement were exercised. Mr. Stevenson's response was 'yes'.

Mr. Bontadelli noted that the only issues of concern are those over which you exert a dominant easement. Mr. Bontadelli clarified that it was SLC's position that they basically have every right to control uses of public trust land and ensure full public access on that land today and the private landowners only basic entitlement to the land was the right to pay taxes. Mr. Stevenson responded 'yes' that was the position of the State Lands Commission. Mr. Stevenson added that in this case there are two types of land; 28 acres has been broken out from this purchase. The other portion is the easement area, and contains about 10 acres, worth \$100,000.

Mr. Bontadelli asked Mr. Stevenson if it was his belief that the State Lands Commission can prohibit a landowner from converting riparian to agricultural uses within the exerted authority area over which State Lands claims a dominate easement. Mr. Stevenson stated that was true and gave an example.

Mr. Stevenson reported that they had a problem with this acquisition because of the access standpoint and further discussed the issue and the Draft Environmental Impact Report. Access along the shoreline is important enough that SLC had questions about this acquisition going forward and producing a situation where the remainder land is no longer considered riparian and is therefore not subject to the Subdivision Map Act.

Mr. Bontadelli asked Mr. Stevenson if it was his belief that the easement for access will take precedent over and therefore allow people to come in and destroy the wildlife and habitat values and that access can not be restricted. Mr. Stevenson responded 'no'; the public trust easement is not insensitive to these kinds of things.

Mr. Bontadelli asked the difference between riparian and access. Mr. Stevenson stated that because the Subdivision Map Act requires those parcels which are riparian to waterways when they are subdivided must provide access to and along the river.

There was discussion regarding the value of the public trust land. Mr. Costa noted that it is not right for one State agency to pay for land that another State agency already owns. He further stated that all the various agencies involved in public trusts should get together and get a firm policy established.

Mr. Stevenson re-stated that the Board should not compensate the owners for the 10 acres subject to public trust.

Mr. Bontadelli stated that while we're willing to work with you after a trust determination is made, we are basically forced to live with the appraisal and purchase pursuant to the appraisal. Mr. Stevenson agreed that was the source of the dispute.

Mr. Costa stated he would be requesting that the Executive Officer of the State Lands Commission write a letter to the Board and its Legislative Advisory Members as to what State Lands intentions are regarding public trusts throughout the State.

Mr. Stancell stated that it appeared we have a situation where two State agencies are trying to pursue a policy and in doing so it points out that there is an area of conflict. Clarification is needed from each agency so that each can carry out their own charge without necessarily impeding the ability of the others doing theirs. He also suggested and agreed with Mr. Costa's suggestion, that all state agencies that are impacted by the State Lands Commission convene a meeting regarding these public access, trust issues and set a policy. Mr. Stancell then recommended that this item be put over but also directed staff to convene a meeting to facilitate moving this item forward and that staff clarify the issues of conflict. Mr. Stancell stated that as a member of the State Lands Commission, he also would expect that SLC have an opportunity to review their policy as it relates to DFG.

After considerable discussion, Chairman Bryant asked if the 10 acres in question could be excluded from the acquisition proposal. SLC responded that would require a boundary line agreement which could be done. There was more discussion and Mr. McKelvey stated they would agree to selling minus the 10 acres parcel or all of the land and put the \$100,000 in a trust.

Mr. Bontadelli recommended that the Board recess till 4:00 p.m. to see if staff could put together an appropriate package. If we do not have an appropriate package, the Board will stand adjourned, if we do, the Board will re-convene at 4:00.

Mr. Bryant adjourned the meeting at 2:00 p.m.

The meeting re-convened and was called to order at 4:10 p.m. by Chairman Bryant, in Room 217, of the State Capitol.

After much discussion at the meeting earlier today, the Board instructed its staff to meet with staff of the State Lands Commission, the Department of Fish and Game and other interested parties to attempt to resolve certain concerns and return to the Board with a proposed acquisition agreement which would include the following:

- 1) Elimination from the proposed acquisition area of 10 acres which are claimed by the State Lands Commission to be encumbered by the State's public trust easement. Accordingly, the purchase price is to be reduced by the approved fair market value of the 10 acres, a total of \$100,000.00.

- 2) Addition of language to insure, for purposes of any potential future application of the Subdivision Map Act, that the remaining lands of the grantors (e.g. the proposed Ball Ranch development) shall not be considered to be separated from the river. In other words, to the extent those remaining lands are deemed riparian for Subdivision Map Act purposes prior to the proposed State purchase, they shall also be deemed riparian for Subdivision Map Act purposes after the proposed acquisition.
- 3) Satisfactory language and/or procedures must be developed to assure that the Board's acquisition of this property is not perceived by the County of Fresno or any other entities or individuals as indicating support for approval of the Ball Ranch development project. It should be made clear to all concerned that the proposed acquisition stands on its own merits and is appropriate regardless of whether the Ball Ranch Project is approved or disapproved by the County of Fresno.

The meeting was adjourned at 4:40 p.m. by Chairman Bryant and instructed staff to schedule a meeting within two weeks to re-hear this item.

Respectfully submitted,



W. John Schmidt
Executive Director

Attachments

PROGRAM STATEMENT

At the close of the meeting on February 15, 1990, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$236,948,910.41. 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	\$16,037,012.70
b.	Fish Habitat Development	11,176,414.44
	1. Reservoir Construction or Improvement .	\$3,065,821.39
	2. Stream Clearance and Improvement	5,406,331.66
	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	32,835,987.49
	1. Coastal and Bay	\$3,120,720.76
	2. River and Aqueduct Access	6,971,920.77
	3. Lake and Reservoir Access	6,033,326.03
	4. Piers	16,710,019.93
d.	Game Farm Projects	146,894.49
e.	Wildlife Habitat Acq., Development & Improvement Projects ..	169,416,233.80
	1. Wildlife Areas (General)	\$127,820,515.25
	2. Miscellaneous Wildlife Habitat Dev. ...	3,308,962.19
	3. Wildlife Areas/EcoReserves, (Rare & Endangered)	38,286,756.36
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	\$236,948,910.41

WILDLIFE CONSERVATION BOARD

STAFF COMMENTS ON LITTLE HOOVER COMMISSION REPORT
ON THE FISH AND GAME COMMISSION
AND THE DEPARTMENT OF FISH AND GAME, JANUARY, 1990

The purpose of this staff report is to inform the Board members of the results of the Little Hoover Commission's (LHC) investigation into the operation of the Department of Fish and Game (DFG), the Fish and Game Commission (FGC) and the Wildlife Conservation Board (WCB). These staff comments will be restricted to only the points raised in the LHC report concerning WCB activities.

The format of the LHC report is such that it first identifies a list of allegations and/or issues and then provides its findings and recommendations with regard to the allegations. The allegations or issues relating to WCB are as follows:

- 1) Surrounding landowners are not provided proper notice of pending land acquisitions;
- 2) The Department (through WCB) has acquired lands which are not suitable for the stated purpose of the acquisition; and
- 3) The Department (through WCB) has paid inflated prices for lands it has acquired.

The findings and recommendations of the LHC with respect to the notification of landowners were, in essence, that WCB's notification methods need improvement and that WCB should take steps to assure that proper notice is given to adjacent landowners. This should include documented evidence of public notice and signed acknowledgment of notice by adjacent landowners.

Prior to 1989, the notice provided by the Board of its intended actions was in compliance with the State Open Meeting Act and, in fact, went beyond legal requirements. For a number of years, the Board has provided copies of a "line item" agenda to legislators representing project areas, legislative advisory members of the Board, various legislative committees, numerous federal, state and private conservation and/or wildlife-oriented organizations, California Cattlemen's Association, California Farm Bureau and others who request such notice, more than 130 mailings in all. In addition, more than 50 others, including sportsmen's groups, pertinent local government bodies (i.e. City Councils and Boards of Supervisors), the State Meeting Calendar, various newspapers and those who are directly involved in an acquisition receive the line item agenda. This agenda provides basic information such as general location, acreage, purpose and cost of the acquisition. This line agenda was (and still is) mailed 35 days prior to the meeting of the Board, 25 days earlier than required by law. At least 15 days prior to the Board meeting, a full narrative agenda with the staff report and recommendations is mailed to legislators representing project areas, pertinent local government bodies, legislative advisory members, statutory Board members, legislative committees and other interested parties.

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Late in 1988, a legislative advisory member of the Board inquired about the notice procedures used by staff and requested that the Board be briefed on the subject. In 1989, staff reported to the Board a perceived need, not a legal requirement, to expand on its notice procedures, together with a staff recommendation that all landowners located adjacent to a proposed project be notified of pending action. Based on this recommendation, the Board directed staff to implement a plan for notification of adjoining landowners directly at the time of mailing of the line item agenda. This plan has been in place since August, 1989. Although there is no provision for a signed acknowledgment of notice by the adjoining owners, your staff believes the requirement of this acknowledgment would be unnecessary and impractical.

It is interesting to note that the LHC made no findings with respect to either the suitability of acquired lands for the stated purposes of acquisitions or the payment of inflated prices for the lands which the Board acquires. However, the LHC did make the recommendation that "... the Department should take special care in the future to deny any reasonable basis for such charges". Further, the Commission recommends that at least two appraisals be obtained prior to commencement of negotiations.

Staff views the LHC's findings (or lack of findings) in these two areas to be in the nature of a dismissal of the allegations. However, for purposes of informing the Board, perhaps a brief review of the site selection process and the appraisal process would be in order.

All proposals which come before the Board have been subjected to scrutiny of the DFG at a minimum of four levels. Initially, when an acquisition proposal is received, from whatever source, it is evaluated at the unit (local) level of the DFG. Following local preparation of an "acquisition evaluation", the project is evaluated at the Regional Office level and, with Regional recommendations and comments, is submitted to a monthly "Lands Committee" for further evaluation and statewide prioritization. The Lands Committee includes DFG personnel from virtually all fields of discipline within the Department, nongame, fisheries, upland and big game, native plants, waterfowl and others. Finally, the DFG Division Chiefs and Regional Managers collectively review the Lands Committee recommendations at their monthly meetings. The evaluation format is designed to consider habitat types, species types, purpose of the acquisition, management needs, benefits of public acquisition, consequences of acquisition (or of not acquiring) and other such matters. Based on these evaluations, and after DFG administrative review, the recommendations and prioritizations, are delivered to WCB staff with the Director's request that staff pursue the project as recommended.

The appraisal process is even more formal and is one which is set by law, not by the policy of the acquiring agency. Under California's Property Acquisition Law, prior to negotiations to acquire a parcel of land, the State agency must make a determination of "fair market value" based on an approved appraisal of the subject property. The appraiser is guided by the California Code of Civil Procedure in defining and reaching a conclusion as to fair market value:

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The fair market value of the property is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell, but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy, but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

The fair market value of property taken for which there is no relevant market is its value on the date of valuation as determined by any method of valuation that is just and equitable. (Section 1263.320 Code of Civil Procedure.)

WCB staff normally contracts with an independent appraiser using a standard State of California appraisal contract form which includes specifications and required inclusions in a narrative format appraisal report. The appraisal report is reviewed at the WCB staff level and then independently by the Appraisal Review Section of the Department of General Services' Office of Real Estate and Design Services. If approved, the landowner must be advised of the approved estimate of fair market and negotiations may be commenced. If, at any level of review, an appraisal is questioned or disapproved by staff or the Department of General Services reviewers, a second or even third appraisal could be obtained if that is deemed necessary or advisable. Staff is satisfied that the WCB's present system of obtaining estimates of fair market value is appropriate, lawful, effective and fair to private landowners and the public.

As noted above, your staff feels that, without a doubt, the land acquisition procedures, as well as meeting notification procedures are not only being administered in accordance with all laws of the State of California, but in many cases such as in public notification requirements, are going one step further than required. We would recommend that current policies and procedures of the WCB be continued.