

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 August 9, 1990

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

Minutes, Meeting of August 9, 1990

Pursuant to the call of the Chairman Robert A. Bryant, the Wildlife Conservation Board met in Room 2040 of the State Capitol, Sacramento, California, on August 9, 1990. The meeting was called to order at 10:10 a.m. by Chairman Bryant.

1. Roll Call

Present:

Robert A. Bryant, President	Chairman
Fish and Game Commission	
Pete Bontadelli, Director	Member
Department of Fish and Game	
Stan Stancell, Assistant Director	Member
Department of Finance	
Edna Maita	
Vice Assemblyman Costa	Joint Interim Committee

Absent:

Assemblyman Phillip Isenberg	Joint Interim Committee
Assemblyman Norman Waters	Joint Interim Committee
Senator Barry Keene	Joint Interim Committee
Senator Robert Presley	Joint Interim Committee
Senator David Roberti	Joint Interim Committee

Staff Present:

Alvin G. Rutsch	Assistant Executive Director
Clyde S. Edon	Field Agent
Jim Sarro	Chief Land Agent/Assistant Executive Director
Howard Dick	Senior Land Agent
Frank Giordano	Senior Land Agent
Georgia Lipphardt	Land Agent
Marylyn Gzyms	Staff Services Analyst
Sylvia Gude	Staff Services Analyst
Sandy Daniel	Executive Secretary
Janice Beeding	Office Technician

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<u>Others Present:</u>	L. B. Boydston	Dept. of Fish and Game
	Dennis Beardsley	Greater Vallejo Rec. Dist.
	Al Taucher	Fish & Game Commissioner
	Jack Murdy	Fish & Game Commissioner
	Craig Anderson	Planning & Conservation
		League
	Susan Cochran	Dept. of Fish and Game
	Jim Messersmith	Dept. of Fish and Game
	Bob Orcutt	Dept. of Fish and Game
	Stanford Brown	Citizen

2. Approval of Minutes

Approval of minutes of the May 10, 1990, meeting of the Wildlife Conservation Board was recommended.

IT WAS MOVED BY MR. BONTADELLI THAT THE MINUTES OF THE MAY 10, 1990, WILDLIFE CONSERVATION BOARD MEETING BE APPROVED AS WRITTEN.

MOTION CARRIED.

3. Funding Status as of August 9, 1990 (Information Only)

(a) 1990/91 Wildlife Restoration Fund Capital Outlay Budget

As a State Budget was not passed when this agenda was prepared, no funding information could be included for 1990/91.

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

Governor's Budget - Land Acquisitions	\$ 429,000.00
Plus LWCF Reimbursement	+100,000.00
Less previous Board allocations	-307,116.18
Unallocated Balance	\$ 221,883.82

Governor's Budget - Minor Projects	\$ 480,000.00
Less previous Board allocations	- 268,300.00
Unallocated Balance	\$ 211,700.00

Governor's Budget - Major Development	\$ 500,000.00
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(c) 1988/89 Wildlife Restoration Fund Capital Outlay Budget

Governor's Budget - Land Acquisitions	\$1,730,000.00
Less previous Board allocations	-1,719,978.12
Plus LWCF Reimbursement	+ 100,000.00
Unallocated Balance	\$ 110,021.88

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

Governor's Budget	\$3,292,000.00
Less previous Board allocations	-2,887,000.00
Unallocated Balance	\$ 405,000.00

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

Governor's Budget	\$4,093,000.00
Less previous Board allocations	-1,373,136.90
Unallocated Balance	\$2,719,863.10

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

Governor's Budget	\$3,434,000.00
Less previous Board allocations	-3,275,213.74
Unallocated Balance	\$ 158,786.26

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

Governor's Budget	\$15,000,000.00
Less previous Board allocations	- 2,380,237.15
Unallocated Balance	\$12,619,762.85

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

Governor's Budget	\$10,500,000.00
Less previous Board allocations	-9,571,857.37
Unallocated Balance	\$ 928,142.63

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

Direct appropriation to the Wildlife	
Conservation Board	\$81,300,000.00
Less previous Board allocations	-26,325,761.95
Less State administrative costs	- 1,219,500.00
Unallocated Balance	\$53,754,738.05

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

Governor's Budget	\$ 5,500,000.00
Less previous Board allocations	- 3,594,937.00
Unallocated Balance	\$ 1,905,063.00

RECAP OF FUND BALANCES

Wildlife Restoration Fund

Acquisition	\$ 331,905.70
Minor Development	\$ 211,700.00
Major Development	\$ 500,000.00
<u>Environmental License Plate Fund</u>	\$ 405,000.00
<u>1984 Fish & Wildlife Habitat Enhancement</u>	\$ 2,878,649.36
<u>California Wildlife, Coastal and Park Land</u>	
Conservation Fund of 1988	\$53,754,738.05
<u>Wildlife and Natural Areas Conservation Fund</u>	\$13,547,905.48
<u>Cigarette and Tobacco Products Surtax Fund</u>	\$ 1,905,063.00

4. Recovery of Funds

The following 29 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:

\$ 23,695.29 to the Wildlife Restoration Fund,
\$ -0- to the Parklands Fund of 1984,
\$ 49,326.30 to the 1984 Fish and Wildlife Habitat Enhancement Fund,
\$369,518.83 to the California Wildlife, Coastal & Park Land Cons. Fund,
\$ 77,812.40 to the Wildlife and Natural Areas Conservation Fund;

and that the projects be closed.

WILDLIFE RESTORATION FUND

Field's Landing Public Access, Humboldt County

Allocation	\$ 49,450.00
Expended	-34,376.45
Balance for Recovery	\$ 15,073.55

Lake Tahoe Public Access, Placer County

Allocation	\$ 25,000.00
Expended	-24,974.81
Balance for Recovery	\$ 25.19

Walker River Wildlife Area, Mono County

Allocation	\$150,000.00
Expended	-150,000.00
Balance for Recovery	\$ -0-

Willow Creek Wildlife Area, Expansion #1, Lassen County

Allocation	\$138,000.00
Expended	-129,403.45
Balance for Recovery	\$ 8,596.55

Total Wildlife Restoration Fund Recoveries \$ 23,695.29

PARKLANDS FUND OF 1984

Sepulveda Basin Wildlife Area, Los Angeles County

Allocation	\$200,000.00
Expended	-200,000.00
Balance for Recovery	\$ -0-

Total Parklands Fund of 1984 Recoveries \$ -0-

FISH AND WILDLIFE HABITAT ENHANCEMENT FUND OF 1984

Beaver Creek #2, Siskiyou County

Allocation	\$ 22,000.00
Expended	-14,296.62
Balance for Recovery	\$ 7,703.38

Butt Creek #2, Plumas County

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

Horse Linto Creek, Humboldt County

Allocation	\$ 13,500.00
Expended	-9,758.62
Balance for Recovery	\$ 3,741.38

North Yuba River Trout Habitat, Sierra County

Allocation	\$ 12,000.00
Expended	-8,715.70
Balance for Recovery	\$ 3,284.30

Redwood & Salmon Creek, Humboldt County

Allocation	\$ 82,000.00
Expended	-60,488.88
Balance for Recovery	\$ 21,511.12

Rush Creek (Feather River), Plumas County

Allocation	\$ 7,350.00
Expended	-7,350.00
Balance for Recovery	\$ -0-

San Jacinto Wildlife Area, Expansion #5, Riverside County

Allocation	\$287,424.84
Expended	-287,424.84
Balance for Recovery	\$ -0-

Sepulveda Basin Wildlife Area, Los Angeles County

Allocation	\$279,800.00
Expended	-279,800.00
Balance for Recovery	\$ -0-

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Soda Creek (Feather River), Plumas County

Allocation	\$ 16,150.00
Expended	-16,150.00
Balance for Recovery	\$ -0-

Sprowl Creek, Humboldt County

Allocation	\$ 79,000.00
Expended	-65,914.08
Balance for Recovery	\$ 13,085.92

Tuttle Creek, Inyo County

Allocation	\$ 4,000.00
Expended	-4,000.00
Balance for Recovery	\$ -0-

Van Arsdale Fish Screen, Mendocino County

Allocation	\$110,000.00
Expended	-109,999.80
Balance for Recovery	\$.20

Willow Creek #2, Plumas County

Allocation	\$ 6,500.00
Expended	-6,500.00
Balance for Recovery	\$ -0-

Yellow Creek #2, Plumas County

Allocation	\$ 19,500.00
Expended	-19,500.00
Balance for Recovery	\$ -0-

Total Fish & Wildlife Hab. Enhancement Fund Recoveries \$49,326.30

CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988

Laguna de Santa Rosa Wetlands Eco. Reserve, Exp. #1, Sonoma County

Allocation	\$140,000.00
Expended	- 97,873.45
Balance for Recovery	\$ 42,126.55

Mattole River Ecological Reserve, Expansion #1, Mendocino County

Allocation	\$2,980,000.00
Expended	-2,975,476.71
Balance for Recovery	\$ 4,523.29

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Napa Marsh Wildlife Area, Camp Two West, Sonoma County

Allocation	\$317,000.00
Expended	- 1,500.00
Balance for Recovery	\$315,500.00

San Jacinto Wildlife Area, Expansion #5, Riverside County

Allocation	\$1,912,575.16
Expended	-1,905,206.17
Balance for Recovery	\$ 7,368.99

Total California Wildlife, Coastal and Park Land
Conservation Fund of 1988 Recoveries \$369,518.83

WILDLIFE AND NATURAL AREAS CONSERVATION FUND

Project Planning

Allocation	\$ 20,000.00
Expended	- 9,572.80
Balance for Recovery	\$ 10,427.20

Calhoun Cut Ecological Reserve, Solano County

Allocation	\$790,000.00
Expended	-782,741.15
Balance for Recovery	\$ 7,258.85

Collins Lake Wildlife Area, Expansion #1, Yuba County

Allocation	\$1,630,000.00
Expended	-1,599,134.40
Balance for Recovery	\$ 30,865.60

Fall River Mills Ecological Reserve, Shasta County

Allocation	\$195,000.00
Expended	-177,399.15
Balance for Recovery	\$ 17,600.85

San Bruno Mountain, Owl & Buckeye Canyons Eco. Reserve, San Mateo Co.

Allocation	\$1,330,000.00
Expended	-1,325,312.10
Balance for Recovery	\$ 4,687.90

Walker River Wildlife Area, Mono County

Allocation	\$360,000.00
Expended	-353,028.00
Balance for Recovery	\$ 6,972.00

Total Wildlife & Natural Areas Conser. Fund Recoveries \$77,812.40

IT WAS MOVED BY MR. STANCELL THAT THE WILDLIFE CONSERVATION BOARD RECOVER FUNDS FROM THE PROJECTS LISTED ON PAGES 4-7 OF THIS AGENDA AND CLOSE THE PROJECT ACCOUNTS. RECOVERY TOTALS INCLUDE \$23,695.29 TO THE WILDLIFE RESTORATION FUND; \$49,326.30 TO THE 1984 FISH AND WILDLIFE HABITAT ENHANCEMENT FUND; \$369,518.83 TO THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988; AND \$77,812.40 TO THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND.

MOTION CARRIED.

5. Salt Spring Valley Wildlife Area, Expansion #1, Calaveras County \$5,000.00

Mr. Rutsch introduced Mr. Howard Dick who presented the staff report. This was a proposal to accept a donation of a conservation easement covering an area of up to 2920 acres adjacent to the Salt Spring Valley Wildlife Area. The subject property is located near Copperopolis, in western Calaveras County, approximately 35 miles east of Stockton. New Hogan Dam is located approximately five air miles north of the subject and Angels Camp lies approximately 15 miles to the east.

In 1981 a similar donation of 4490 acres located just to the north of this parcel was accepted by the Board creating the Salt Spring Valley Wildlife Area. The main access to this area is provided via Highway 4, from Stockton or Angels Camp, then north approximately four miles on Rock Creek Road to Salt Spring Valley. At present, the Salt Spring Valley area has not been subdivided into ranchettes and remains a picturesque, sparsely populated, rural farming community with its main focal point being the Salt Spring Valley Reservoir.

In an effort to prevent the valley from being subdivided into ranchettes and to preserve wildlife and agriculture, the owners have decided to grant permanent easements over their ranch. With the proposed acquisition, the area preserved by conservation easements will total approximately 7410 acres. The owners of this property are working with other landowners in this pristine valley to encourage them to follow suit.

The property is presently used for cattle grazing. Under terms of the proposed easement, it would continue to be used for this purpose or for other agricultural or agricultural-related uses that will not adversely affect fish and wildlife habitat. The property owners are granting full development rights to the State, except for improvements necessary for forage production and livestock grazing or for alternative agricultural uses as noted above. The benefits to the landowners will be similar to a permanent Williamson Act contract. The State will benefit from permanent protection of the existing wildlife habitat values of the area.

Habitat on the ranch is predominately oak grassland with chaparral interspersed through the upper elevations. The natural diversity which is characteristic of transitional zones such as this provides the ranch with a

remarkable assemblage of wildlife. Deer winter among chaparral plants such as ceanothus, chamise and manzanita. The ranch supports raptors, such as red-tailed hawks and kestrels, as well as game birds, including quail, band-tailed pigeons and doves. Salt Spring Valley Reservoir, which partially inundates the ranch, provides excellent feeding and resting habitat for numerous shore birds as well as several waterfowl species, including mallards, shovelers and coots. Mammals which inhabit the area include bobcats and coyotes, which prey on the abundant rodent population, and other mammals, such as brush rabbits and cottontails. The Department of Fish and Game has recommended accepting the donation in order that preservation of these high wildlife values will be guaranteed.

Management of this conservation easement will be assumed by the Department of Fish and Game. However, this will probably be limited to leaving the parcel in its existing condition with some minor habitat improvements possible in the future. The easement does not include the right of public access over the property but does give the Department the right of access to monitor the easement. The only obligation of the Department will be to appropriately post the area as a refuge or preserve which is not open to hunting.

This proposal falls within Class 13 of Categorical Exemptions from CEQA requirements. Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes. Mr. Dick reported this donation is valued at \$585,000.00.

Mr. Rutsch reported that a letter of support had been received from the Defenders of Wildlife.

Staff recommended that the Board approve the acceptance of this conservation easement by donation as proposed; allocate \$5,000.00 from the Wildlife Restoration Fund for related processing costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

At the request of Mr. Stancell, Mr. Bontadelli gave a brief explanation of the differences between a conservation easement and the Williamson Act. Basically, a conservation easement protects in perpetuity, the Williamson Act provides temporary protection. The easement also recognizes wildlife habitat protection. The Williamson Act protects agricultural lands. As surrounding land values increase due to development potential, hence property taxes increase, values of easement lands should remain at agricultural land values, at potentially lower taxes.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACCEPTANCE OF THE DONATION OF A CONSERVATION EASEMENT AT THE SALT SPRING VALLEY WILDLIFE AREA, EXPANSION #1, CALAVERAS COUNTY, AS PROPOSED; ALLOCATE \$5,000.00 FROM THE WILDLIFE RESTORATION FUND FOR RELATED PROCESSING COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

Mr. Taucher asked if public access would be permanently excluded. Mr. Bontadelli responded that this property is a working cattle ranch and the purpose of the easement is to enable the area to be kept permanently open. The Department has an agreement with the landowner for a modification of their cattle operations to benefit wildlife. Mr. Bontadelli further noted that when the area already under easement was visited, it had an average of 3 to 4 inches of additional growth over much of the surrounding area because of the cattle differential on the way they operated the land. The property remains in private ownership and is kept on the tax rolls. It is a donated easement to the State and a joint agreement will be entered into and the landowners will manage the property in a manner that is compatible for its current operation which is cattle and wildlife and will remain permanently that way. Each easement can be modified by mutual agreement of both parties. Each easement is separately negotiated with the individual landowner and is tailored to their needs and the State's needs.

6. Anderson-Cottonwood Irrigation District Fish Screen, Shasta Co. \$120,000.00

Mr. Clyde Edon reported that the Department of Fish and Game had requested funds to construct a fish screen and an associated by-pass pipe in the Anderson-Cottonwood Irrigation District (A.C.I.D.) diversion ditch just downstream of Bonnyview Road, south of Redding.

The Sacramento River has historically been one of the key waterways contributing to the overall status of California's ocean salmon population. Unfortunately, both salmon and steelhead runs in this river have declined substantially in recent years, a decline which is expected to continue unless large-scale restoration actions are quickly undertaken. Currently more than 70 percent of all salmon caught off the coast of California come from this river system with most of these fish originating above its confluence with the Feather River. While nearly 8,000 commercial fishermen depend heavily on the salmon fishery, sport fishermen can catch salmon from Oregon all the way south to the Mexican border, although not much salmon fishing takes place south of Monterey.

The Sacramento River produces four distinct races of chinook salmon: fall, late fall, winter, and spring runs. All races have declined substantially. The fall run, which accounts for nearly 90 percent of the total ocean salmon catch, is presently at about 50 percent of historic numbers; the late fall run has declined a similar amount; the winter-run has declined nearly 98 percent (since reliable counts became available at Red Bluff Diversion Dam in 1966) and is now listed as an endangered species; and the wild strain of spring run numbers only a few hundred and presently exists in only two or three tributary streams. Without immediate action, this race may soon become extinct. Steelhead populations have declined from about 18,000 in 1966 to less than 2,000 in 1988.

The severe declines in salmon and steelhead populations and riparian habitat over the past four decades prompted the California Legislature in 1986 to enact legislation (SB 1086) calling for preparation of a fisheries and riparian habitat management plan for the Sacramento River, from Keswick Dam to the mouth of the Feather River. This proposal to screen this diversion

ditch is consistent with recognized action items identified in the recently approved management plan for the Sacramento River.

The objective of this project is to prevent juvenile salmon and steelhead from entering the A.C.I.D. pump diversion ditch. Numerous juvenile salmonids have been observed stranded and dying at the diversion laterals. Some of these fish are undoubtedly winter-run chinook since this diversion ditch is located along a stretch of river that is a key rearing area for this fish.

This proposal includes the construction of an incline diagonal fish screen 60 feet long and six feet high to be located in the diversion ditch below the pump outlets, together with a by-pass pipe leading back to the river. All construction, which will be done in mid-winter when the ditch is shut off, will occur in a manner that will prevent any sediment from entering the Sacramento River. The screening project is expected to improve the salmon runs in the Sacramento River by eliminating losses of juveniles. While benefiting fishermen and winter-run chinook, this project may also be a benefit to bald eagles which occasionally use the area.

Removal of large trees will be carefully avoided and any soil that is disturbed will be seeded with annual grasses, forbs and shrubs. Access to the project site will be via an existing road. Adjacent landowners have been notified of this proposal by mail. Plans and specifications have been prepared by the DFG Engineering Section who will administer construction through the public bidding process. They have estimated project costs at \$120,000.00. A.C.I.D. will be provided with a complete set of plans before the bidding process.

The Department has written access permission from A.C.I.D. to install, operate and maintain the fish screen and by-pass pipe. The Department and A.C.I.D. have agreed to keep the by-pass gate closed until the by-pass water agreement is completed. The Board would conditionally approve this project pending negotiations to ensure compliance with the Fish and Game Code and the execution of an agreement that meets all applicable legal requirements.

The proposed project is categorically exempt under CEQA and a Notice of Exemption has been filed by the Department.

Staff recommended that the Board approve the construction of the diversion ditch fish screen as proposed, conditioned on the Department completing the by-pass water agreement with the irrigation district; allocate \$120,000.00 from the 1984 Fish and Wildlife Habitat Enhancement Fund (Stream Restoration and Enhancement); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Rutsch noted that a letter of support had been received from the Shasta-Cascade Wonderland Association.

Ms. Maita asked if there was any cost sharing with the District. Mr. Bontadelli responded that there is no cost sharing on the construction and that discussions are in progress on issues relating to payment responsibilities for the by-pass water. He added that this is one of the original diversions, an old riparian pre 1914 water right which is by code an obligation of the Department to provide screening. With the completion of the 10 point plan for winter run salmon, one of the specific items required in that action plan was addressing the problems at A.C.I.D. He further noted that since this was an obligation by code of the Department of Fish and Game, this proposal was put together and believes DFG will get the needed cooperation from A.C.I.D. This project will be a direct benefit to the winter run salmon since this is the upper most dam on the Sacramento River, creating a seasonal dam at Lake Redding, where the majority of natural spawning occurs.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE CONSTRUCTION OF A FISH SCREEN IN THE ANDERSON-COTTONWOOD IRRIGATION DISTRICT DIVERSION DITCH, SHASTA COUNTY, AS PROPOSED BUT CONTINGENT UPON COMPLETION OF A WATER BY-PASS AGREEMENT WHICH WILL MAKE THE SCREEN FULLY OPERATIVE; ALLOCATE \$120,000.00 FROM THE 1984 FISH AND WILDLIFE HABITAT ENHANCEMENT FUND (STREAM RESTORATION AND ENHANCEMENT); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

7. Feather River Wildlife Area (Morse Road Unit), Sutter County \$94,000.00

Ms. Georgia Lipphardt reported that this proposal was for the acquisition of 64.5+ acres of riparian habitat located within the levees and on the west bank of the Feather River, just 4+ miles north of Yuba City. Previously acquired Department of Fish and Game properties, O'Connor and Abbott Lakes, are located about ten miles south of the subject. Another recently acquired Feather River parcel, totaling 700 acres, is located approximately 22 miles south of the subject.

Management of the subject parcel would be in conjunction with management of these properties and would include posting as a State Wildlife Area. No fencing is planned since fences could possibly be destroyed by floodwaters. Access to the site is from State Highway 99 across a neighbor's property from the terminus of Morse Road. The DFG has already obtained administrative access across the neighbor's property. Any public access would be from the river.

The property, which has a large seasonal lake, also contains depressions that hold water during the winter months. Part of the property was originally planted to prunes which over the years, have become overgrown with native vegetation leaving only about 2 acres of open area. The balance of the site is undulating, native jungle, including a large stand of valley oak, sycamore and cottonwood. Due to its jungle-like habitat, the property is a probable location for the yellow-billed cuckoo and Swainson's hawk,

both listed as threatened species by the State. The area also provides critical habitat for resident deer, migratory waterfowl, raptors, beaver, upland birds, small mammals and assorted furbearers.

Statewide riparian habitat and wetlands are critical because of their high, and varied, wildlife values. Unfortunately, most have been lost to agricultural and residential encroachment and the rip-rapping of river banks. Now, rich stands of large valley oak and sycamore, which once covered extensive areas of the Sacramento Valley, are difficult to find, making the preservation of the remaining areas even more important.

A private party currently holds an option on the property and has agreed to sell his interest to the State, upon exercise of the option, for the approved fair market value of \$84,000. The transfers will be handled in a double-escrow proceeding. Processing costs are estimated to be \$10,000, which includes the costs of a survey, escrow and Department of General Services review charges. The acquisition is 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.

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

Staff recommended that the Board approve the acquisition as proposed; allocate \$94,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988 (Prop. 70), as designated for the Feather River under Section 5907 (c)(9); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

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 THE ACQUISITION OF THE FEATHER RIVER WILDLIFE AREA (MORSE ROAD UNIT), SUTTER COUNTY, AS PROPOSED; ALLOCATE \$94,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 (PROP.70), AS DESIGNATED FOR THE FEATHER RIVER UNDER SECTION 5907 (c)(9); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

8. Dutch Flat Wildlife Area, Modoc County

\$79,000.00

Mr. Frank Giordano reported that this proposal was to acquire 160+ acres of privately owned property located in Modoc County, 7+ miles west of Adin Pass off State Highway 299. The proposed purchase, which is an inholding within U.S. Forest Service lands, is for the protection and restoration of habitat for the State and Federally listed endangered Modoc sucker. The acreage contains a portion of Dutch Flat Creek, the creek of concern, which is a tributary to Rush Creek. Access to the property, which is located 8+ miles from Highway 299, is via an unpaved Forest Service road that traverses it. This access is limited and only accessible by four-wheel drive vehicles in heavy rain or snowing conditions.

The property is characterized by Jeffrey and Ponderosa pine, Juniper, native grasslands, sagebrush, smaller trees and meadows. The predominant cover is in pine trees and other deciduous trees (estimated at perhaps 50%) with about an equal remaining land use of meadow and sagebrush. There is also considerable rock in the area, particularly on moderate slopes.

The habitat along and within Dutch Flat Creek is located within the historical range of the Modoc sucker and contains critical habitat for the fish. The stream, and spawning areas within the stream, together with its associated riparian habitat have earned this parcel the highest priority rating for acquisition by the Modoc Sucker Working Group. The Department of Fish and Game feels this acquisition is very important for recovery of the species.

This population of Modoc suckers, which is considered to be genetically pure, uses the stream year round for all aspects of the life history of the fish, including feeding, shelter, spawning and juvenile rearing. The area is used by a variety of other birds and mammals including deer that have used the area as a summer/winter transitional zone.

Presently the parcel offers virtually no recreational resources. Stream flows and temperatures are inadequate for trout and land grazing has eliminated deer habitat. The Department's proposed management of the area will be to preserve and enhance the existing habitat for the endangered Modoc sucker and to improve habitat in this deer transitional zone. Upon acquisition, work will be planned to improve stream flows while water temperatures may be improved by stream and riparian restoration activities. Deer habitat would be restored by cattle exclusion. The Department could either elect to exchange the land to the U.S. Forest Service, Modoc National Forest, or enter into a Memorandum of Understanding for USFS management of this area.

Upon restoration, public consumptive use of the property could include fishing for redband trout and deer hunting in conjunction with the public lands surrounding the subject. Nonconsumptive uses such as hiking, bird watching, sightseeing, photography and educational and research opportunities are anticipated.

The Trust for Public Land has secured an option to purchase the land, through a tax sale, and is willing to sell the property to the State when the option is formally exercised. The sale to the State would be at fair market value, as appraised and approved by the Department of General Services in the amount of \$72,000. An additional \$7,000 will be needed for General Services' review costs, appraisal, escrow and associated closing fees. The occurrence of habitat for the endangered Modoc sucker qualifies the acquisition for funding under the Wildlife and Natural Areas Conservation Fund within Proposition 70. The acquisition is exempt from CEQA under Section 15313 as an acquisition of land for wildlife conservation purposes.

Mr. Rutsch noted that letters of support had been received from the Shasta-Cascade Wonderland Association, Defenders of Wildlife, Modoc National Forest, County of Modoc, American Fisheries Society, and the Modoc County Fish, Game, and Recreation Committee.

Staff recommended that the Board approve the purchase of the proposed 160+ acres; allocate \$79,000.00 from the Wildlife and Natural Areas Conservation Fund, Section 2720(a), as established by the California Wildlife, Coastal and Park Land Conservation Fund of 1988 for the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

There was some discussion and it was reported that once this inholding is acquired, the entire stream would be protected.

Mr. Craig Anderson, Planning and Conservation League, asked if the Modoc Sucker was a game fish. Mr. Giordano responded that it is not a game fish but a bottom feeding fish, which is typical of most sucker type fish in California.

Mr. Bontadelli reported that the management will be controlled and done in conjunction with the Modoc Sucker Working Group, which is a joint listing group of the State and Federal government on the endangered species, so priority for management is for the endangered species. Mr. Bontadelli further stated that he noted the comments in the letters received expressed the hope that this might help secure sufficient habitat to have the Department consider a re-evaluation as to whether threatened status might be more appropriate than endangered and to review it for long-term management implications. He stated the status will be evaluated during the next review cycle for this particular species, including the redband trout.

Mr. Stancell asked what would be the disadvantage of not exchanging the land with the Forest Service. Mr. Bontadelli responded that to date the owner has not been willing to trade. The Forest Service has had this property on its exchange list for approximately 12 years now and has been trying to negotiate a trade. When State funds became available for endangered species protection, the landowner was willing to sell but not trade. Forest Service

does not have the money to purchase the land but will take over the management. DFG/FS will enter into a management agreement and therefore no long-term management costs will be incurred by the Department.

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 THE ACQUISITION OF THE DUTCH FLAT WILDLIFE AREA, MODOC COUNTY, AS PROPOSED; ALLOCATE \$79,000.00 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 (PROPOSITION 70), FOR THE PURCHASE PRICE AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

9. By-Day Creek Ecological Reserve, Expansion #1, Mono County \$325,000.00

Mr. Howard Dick reported that this was a proposal to acquire 300+ acres of land to expand the 160 acre By-Day Creek Ecological Reserve in Mono County. This ecological reserve is located approximately six miles northwesterly of Bridgeport on By-Day Creek, a stream which contains the only known native population of the Walker River strain of Lahontan Cutthroat Trout. The parcels can be accessed with a four-wheel drive vehicle from an old logging road off Buckeye Road which intersects Highway 395, almost four miles north of Bridgeport. The ownership consists of two 160 acre parcels which run almost a mile and a quarter along the length of the stream and are surrounded by Toiyabe National Forest lands and the Department of Fish and Game's By-Day Creek Ecological Reserve. The owners wish to retain a 20 acre parcel which lies over 1/2 mile from By-Day Creek, near Log Cabin Creek. Terrain ranges from slight slopes to very steep hills with habitat consisting of pine trees, sage brush and meadow lands. There are several small streams located on the property, in addition to By-Day Creek. However, in dry years, such as the current year, most of these streams are dry.

According to the Department of Fish and Game, the acquisition of these parcels will place the entire Lahontan Cutthroat Trout habitat in By-Day Creek in public ownership which will assure preservation of the watershed and will eliminate the threat of future development. In addition to the important fishery, deer use this area for fawning and summer range and other nongame and game wildlife use is moderate to high. The Department of Fish and Game has highly recommended acquisition of these parcels since they will help ensure the survival of the Federally listed threatened Lahontan Cutthroat Trout.

The proposed acquisition 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 preservation of 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.

Proposed management of the area will not be intensive and can be handled in conjunction with the existing ecological reserve. It is anticipated that if acquired, habitat improvements to stabilize the stream banks may be done in the future at an estimated cost of \$12,000.00. It is not anticipated that public access to the properties will be improved since the Department of Fish and Game has stated that increased use through improved access could be detrimental to the stream.

The owners have agreed to sell the property at the approved appraised value of \$1050/acre, or \$315,000.00 for the two parcels totaling 300 acres. In addition, it is estimated that an additional \$10,000 will be required to cover acquisition costs, including escrow charges, Department of General Services review costs and appraisal fees. Therefore, the total allocation necessary for this purchase is estimated to be \$325,000.00.

Mr. Rutsch reported that a letter of support had been received from the Defenders of Wildlife.

Staff recommended that the Board approve the purchase of this project as proposed; allocate \$325,000.00 from the Wildlife and Natural Areas Conservation Fund, Section 2720 (c) as specified for threatened and endangered species in the California Wildlife, Coastal and Park Land Conservation Fund of 1988, for the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

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. BONIADELLI THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE BY-DAY CREEK ECOLOGICAL RESERVE, EXPANSION #1, MONO COUNTY, AS PROPOSED; ALLOCATE \$325,000.00 FROM THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND, SECTION 2720 (c), AS SPECIFIED FOR THREATENED AND ENDANGERED SPECIES IN THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT OF 1988, FOR THE PURCHASE PRICE AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

10. Crocker Meadows Wildlife Area, Expansion #1, Plumas County \$1,403,375.00

Mr. Giordano reported that this proposal was to exercise the State's option to acquire 1,000+ acres of deer habitat as an addition to the Crocker Meadows Wildlife Area. The first phase of this acquisition, which consisted of 740 acres, was approved by the Board at the May 10, 1990, meeting. This parcel was subsequently acquired by staff. Concurrent with the State's first phase purchase, the U.S. Forest Service purchased an additional 740 acres that adjoined and intermixed with the State's purchase.

The State's option is for the purchase of 1,080 acres of land at a purchase price of \$1,468,125.00. The Forest Service has again agreed to participate in this acquisition by purchasing 80 acres of the optioned property at the approved appraised value of \$108,750. The State will purchase 1,000 acres at the approved appraised value of \$1,359,375.00.

The properties under option are located 2+ miles north of the town of Beckwourth, in Plumas County. The primary access is via County Road 111, which connects with Highway 70 at Beckwourth and continues northwesterly, bisecting portions of the subject property. The land is relatively flat to rolling hills with gentle topography. Elevations range from 5,000 feet at the edge of Sierra Valley to about 6,200 feet toward the north end of the site.

The diverse habitat types found within Crocker Meadows include key summer range, high density fawning habitat and a major migration corridor. Pasture mixed with sagebrush is found at the lowest elevations at the edge of Sierra Valley. As elevation increases to the north, the habitat changes to montane chaparral with some pockets of eastside pine providing the best fawning habitat. The Crocker Meadows area is a pasture habitat intertwined with eastside pine habitat. Further north, and at the highest elevation, isolated parcels within the site support mixed conifer.

Consistent with Phase 1, the primary wildlife species using the subject property are mule deer of the Doyle Deer Herd, a herd which is felt to be of local, regional and interstate significance. The primary period of deer use is spring through fall. The range of the Doyle Deer Herd is well-known as a high quality hunting area. The area is also known regionally and statewide as one where people can quite readily view and photograph large numbers of deer. Other game and nongame animals are also found in the area including valley and mountain quail, mountain lion, bear, coyote, gray fox, hawks, golden eagles, prairie falcons and a variety of other nongame birds. Squirrels and other furbearers make use of the area on a year-round basis. Sierra Valley and its surrounding area, including the subject property, is heavily used as a raptor wintering area.

The main threat to the present habitat is proposed development by the owners. The threat is more than just imminent since the owners have already filed and received county approval of eight individual Tentative Subdivision Maps which coincide with the area proposed for acquisition. A road system for the proposed subdivision is developed with drainage ditches and culverts already in place. If the property is not purchased, the owners will develop it.

The combined USFS, Phase I and proposed Phase II areas are readily accessible and could be opened to a variety of recreational opportunities. The project site is essentially surrounded by public land open to hunting and it would be appropriate to also allow hunting on this area. There is substantial opportunity for nonconsumptive uses, as well, including camping, hiking, photography and sightseeing. Photography and sightseeing are greatly enhanced by the easy access to the area by way of a paved county road. Access in the winter may be temporarily restricted due to snow.

Operational and maintenance costs are estimated to be minimal for both purchases. As stated in the May agenda, approximately two miles of fencing will eventually be needed to separate State lands from the owners remaining property. The area is "open range land" and it will be the State's responsibility to protect its land from adjacent grazers. It is estimated that the necessary fencing will cost \$38,000 and this proposal includes the DFG's and staff's recommendation that the Board approve funding of the fencing as an acquisition cost.

The owners, through the State's option, have agreed to sell the subject land at the approved fair market value of \$1,359,375.00, for the 1,000 of the 1,080 acres. Processing costs are estimated to be an additional \$6,000.00 which includes escrow and the Department of General Services review costs. As indicated, funding of \$38,000 would be necessary to provide the recommended fencing. Funding is available for this acquisition as proposed, from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund (Proposition 99) and from the Wildlife and Natural Areas Conservation Fund.

The acquisition is exempt from CEQA under Section 15313 as an acquisition of land for wildlife conservation purposes and a Notice of Exemption has been filed.

Mr. Rutsch reported that letters of support had been received from the Defenders of Wildlife and the Shasta-Cascade Wonderland Association, Plumas County Board of Supervisors and the Plumas County Fish and Game Commission.

Staff recommended that the Board approve this purchase as proposed; allocate a total of \$1,403,375.00; \$498,312.00 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 \$905,063.00 from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund (Proposition 99) for the purchase price, necessary fencing and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Ms. Maita asked that since this acquisition is primarily for deer habitat would it qualify for funding under Proposition 117. Mr. Sarro explained that Proposition 117 language this year is tied to Significant Natural Areas which does not include this particular type of property, so this acquisition would not qualify for Prop. 117 funding.

Mr. Bryant asked who would be responsible for repair and upkeep of this fence at a future date. Mr. Giordano responded that it would be the Department's responsibility to repair the fence unless an agreement was made with the landowner.

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 THE ACQUISITION OF THE CROCKER MEADOWS WILDLIFE AREA, EXPANSION #1, PLUMAS COUNTY, AS PROPOSED.

MR. STANCELL CONDITIONED THE APPROVAL OF THE EXPENDITURE FOR FENCING (\$38,000.00) BE CONTINGENT UPON THE DEPARTMENT OF FISH AND GAME ENTERING INTO AN AGREEMENT WITH THE CONTIGUOUS LANDOWNERS THAT ANY DAMAGE TO THE STATE'S FENCING, THAT IS A RESULT OF THAT LANDOWNER'S ACTIVITIES, THE STATE WILL BE INDEMNIFIED.

ALLOCATE A TOTAL OF \$1,403,375.00; \$498,312.00 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 \$905,063.00 FROM THE PUBLIC RESOURCES ACCOUNT, CIGARETTE AND TOBACCO PRODUCTS SURTAX FUND (PROPOSITION 99) FOR THE PURCHASE PRICE, NECESSARY FENCING AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

11. Land Conservation Areas

At Mr. Schmidt's request, Mr. Bontadelli reported that in past years the Wildlife Conservation Board has authorized the acquisition of a number of conservation easements, either through purchase or donations or a combination thereof. While the Department of Fish and Game assumes the management of these easements, there really is no provision for proper designation through the Fish and Game Commission.

Currently the Fish and Game Code authorizes the establishment, pursuant to Commission action, of Wildlife Management Areas (WLA) and Ecological Reserves (E.R.). Wildlife Management Areas, which are established pursuant to Fish and Game Code Section 1525, are established for the purpose of "propagating, feeding, and protecting birds, mammals, and fish," together with the management thereof, and for establishing public shooting grounds. Ecological Reserves, which are established pursuant to Fish and Game Code Section 1580, are established "to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and aquatic, or large heterogeneous natural marine gene pools...".

While the acquisition of Conservation Easements for protection of habitat could be construed to fit into one of the two established areas, in reality they are different and should be treated differently. When granting a Conservation Easement, normally an owner is not granting the State management rights or rights to make State improvements on the property, and normally is not granting public access. The grant usually includes development rights on the property, with additional rights or obligations being included as may be necessary on a case-by-case basis. Each easement is therefore tailored to fit the needs of both the owner and the State for a given parcel. The State benefits from this method of acquisition in that wildlife habitat can be protected at less cost. Local government benefits in that the underlying fee ownership remains on the tax roll. Finally, agricultural interests (i.e. cattle grazing) or recreational interests (i.e. duck clubs) normally can continue to operate, continuing to add to the local economy.

Your staff feels that conservation easement purchases do not fall into the standard mold of a WLA or E.R. and would recommend that a new designation be considered for conservation easement acquisitions. It is felt that by giving special recognition to these areas, for what they really are -- land and water conservation methods -- thereby eliminating the perception that these easement areas are public lands, landowners may feel more inclined to consider sales or donations of these rights. The existing designations imply that there is State management, State use and even public access to these conservation easement areas.

Mr. Bontadelli reported that the fifth item on this agenda today, in terms of acceptance of the Salt Spring Valley Wildlife Area easement, is a classic example of the land that does not cleanly fit into the definition of a Wildlife Area or an Ecological Reserve. Instead, it is basically a land conservation easement that is reached with the individual landowners. In discussions with the landowners involved in that particular area, as well as with the Cattlemen's Association and the Farm Bureau, there is an indication that a third classification, Land Conservation Area, may have some significant benefits in terms of the ability to expand the program of providing easements at little or no cost to the State while continuing significant long-term wildlife values. The term Land Conservation Areas was arrived at after consultation with several landowners, the Cattlemen's Association and others who would help promote that form of easement program throughout the State. This would be a third alternative for the Fish and Game Commission in terms of classification of the land, and would create a classification unique for the posting, which occasionally accompanies the agreements negotiated. It would be a classification alternative that the landowner would have to request at the time of negotiations. It would not be a land classification required of all easement lands.

Ms. Maiba asked if there was statutory ability to do this. Mr. Bontadelli responded that there are no restrictions in code that could be found and it did not appear to be something that required legislative action, but wanted to bring it to a public hearing both before the Wildlife Conservation Board and the Fish and Game Commission.

Ms. Maita stated that it addresses some of the concerns that the cattlemen and farmers have because they consistently have problems with areas being posted and then you have littering and damage and this then creates a reluctance of landowners to sell to the State. This classification will also keep it on the tax rolls.

Staff therefore recommended that the Board pass a motion recommending that the Fish and Game Commission establish a new land designation entitled Land Conservation Areas and direct your Executive Director to prepare a letter forwarding this recommendation to the Fish and Game Commission for its consideration.

IT WAS MOVED BY MR. STANCELL THAT THE WILDLIFE CONSERVATION BOARD PASS A MOTION RECOMMENDING THAT THE FISH AND GAME COMMISSION ESTABLISH A NEW LAND DESIGNATION ENTITLED "LAND CONSERVATION AREAS", AND DIRECT THE EXECUTIVE DIRECTOR TO PREPARE A LETTER FORWARDING THIS RECOMMENDATION TO THE FISH AND GAME COMMISSION FOR ITS CONSIDERATION.

MOTION CARRIED.

12. California Wildlife Protection Act of 1990 (Proposition 117)

Mr. Rutsch reported that this item was a summary of the California Wildlife Protection Act of 1990 and was an informational item only.

With the June 5, 1990, passage of Proposition 117, the California Wildlife Protection Act of 1990 ("The Mountain Lion Initiative"), the Board and its staff are faced with a new program and some new responsibilities. This item is placed on this agenda as an informational item, briefing members on Prop. 117 as applied to future Board activities.

Prop. 117, while not providing "new revenues" as bond acts normally do, does provide for the creation of the Habitat Conservation Fund which is to be funded annually, until the year 2020. The fund shall be established at \$30 M/year as a direct Controller transfer (Section 2966) from the General Fund, less any amount placed in the fund from other sources including, but not limited to, the following:

- a) Unallocated account from the Cigarette & Tobacco Products Surtax Fund - a 10% direct Controllers transfer (Section 2795).
- b) California Environmental License Plate Fund.
- c) Endangered and Rare Fish, Wildlife and Plant Species Conservation and Enhancement Account.
- d) Any bonds authorized after July 1, 1990 which are consistent with the purposes of this act.
- f) Wildlife Restoration Fund.

Agencies to be funded via Prop. 117 include the Department of Parks and Recreation (\$4.5 M/year); the State Coastal Conservancy (\$4 M/year); the Santa Monica Mountains Conservancy (\$10 M/year - 5 years); the Tahoe Conservancy (\$.5 M/year); the Wildlife Conservation Board (\$11 M/year).

These funds shall be expended in a manner so that in each two year period, to the extent practical, 50% shall be used in the northern half of the State and 50% shall be used in the southern half. Furthermore, a specific formula is established for expenditures based on habitat types as follows:

- A. 2786 (a). The acquisition of habitat, including native oak woodlands, necessary to protect deer and mountain lions up to \$20 M (each 24 mos.) [Section 2791 (b) - 1/3 of total].
- B. 2786 (b) (c). The acquisition of habitat to protect rare, endangered, threatened, or fully protected species and acquisition of habitat to further implement the Proposition 70 Habitat Conservation Program beginning with Section 2721 which includes the following items:

To acquire, enhance, restore, or protect lands in California on which any of the following naturally exists:

- 1. A unique species or natural community, whose existence at a single location in California is the only known occurrence in the world of that particular species or natural community.
 - 2. A species that occurs in only 20 or fewer locations in the world, at least one of which is in California.
 - 3. A natural community that occurs in only 50 or fewer locations in the world, at least one of which is in California.
 - 4. An assemblage of three or more highly rare species or natural communities, or any combination thereof, of which at least one of the species or natural communities is found only in 20 or fewer locations in the world.
- Up to \$40 M (each 24 mos.) [Section 2791 (b) - 2/3 of total].

- C. 2786 (d). The acquisition, enhancement or restoration of wetlands. Up to \$6 M (each 24 mos.) [Section 2791 (c)].
- D. 2786 (e) & (f). The acquisition, enhancement or restoration of aquatic habitat for spawning and rearing anadromous salmonids and trout and riparian habitat. Up to \$6 M (each 24 mos.) [Section 2791 (d)].

One exception to this formula is noted in Section 2787 (a)(3) which permits the Department of Parks & Recreation to fund 50% local matching projects (\$2 M annually) for wildlife corridors, trails and nature interpretative programs.

The passage of this measure gives the Board the responsibility for monitoring expenditures by other recipient agencies.

Section 2790. Each agency receiving money from the fund pursuant to Section 2787 shall report to the Board on or before July 1 of each year the amount of money that was expended and the purposes for which the money was expended. The Board shall prescribe the information in the agencies' reports that it determines is necessary to carry out the requirements of Section 2791.

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After receipt of these reports the Board shall (Section 2791), to the extent practical, expend its funds so that the above expenditure allocations are fulfilled. As staff interprets this requirement, the Board will be required to insure that all funds (total - \$30 M) meet these expenditure requirements. Furthermore, the Board shall adjust its acquisition program as necessary to assure compliance.

This program will have varied affects on the existing programs of the Board. While it will provide a stable funding mechanism for the next 30 years to carry out a wildlife acquisition and restoration program, it may also, depending on how the legislature chooses to fund the Habitat Conservation Fund, severely curtail or even eliminate the Board's long standing public access development program (i.e. fishing piers, trails, parking lots, etc.). The only funds currently available to fund this program is the Wildlife Restoration Fund and, as noted above, this is one of the funds which can be transferred to the newly created fund.

The above briefly describes Prop. 117 as it affects the Wildlife Conservation Board, obviously leaving off Chapter 10, the portion concerning mountain lions. Your staff will be ready to discuss this matter as desired by Board members.

Mr. Rutsch emphasized that the Board has a major role in the administration of the act. The Board will receive annual reports from the participating agencies and from that information the Board will plan its expenditures so as to carry out the program within the limits and purposes and the distribution of funds as prescribed in the act.

Mr. Rutsch also pointed out that this act may affect the Board's Public Access Program. The act requires that funds go from various sources to support the program and one of those funds is the Wildlife Restoration Fund (WRF). WRF, since the inception of the Board, has been the one fund where the Board has discretion as to how to use the funds and for what purpose. The Board has used WRF for public access purposes and this has supported the very popular fishing piers, boat launching ramps and trails that are for fishing/hunting access. No other State agency really fulfills that role as well as the Board does in small projects with local agencies. So, if the WRF is reduced and not available for public access because of the support of Prop. 117 it would eliminate a very popular program.

Mr. Bryant asked if that would also include handicapped access. Mr. Rutsch responded that it would and there has been a lot of support for the handicapped projects. There have been 7 handicapped projects constructed so far and several being considered at this time.

Mr. Bryant asked who was the ruling body of Prop. 117. Mr. Bontadelli responded that the Wildlife Conservation Board would be the ruling body. Ultimately, the Board will get reports from each of the other agencies involved starting at the end of year one and WCB would evaluate how they spent their funds and how they propose to spend the funds in year two and then WCB picks up the burden of filling in the gaps with funds available to ensure that other mandates of Prop. 117 are met after reviewing what the other agencies have done. This is a two year fund balancing obligation.

13. Vallejo Fishing Pier, Solano County

Mr. Rutsch reported that at the August 11, 1988, meeting the Board allocated \$15,000 for an engineering report on the condition of the Vallejo Fishing Pier to determine what actions need to be taken to assure continued safe public use and long life of the structure. The report, prepared by a consulting engineering firm under contract with the Greater Vallejo Recreation District, which operates and maintains the pier for the Department, is summarized here for the Boards' information. Staff has reviewed the report but is making no recommendation at this time.

The report will be helpful as decisions need to be made concerning the long-term public use of this facility. It is important to note that the Department owns the pier so has an obligation to see that it is kept in good repair. Also, the pier is of wood construction with a concrete deck and has experienced four fires for which the Board allocated a total of \$124,600 in repair costs. Finally, the pier is an important recreational facility on the City of Vallejo waterfront, providing 78,000 visitor-days of fishing use in 1989, according to the District's use survey.

This pier is a conversion of a portion of the old Highway 37 Napa River Bridge constructed in 1947. It was acquired by the Board in 1964 from the Division of Highways when they constructed a new bridge parallel to the old one. The Board has allocated a total of \$343,755 for this project to date, including pier renovation costs, fire damage repair, a restroom facility and parking area.

The report indicates that the pier has serious decay at 15 locations along its entire length where the 60 foot long concrete deck sections join. About 80 percent of the wood piles are estimated to be within ten years or so of the end of their useful life. The most serious condition found is the loss of strength to resist lateral and longitudinal forces. The report concludes that if not corrected this condition could ultimately render the pier unsafe and require it to be closed.

Preliminary cost estimates, considering six separate construction alternatives or complete pier removal, are included in the report and summarized below. The estimates are not based on full knowledge of the soil conditions or detailed engineering design, but from assumed sizes and quantities only. The report recommends that an analysis of the subsurface condition be made prior to any final decision on future pier repair or reconstruction plans. For comparison purposes, the expected useful life of the structure for each option is noted.

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A. Repair existing wood pier "in kind" (40 year life).	\$2,470,000
B. New concrete substructure, repair superstruct. (40 yr).	2,563,000
C. Reconstruct concrete pier in two phases (80 year).	4,178,000
D. Construct new wood pier (40 year).	3,292,000
E. Construct new concrete pier (80 year).	3,152,000
F. Construct concrete pier, salvage existing deck (80 yr).	2,723,000
G. Demolish pier.	1,231,000
H. Soil analysis, preliminary plans & detailed estimate.	30,000

A review of the cost estimate summary shows option 'F' to be clearly the best from an economic and low maintenance standpoint. Its cost is only 10 percent greater than option 'A', yet has an expected useful life twice that of 'A'.

The option of taking no action will mean possible closure of the pier in ten years or less. Environmental and safety requirements will then make it necessary to remove the structure and clean up the site. The cost estimate for demolishing the pier and loss of public fishing benefits should be taken into account when considering the "no action" option.

The report recommended that the soils investigation and preliminary plan preparation be funded as soon as possible so that funds can be budgeted and the construction ultimately accomplished prior to the possibility of any failure of the existing pier.

Mr. Rutsch reported that the pier is without adequate lateral and longitudinal support and is leaning away from the abutment. Because of the leaning, it's about 2-4 degrees off of vertical and it could slip off the abutment, plus there is dry rot on caps and deteriorated piles. There were 77,750 visitor days of use in 1989.

Mr. Rutsch noted that Mr. Dennis Beardsley from the Greater Valley Recreation District was present should there be any questions.

Mr. Beardsley reported that the pier is of great value to the community but the deterioration is accelerating and could be a public hazard in five years.

IT WAS MOVED BY MR. BONTADELLI THAT THE WILDLIFE CONSERVATION BOARD STAFF PREPARE AND PRESENT AT THE NOVEMBER 1, 1990, MEETING AN ALLOCATION REQUEST FOR ENGINEERING WORK AT THE VALLEJO FISHING PIER, SOLANO COUNTY.

MOTION CARRIED.

There being no further business to consider, the meeting was adjourned at 11:20 a.m. by Chairman Bryant.

Respectfully submitted,

W. John Schmitt

for Alvin G. Rutsch
Assistant Executive Director

PROGRAM STATEMENT

At the close of the meeting on August 9, 1990, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$254,842,769.67. 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, Cigarette and Tobacco Products Surtax Fund of 1988 and the Wildlife Restoration Fund.

a.	Fish Hatchery and Stocking Projects	\$16,005,271.06
b.	Fish Habitat Development	11,541,015.21
	1. Reservoir Construction or Improvement .	\$3,065,821.39
	2. Stream Clearance and Improvement	5,606,732.63
	3. Stream Flow Maintenance Dams	498,492.86
	4. Marine Habitat	646,619.07
	5. Fish Screens, Ladders and Weir Projects	1,723,349.26
c.	Fishing Access Projects	33,028,654.05
	1. Coastal and Bay	\$3,073,799.25
	2. River and Aqueduct Access	7,031,234.03
	3. Lake and Reservoir Access	6,213,600.84
	4. Piers	16,710,019.93
d.	Game Farm Projects	146,894.49
e.	Wildlife Habitat Acq., Development & Improvement Projects ..	177,784,567.37
	1. Wildlife Areas (General)	\$131,632,649.76
	2. Miscellaneous Wildlife Habitat Dev. ...	3,308,962.19
	3. Wildlife Areas/EcoReserves, (Rare & Endangered)	42,842,955.42
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	\$245,842,769.67