

DEPARTMENT OF FISH AND GAME

WILDLIFE CONSERVATION BOARD

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State of California
 The Resources Agency
 Department of Fish and Game

WILDLIFE CONSERVATION BOARD

Minutes, Meeting of November 12, 1992

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WILDLIFE CONSERVATION BOARD

Minutes, Meeting of November 12, 1992

Pursuant to the call of Chairman Benjamin Biaggini, the Wildlife Conservation Board met in Room 437 of the State Capitol, Sacramento, California, on November 12, 1992. The meeting was called to order at 10:03 a.m.

1. Roll Call

Present:

WILDLIFE CONSERVATION BOARD MEMBERS

Benjamin Biaggini, Chairman
President, Fish and Game Commission
Susanne Burton, Member
Chief Deputy Director, Department of Finance
Boyd Gibbons, Member
Director, Department of Fish and Game

JOINT LEGISLATIVE INTERIM ADVISORY COMMITTEE

Teri Burns,
Vice Senator David Roberti
Edna Maita,
Vice Assemblyman Jim Costa
Lori Christenson,
Vice Assemblyman Phillip Isenberg

Absent:

Senator Barry Keene, Joint Legislative Advisory Committee
Senator Robert Presley, Joint Legislative Advisory Committee
Assemblyman Dan Hauser, Joint Legislative Advisory Committee

Minutes of Meeting, November 12, 1992
Wildlife Conservation Board

Staff Present:

W. John Schmidt, Executive Director
Clyde Edon, Assistant Executive Director
Robert Schulenburg, Field Agent
Jim Sarro, Chief Land Agent/Assistant Executive Director
Howard Dick, Senior Land Agent
Frank Giordano, Senior Land Agent
Georgia Lipphardt, Senior Land Agent
Debbie Townsend, Land Agent
David Martinez, Riparian Program Manager
Sylvia Gude, Staff Services Analyst
Sandy Daniel, Executive Secretary
Janice Beeding, Office Technician

Others Present:

Carl Allen, Kern River Wildlife Sanctuary
Olga Hammer, Kern River Wildlife Sanctuary
Kay Nordyke, Colusa County Supervisor
David Nelson, Colusa County
Ricardo Salazar, So. California Gas Company
Amber Jones, Defenders of Wildlife
Fred Morawczynski, Yuba County Administrator
Sabin Phelps, The Nature Conservancy
Scott Ferguson, The Nature Conservancy
Rick Hewett, The Nature Conservancy
Mark Palmer, Mountain Lion Foundation
Glenn Rollins, Department of Fish and Game
Pat Perkins, Department of Fish and Game
Chuck Knutson, Department of Fish and Game
Rhonda Reed, Department of Fish and Game
Steve Nicola, Department of Fish and Game

2. Approval of Minutes

Approval of minutes of the August 25, 1992, meeting of the Wildlife Conservation Board was recommended. _

IT WAS MOVED BY MR. BIAGGINI THAT THE MINUTES OF THE WILDLIFE CONSERVATION BOARD MEETING OF AUGUST 25, 1992, BE APPROVED AS WRITTEN.

MOTION CARRIED.

3. Funding Status as of November 12, 1992 (Information Only)

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

(a) 1992/93 Wildlife Restoration Fund Capital Outlay Budget

Proposed - Land Acquisitions \$ 200,000.00

Proposed - Minor Projects \$ 600,000.00

(b) 1991/92 Wildlife Restoration Fund Capital Outlay Budget

Governor's Budget - Land Acquisitions \$ 200,000.00

Plus LWCF Reimbursement 110,000.00

Unallocated Balance \$ 310,000.00

(c) 1989/90 Environmental License Plate Fund Capital Outlay Budget

Added to Governor's Budget by Ch. 1241 \$ 950,000.00

Less previous Board allocation - 942,000.00

Unallocated Balance \$ 8,000.00

(d) 1992/93 Fish and Wildlife Habitat Enhancement Fund Capital Outlay Budget

Reappropriation of 1989/90 - Stream Projects \$1,814,726.49

Reappropriation of 1989/90 - Coastal Projects \$ 83,127.69

(e) 1990/91 Fish & Wildlife Habitat Enhancement Fund Capital Outlay Budget

Governor's Budget \$1,740,000.00

Less previous Board allocations - 340,000.00

Unallocated Balance \$1,400,000.00

(f) 1992/93 Wildlife and Natural Areas Conservation Fund Capital Outlay Budget

Governor's Budget \$2,000,000.00

(g) 1991/92 Wildlife and Natural Areas Conservation Fund Capital Outlay Budget

Governor's Budget \$5,000,000.00

Less previous Board allocations - 490,000.00

Unallocated Balance \$4,510,000.00

Minutes of Meeting, November 12, 1992
Wildlife Conservation Board

(h) 1988/89 California Wildlife, Coastal & Park Land Conservation Fund Capital Outlay Budget

Direct appropriation to the Wildlife Conservation Board	\$81,300,000.00
Less previous Board allocations	-56,278,573.29
Less State administrative costs	- 1,219,500.00
Unallocated Balance	\$23,801,926.71

(i) 1990/91 Cigarette and Tobacco Products Surtax Fund Capital Outlay Budget

Governor's Budget	\$ 985,000.00
Less previous Board allocations	- 453,400.00
Unallocated Balance	\$ 531,600.00

(j) 1992/93 Habitat Conservation Fund Capital Outlay Budget

Proposed	\$ 9,194,000.00
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(k) 1991/92 Habitat Conservation Fund Capital Outlay Budget

Governor's Budget -	
Waterfowl Habitat Acquisition	\$ 2,000,000.00
Less previous Board allocations	- 153,000.00
Unallocated Balance	\$ 1,847,000.00

Governor's Budget - Unallocated	\$ 1,682,000.00
Less previous Board allocations	- 664,907.50
Unallocated Balance	\$ 1,017,092.50

Governor's Budget -	
Upper Sacramento River Basin	\$ 1,000,000.00
Less previous Board allocations	- 226,964.77
Unallocated Balance	\$ 773,035.23

(l) 1992/93 Governor's Budget - Special Items

Department of Fish and Game

Waterfowl Habitat Program	\$ 650,000.00
Salmon Habitat Program	\$ 991,000.00
Total Available	\$1,641,000.00

(m) 1990/91 Habitat Conservation Fund Capital Outlay Budget

Governor's Budget	\$10,800,000.00
Less previous Board allocations	<u>-10,521,909.09</u>
Unallocated Balance	\$ 278,090.91

RECAP OF FUND BALANCES

Wildlife Restoration Fund

Acquisition	\$ 510,000.00
Minor Development	\$ 600,000.00
Major Development	\$ -0-

Environmental License Plate Fund \$ 8,000.00

1984 Fish & Wildlife Habitat Enhancement Fund \$ 3,297,854.18

Ca. Wildlife, Coastal & Park Land Conservation Fund of 1988 \$23,801,926.71

Wildlife & Natural Areas Conservation Fund \$ 6,510,000.00

Cigarette & Tobacco Products Surtax Fund \$ 531,600.00

Habitat Conservation Fund \$12,831,127.73

CONSENT CALENDAR

Mr. Schmidt reported that Item Nos. 4, 5, 9, 10, 11, 15, 16 and 17 were listed as Consent Calendar Items in the agenda. Mr. Schmidt stated that a request had been received to withdraw Item No. 17, Collins Lake Wildlife Area, Expansion #3, Yuba County, for discussion. He further added that letters had been received from Supervisor William Waite and Supervisor Kay Nordyke, both of Colusa County, requesting their letters be made a part of the minutes but did not request that the item be removed from the Consent Calendar. Copies of letters attached to these minutes.

Mr. Schmidt reported that Item No. 16, Wetland Development and Restoration Project, on the Consent Calendar had a minor change but staff would continue to recommend approval. Correction is on Page 31, Section A, (1) Llano Seco was removed from the list of qualifying projects for those funds. With those exceptions and changes, staff recommended that the Board approve the Consent Calendar.

IT WAS MOVED BY MS. BURTON THAT THE WILDLIFE CONSERVATION BOARD APPROVE CONSENT CALENDAR ITEMS NO. 4, 5, 9, 10, 11, 15 AND 16, AS PROPOSED IN THE INDIVIDUAL AGENDA EXPLANATIONS, INCLUDING FUNDING AS NOTED THEREIN.

MOTION CARRIED.

* 4. Recovery of Funds (Consent Calendar)

The following 16 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:

\$19,222.25 to the Wildlife Restoration Fund,
\$1,961.50 to the Environmental License Plate Fund,
\$2,514.60 to the Habitat Conservation Fund,
\$16,658.06 to the Calif. Wildlife, Coastal & Park Land Conservation Fund of 1988,
\$14,466.05 to the Wildlife and Natural Areas Conservation Fund,

and that the projects be closed.

WILDLIFE RESTORATION FUND

Blue Lake Fishing Access, Lassen County

Allocation	\$10,500.00
Expended	- 8,129.85
Balance for Recovery	\$ 2,370.15

Grizzly Island Wildlife Area Fishing Access, Solano County

Allocation	\$77,300.00
Expended	-62,005.90
Balance for Recovery	\$15,294.10

Lafayette Reservoir Fishing Access, Contra Costa County

Allocation	\$80,000.00
Expended	-79,695.00
Balance for Recovery	\$ 305.00

Sutter Creek Land Conservation Area, Amador County

Allocation	\$2,500.00
Expended	-1,247.00
Balance for Recovery	\$1,253.00

Total Wildlife Restoration Fund Recoveries \$19,222.25

ENVIRONMENTAL LICENSE PLATE FUND

Yettam Vernal Pools Ecological Reserve, Tulare County

Allocation	\$235,000.00
Expended	<u>-233,038.50</u>
Balance for Recovery	\$ 1,961.50

Total Environmental License Plate Fund Recoveries \$1,961.50

HABITAT CONSERVATION FUND

Greenhorn Creek, Plumas County

Allocation	\$150,100.00
Expended	<u>-150,100.00</u>
Balance for Recovery	\$ -0-

Sheep Ranch Wildlife Area, Expansion #2, Calaveras County

Allocation	\$120,000.00
Expended	<u>-117,485.40</u>
Balance for Recovery	\$ 2,514.60

Total Habitat Conservation Fund Recoveries \$2,514.60

CALIFORNIA WILDLIFE, COASTAL & PARK LAND CONSERVATION FUND

Laguna de Santa Rosa Ecological Reserve, Expansion #3, Sonoma County

Allocation	\$128,000.00
Expended	<u>-124,279.20</u>
Balance for Recovery	\$ 3,720.80

Napa Marsh Wildlife Area, Tolay Creek, Expansion #1, Sonoma County

Allocation	\$122,000.00
Expended	<u>-120,223.64</u>
Balance for Recovery	\$ 1,776.36

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San Joaquin River Riparian Habitat. Expansion #2. Fresno County

Allocation	\$1,689,120.00
Expended	<u>-1,688,888.45</u>
Balance for Recovery	\$ 231.55

Sweetwater River Ecological Reserve. San Diego County

Allocation	\$500,000.00
Expended	<u>-500,000.00</u>
Balance for Recovery	\$ -0-

Upper Sacramento River Wildlife Area. River Mile 195-L. Glenn and Butte Counties

Allocation	\$390,000.00
Expended	<u>-385,660.20</u>
Balance for Recovery	\$ 4,339.80

Upper Sacramento River Wildlife Area. River Mile 175-L. Glenn County

Allocation	\$122,000.00
Expended	<u>-115,410.45</u>
Balance for Recovery	\$ 6,589.55

Total California Wildlife, Coastal and Park Land Conservation
Fund Recoveries \$16,658.06

WILDLIFE AND NATURAL AREAS CONSERVATION FUND

Big Table Mountain Ecological Reserve. Fresno County

Allocation	\$893,000.00
Expended	<u>-887,204.15</u>
Balance for Recovery	\$ 5,795.85

Crocker Meadows Wildlife Area. Expansion #1. Plumas County

Allocation	\$498,312.00
Expended	<u>-498,312.00</u>
Balance for Recovery	\$ -0-

Sweetwater River Ecological Reserve, San Diego County

Allocation	\$1,335,000.00
Expended	<u>-1,326,329.80</u>
Balance for Recovery	\$ 8,670.20

Total Wildlife & Natural Areas Conservation Fund Recoveries \$14,466.05

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. BURTON THAT THE WILDLIFE CONSERVATION BOARD RECOVER FUNDS FROM THE 16 PROJECTS LISTED ON PAGES 6-9 AND CLOSE THE PROJECT ACCOUNTS. RECOVERY TOTALS INCLUDE \$19,222.25 TO THE WILDLIFE RESTORATION FUND, \$1,961.50 TO THE ENVIRONMENTAL LICENSE PLATE FUND, \$2,514.60 TO THE HABITAT CONSERVATION FUND, \$16,658.06 TO THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988, AND \$14,466.05 TO THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND.

MOTION CARRIED.

- * 5. Wildlife Conservation Board's 45th Year Report (Consent Calendar) \$2,500.00

This item was to consider an allocation to update the 1987 *40th Year Report*, to include acquisition and development projects completed over the past five years.

In 1974, the Board prepared a report entitled "A Summary of Wildlife Conservation Board Projects" which listed all the projects the Board had participated in to that time. This report, which contained a brief description of each project including costs, Board approval dates and managing agencies, is extremely valuable to Board staff, as well as other governmental and private organizations.

At the August 18, 1987, meeting, the Board approved a request from staff to update this report. That approval also included updating the report every five years.

The cost to print 250 copies of the report, which will contain approximately 250 pages, back-to-back, is estimated at \$2,500, if printed by the Department of Water Resources. This would include spiral binding and hard stock covers (no photos).

Because this is an extremely useful report, which will be distributed to Board members, the Legislature, and interested state agencies and private organizations, staff recommended that the Board approve the request to update the Summary of Wildlife Conservation Board Projects as proposed; allocate \$2,500.00 from the Wildlife Conservation Fund; and authorize staff to proceed substantially as planned.

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. BURTON THAT THE WILDLIFE CONSERVATION BOARD APPROVE THIS REQUEST TO UPDATE THE SUMMARY OF WILDLIFE CONSERVATION BOARD PROJECTS AS PROPOSED; ALLOCATE \$2,500.00 FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

6. Moss Landing Wildlife Area, Expansion #4.
Monterey County

\$280,000.00

Mr. Schmidt reported that this proposal was to acquire a 54.56± acre parcel located on the easterly bank of Elkhorn Slough, Monterey County. More specifically, the parcel is located on the westerly side of Elkhorn Road, between two existing WCB approved projects; the Kirby Park Public Access to the northwest and the Elkhorn Slough National Estuarine Research Reserve to the south. Mr. Dick explained the exact area. Approximately 46.31 acres of the property is marsh-pasture with the remaining 8.25 acres being uplands, which generally bound two sides of this rectangularly shaped ownership. The entire property is currently used for grazing cattle. Although this parcel adjoins the Research Reserve, it will not be included within the boundaries of the Reserve for identification purposes since these boundaries were limited during the original Federal funding process. It will, however, be identified and managed by the Department of Fish and Game as part of the Moss Landing Wildlife Area.

Elkhorn Slough, a shallow estuary located in northern Monterey County is about 100 miles south of San Francisco. The estuary joins the Pacific Ocean at Moss Landing Harbor, a man-made small craft harbor, located on Monterey Bay, halfway between the communities of Monterey and Santa Cruz.

The subject property is very valuable as part of the overall Elkhorn Slough ecosystem. The slough, which is an integral part of the coastal arm of the Pacific Flyway, provides habitat for a large number of migratory and resident water-associated birds. Over 90 species have been identified from this area. One endangered species, the California clapper rail, has been found to nest in this area and large numbers of brown pelicans rest and feed in this area on a regular basis. Census numbers indicate that Elkhorn Slough ranks among the most important of the California coastal marshes. The slough and its immediate surroundings support high populations of invertebrates and is an important nursery and feeding area for many sport and commercial fish species.

In addition to the high wildlife value contained within the boundaries of this property and the fish and wildlife values of the adjoining slough, the property also provides recreational potential including uses of both a consumptive as well as nonconsumptive nature. It could provide waterfowl hunting opportunities as well as public fishing access to the slough. In fact, the parcel has historically provided good private waterfowl hunting opportunities. In addition to these consumptive uses, this parcel, as well as the whole slough area, provides nonconsumptive uses for such purposes as nature study, scientific research, and bird watching, the latter of which is and will continue to be an extremely popular use of this area.

The Department of Fish and Game has placed this parcel very high on its list of coastal wetland areas which should be acquired for the future protection of valuable resources. It has also been identified by the Coastal Commission as a priority acquisition area.

Should it remain in private ownership, no assurance can be given for its continued protection.

The approved appraised value of the property is \$275,000 and it is estimated an additional \$5,000 will be required to cover processing costs including appraisal cost, title and escrow charges and General Services review costs. The acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition for wildlife conservation purposes. Application has been made to secure a reimbursement of some of the proposed costs from the Federal Land and Water Conservation Fund. If approved, it is estimated that a reimbursement of \$54,121.00 will be received and deposited into the Wildlife Restoration Fund.

Staff recommended that the Board approve the acquisition of this 54.56± acre parcel as proposed; allocate a total of \$280,000.00, \$196,872.31 from the Wildlife Restoration Fund and \$83,127.69 from the Fish and Wildlife Habitat Enhancement Fund (P-19) as designated for coastal wetlands, to cover the estimated acquisition and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

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

Mr. Biaggini 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. GIBBONS THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE MOSS LANDING WILDLIFE AREA, EXPANSION #4, MONTEREY COUNTY, AS PROPOSED; ALLOCATE A TOTAL OF \$280,000.00; \$196,872.31 FROM THE WILDLIFE RESTORATION FUND AND \$83,127.69 FROM THE 1984 FISH AND WILDLIFE HABITAT ENHANCEMENT FUND (P-19) AS DESIGNATED FOR COASTAL WETLANDS, TO COVER THE ESTIMATED ACQUISITION AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

ITEMS 7 & 8
Monarch Butterfly Ecological Reserve Program

The following two items are proposed acquisitions of critical overwintering groves of trees used by Monarch butterflies. Acquisition of various historic monarch groves is among the projects specifically mandated by the California Wildlife, Coastal and Park Land Conservation Fund of 1988 (Proposition 70). Under a contract with the Department of Fish and Game, the Monarch Project of the Xerces Society, Portland, Oregon, has identified and prioritized specific sites along the California coast, which should be protected for butterfly use. The two subject groves, which are included in this list, are among the highest priority for protection with Proposition 70 funds.

To date, the Board has acquired two other identified sites, the South Branciforte Creek Ecological Reserve in Santa Cruz County and the Pacific Grove Ecological Reserve in Pacific Grove, Monterey County.

Staff recommended that Items 7 and 8 be taken as one item, they are both acquisition projects for protection of Monarch butterfly habitat. Mr. Sarro explained the two items.

7. Stinson Beach Ecological Reserve, Marin County \$390,000.00

The Stinson Beach grove is the second highest priority among the ten sites identified for acquisition and protection. Its estimated annual overwintering population of Monarchs sometimes exceeds 100,000, making it second in size of the remaining Northern California overwintering colonies. A former colony at nearby Muir Beach has recently been lost due to degradation of habitat within that grove; thus, the Stinson Beach grove has become even more critical.

Stinson Beach is a small, unincorporated, oceanside community in western Marin County located just south of the Bolinas Lagoon and west of Mt. Tamalpais. It is about 22 miles north of San Francisco. Access is by Highway 1 from the north and south or via Panoramic Highway over Mt. Tamalpais from the east. The climate is moderate, being typically influenced by marine weather patterns.

The area proposed for acquisition contains $2.5 \pm$ acres and is a portion of an existing 3.5 acre developed homesite. The monarch grove and wind-buffering trees form a "horseshoe" around the residence, a victorian that was reportedly the first home built in Stinson Beach (in the 1870's). The residence is not a part of this proposal. The site is located on Highway 1, the Shoreline Highway, in central Stinson Beach.

Analysis of the highest and best use of the site, from an economic standpoint, results in the conclusion that two additional homes can be constructed in the area surrounding the existing residence. If this were to take place, the impact on the overwintering monarch colony's habitat would be devastating. Though the current owners have no desire to

develop the additional homesites at present, it is clear that the only way to assure permanent preservation of the grove is to place it in protective public ownership.

The 2.5± acre "horseshoe" has an approved fair market value of \$375,000 and the owners have agreed to sell the property to the State for that sum. Appraisals, surveying, costs of sale and the Department of General Services review expenses are estimated to be \$15,000. The project is exempt from CEQA under Class 13 of Categorical Exemptions and a Notice of Exemption has been filed.

Management of the property, primarily for educational and scientific purposes, will be by the Department of Fish and Game. The passive and seasonal nature of the use of the reserve will minimize management costs for the Department.

Staff recommended that the Board approve this purchase as proposed; allocate \$390,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988 (P-70), under Section 5907 (c)(2) as specifically authorized for the acquisition of Monarch butterfly habitat; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Sarro reported that the number of butterflies that winter on this property varies from year to year, but on the Stinson Beach site the count, a couple of years ago, was in excess of 100,000 butterflies and 45 to 50,000 on the Escalona Gulch site. It was clarified that the closing costs of \$15,000 on the Stinson Beach site were considerably higher than on the Escalona Gulch site (only \$9,000). The Stinson Beach site needed surveying in order to carry out the acquisition while the Escalona Gulch site was already legally described and did not require a survey. Department of Fish and Game will most likely manage these properties in cooperation with the local entity (County).

Mr. Biaggini 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. GIBBONS THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE STINSON BEACH ECOLOGICAL RESERVE, MARIN COUNTY, AS PROPOSED; ALLOCATE \$390,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 (P-70), UNDER SECTION 5907 (c)(2) AS SPECIFICALLY AUTHORIZED FOR THE ACQUISITION OF MONARCH BUTTERFLY HABITAT; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

8. Escalona Gulch Ecological Reserve, Santa Cruz County \$440,000.00

The Escalona Gulch grove is, by consensus of the Monarch Project and the Department of Fish and Game reviewers, among the top five priority sites identified for protection with Proposition 70 funds. Overwintering populations within the grove, the third largest in Santa Cruz County averaged 32,000 butterflies in counts taken in 1978, 1982 and 1988. Located in the City of Capitola, just southerly, on Highway 1, from Santa Cruz, the Escalona Gulch grove is in a neighborhood known as "Depot Hill", which is bordered by Park Avenue to the north, New Brighton Beach to the east, Capitola Village to the west and Monterey Bay to the south.

The grove, which is located on a hill overlooking Capitola Village and the Monterey Bay, is actually located on two private ownerships which are divided (physically and by legal boundary) by Escalona Gulch. The second ownership, not under current consideration for purchase, contains a significantly lesser portion of the grove than does the subject 0.9± acre property. Development of three homesites on the adjacent property was recently approved by the City of Capitola with a condition that the portion of the property containing the most critical tree cover would be preserved. The subject property contains a much higher percentage of the grove and, hence, includes the bulk of the butterfly habitat. Development of this property into three homesites is considered quite feasible and would be the most likely result of an application for development. It differs from the adjacent property, however, in that the development of three homesites on the subject property cannot readily avoid impacting the butterfly habitat, since it covers nearly the entire parcel. As such, public acquisition is considered the only way to afford permanent protection of the butterfly habitat within the subject property.

The subject property has an approved fair market value of \$431,000 and the owner has agreed to sell the property to the State for that sum. Appraisal, costs of sale and Department of General Services review expenses are estimated to be \$9,000. The project is exempt from CEQA under Class 13 of Categorical Exemptions and a Notice of Exemption has been filed.

As with the above-discussed Stinson Beach Ecological Reserve, management of the property, primarily for educational and scientific purposes, will be by the Department of Fish and Game. The passive and seasonal nature of the use of the reserve will minimize management costs for the Department.

Staff recommended that the Board approve this purchase as proposed; allocate \$440,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988 (P-70), under Section 5907 (c)(2) as specifically authorized for the acquisition of Monarch butterfly habitat; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

IT WAS MOVED BY MR. GIBBONS THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE ESCALONA GULCH ECOLOGICAL RESERVE, SANTA CRUZ COUNTY, AS PROPOSED; ALLOCATE \$40,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 (P-70), UNDER SECTION 5907 (c)(2) AS SPECIFICALLY AUTHORIZED FOR THE ACQUISITION OF MONARCH BUTTERFLY HABITAT; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

- * 9. Upper Sacramento River Wildlife Area, River Mile 162-R,
Colusa County (Consent Calendar)

\$256,000.00

This proposal was to consider the acquisition of $227.8 \pm$ acres of land located on the west bank of the Sacramento River just south of the Town of Princeton in Colusa County. The property can be reached from State Route 45 across an access road easement which runs east from the highway slightly north and opposite of Paradise Road. The Department of Fish and Game's Upper Sacramento River Wildlife Area, Princeton Unit, a $50 \pm$ acre Glenn County riparian parcel acquired in 1956, is located approximately three miles north of the subject and an additional $102.8 \pm$ acre Department of Fish and Game parcel, River Mile 164.2-L is located about two miles to the north on the east bank. The latter parcel was acquired in 1991 by the Wildlife Conservation Board under a joint acquisition agreement with the Department of Water Resources. Additional Department of Fish and Game owned and managed riparian lands are located about two miles south of the proposed acquisition area in Colusa County.

The subject property contains approximately 34 acres of irrigated crop land, 4 acres of walnuts and the balance consists of the Natural Communities known as the Great Valley Oak/Mixed Riparian Forests (including sand and gravel areas and levee structures). The riparian forest meanders completely through the property from the north to the south boundaries. The irrigated area and the small 4 acre walnut orchard is located on the east side of the riparian forest and is bounded by the levee on the west. An open area to the west of the forest, which was formerly planted to walnuts, is beginning to revert back to forest since the trees have been abandoned over the last several years. The forest includes oaks, cottonwoods, willows and a dense undergrowth of other riparian plant species. This type of riparian habitat supports more than 200 species of birds and 42 species of mammals and is considered by the Department of Fish and Game to be a very productive terrestrial ecosystem. Threatened and endangered species dependent upon the riparian forests located on these parcels include the Valley elderberry longhorn beetle, bald eagle, American peregrine falcon, Swainson's hawk, yellow-billed cuckoo, bank swallow, and willow flycatcher. Other bird species of special concern include the double-crested cormorant, sharp-shinned hawk, Cooper's hawk, osprey, merlin, long-eared owl, purple martin, yellow warbler and the yellow-breasted chat.

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 one percent of the Sacramento Valley riparian forests of the early 1800's remain today. Public ownership of this habitat will prevent further loss and will allow for appropriate restoration and enhancement. Restoration can take the form of organized tree plantings or, as in the case of the subject, certain farmed areas can be allowed to lie fallow and revert to riparian habitat over time. Some farmed areas, such as orchards, can provide habitat for yellow-billed cuckoos and therefore have wildlife value even before they are replaced by native habitat.

The landowners have agreed to sell the subject property at the approved fair market value of \$250,000. Processing costs are estimated to be \$6,000, which includes the appraisal, title and escrow fees and Department of General Services review costs. The acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition for wildlife conservation purposes. Potential State claims have been considered and their effect on the fair market values have been taken into account in the appraisal. The property will be included in the Department's overall management of the Sacramento River Wildlife Area.

Staff recommended that the Board approve the acquisition of this property as proposed; allocate \$256,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988 (P-70), as designated for the Sacramento River under Section 5907 (c)(8); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. BURTON THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE UPPER SACRAMENTO RIVER WILDLIFE AREA, RIVER MILE 162-R, COLUSA COUNTY, AS PROPOSED; ALLOCATE \$256,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 (P-70), AS DESIGNATED FOR THE SACRAMENTO RIVER UNDER SECTION 5907 (c)(8); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

- *10. Upper Sacramento River Wildlife Area, River Mile 209-L.
Expansion #2, Butte County (Consent Calendar) \$245,000.00

This proposal was to consider the acquisition of $109.83 \pm$ acres of land located on the east bank of the Sacramento River approximately seven miles northeast of Hamilton City in Butte County. The property is accessed from Cana Highway which runs west to the subject from State Highway 99. The proposed acquisition area is adjacent to $52 \pm$ acres of existing Department of Fish and Game owned and managed riparian lands.

The subject property contains approximately 38 acres of open field, 64 acres of almond orchard and 8 acres of riparian habitat, including a lake and slough. The open field was formerly planted to alfalfa, but is not currently being farmed. The orchard is in poor condition with only about 50 acres of trees surviving of the original 64 acres planted. Dicus Slough borders the east side of the parcel and includes a large dry oxbow lake that is situated between the field and the orchard. The existing Department of Fish and Game lands on the west and south would benefit from restoration of the subject lands to riparian habitat, thereby increasing threefold this contiguous riparian area.

The easterly portion of the parcel is located on a slightly higher terrace and would be suitable for restoration to valley oak woodlands and native grasses. The open field area was cleared of riparian growth in 1982 and is suitable for restoration to riparian forest. The entire site would qualify as a potential restoration project under the Wildlife Conservation Board's new California Riparian Habitat Conservation Program. Once restored, the parcel would add significantly to the riparian wetland and valley oak woodland ecosystem preservation goals along the Sacramento River. The existing riparian habitat is found nearer the slough and separates the open field from the orchard area and contains willows, oaks, cottonwoods and vines.

This type of habitat supports more than 200 species of birds and 42 species of mammals and is considered by the Department of Fish and Game to be a very productive terrestrial ecosystem. Threatened and endangered species dependent upon the riparian forests located on these parcels include the Valley elderberry longhorn beetle, bald eagle, American peregrine falcon, Swainson's hawk, yellow-billed cuckoo, bank swallow, and willow flycatcher. Other bird species of special concern include the double-crested cormorant, sharp-shinned hawk, Cooper's hawk, osprey, merlin, long-eared owl, purple martin, yellow warbler and the yellow-breasted chat.

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 one percent of the Sacramento Valley riparian forests of the early 1800's remain today. Public ownership of this habitat will prevent further loss and will allow for appropriate restoration and enhancement.

The landowners have agreed to sell the subject property at the approved fair market value of \$239,000. Processing costs are estimated to be \$6,000, which includes the appraisal, title and escrow fees, and Department of General Services review costs. The acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition for wildlife conservation purposes. Potential State claims have been considered and their effect on the fair market values have been taken into account in the appraisal. The Department will include the property in its management of the Sacramento River Wildlife Area.

Staff recommended that the Board approve the acquisition of this property as proposed; allocate \$245,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988 (P-70), as designated for the Sacramento River under Section 5907 (c)(8); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. BURTON THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE UPPER SACRAMENTO RIVER WILDLIFE AREA, RIVER MILE 209-L, EXPANSION #2, BUTTE COUNTY, AS PROPOSED; ALLOCATE \$245,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 (P-70), AS DESIGNATED FOR THE SACRAMENTO RIVER UNDER SECTION 5907 (c)(8); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

*11. Upper Sacramento River Wildlife Area. Cottonwood Creek Unit.
Expansion #3, Shasta County (Consent Calendar)

\$41,000.00

This was a proposal to consider an acquisition of 11.9± acres of riparian and upland habitat to expand the existing 560± acre Upper Sacramento River Wildlife Area, Cottonwood Creek Unit, Shasta County. This wildlife area is located near the confluence of the Sacramento River and Cottonwood Creek, near Adobe Road, about five miles east of the community of Cottonwood.

Riparian habitat in this area is felt to support more than 200 species of birds and 42 species of mammals and is considered by the Department to be a very productive terrestrial ecosystem. Threatened and endangered species dependent upon these riparian forests include the Valley elderberry longhorn beetle, bald eagle, American peregrine falcon, Swainson's hawk, and the yellow-billed cuckoo. 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, yellow warbler and the yellow-breasted chat. Mammals known to occur in the area include black-tailed deer, mountain lion, muskrat, river otter, raccoon, striped skunk, gray fox, red fox, bobcat, badger, ringtail, brush rabbit and the black-tailed hare.

Much of the riparian habitat has already been cleared along the Sacramento River as evidenced by Department of Fish and Game studies which show that only about one percent of the Sacramento Valley riparian forests of the early 1800's remain today. Continued public acquisition of interests in Sacramento River and tributary lands is seen as a means of not only protecting some of the valuable habitat which remains, but providing the opportunity to restore historic habitat. The subject acquisition will add to the Department's adjacent holdings thereby allowing the opportunity to manage this property at a minimal additional cost.

The owner has agreed to sell the subject parcel at the approved fair market value of \$36,000. Processing costs are estimated to be \$5,000 which includes the costs of appraisal, title, escrow and Department of General Services review. Potential State claims to the property by way of the State Lands Commission have been considered and their effect on the fair market value has been taken into account in the appraisal. The acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition for wildlife conservation purposes.

Staff recommended that the Board approve the acquisition of this property as proposed; allocate \$41,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988 (P-70), as designated for the Sacramento River under Section 5907(c)(8); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. BURTON THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE UPPER SACRAMENTO RIVER WILDLIFE AREA, COTTONWOOD CREEK UNIT, EXPANSION #3, SHASTA COUNTY, AS PROPOSED; ALLOCATE \$41,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 (P-70), AS DESIGNATED FOR THE SACRAMENTO RIVER UNDER SECTION 5907 (c)(8); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

12. South Fork Kern River Ecological Reserve, Canebrake Creek,
Kern County \$2,186,000.00

Mr. Schmidt reported that this was a proposal to consider the acquisition of 1290.02 ± acres of riparian, upland and desert property located at the confluence of Canebrake Creek and the South Fork Kern River approximately ten miles northeast of Lake Isabella in Kern County. Almost three miles of the South Fork Kern River and about one mile of Canebrake Creek flow through the property. The Sequoia National Forest Dome Land Wilderness borders the property on the west and north and this acquisition would allow another access route to the wilderness area through the subject lands. Access to the subject property is from Highway 178 which fronts the property on the south and east. The property is currently operated as a cattle ranch and the acquisition includes a residence, several ranch structures and outbuildings. Ms. Lipphardt explained this proposal.

The entire ranch represents a unique association of vegetative and biological communities that are claimed to be found nowhere else in California, or the world. The variety of habitat types include five of the six ecozones of California, including the Great Basin, Intermountain Sage, Mojave Desert, Great Valley Grassland, and the Sierra Nevada. The only zone not represented is the California coastal chaparral ecozone.

These five ecozones represent a combination of features that provide a rare mixture of wildlife and vegetation that, in their uniqueness, attract one of the largest diversities of plants and animals found anywhere in California. Some 287 species of birds (over half of the number of bird species known in the State) are known to use the ranch. Over 100 species of butterflies have been observed on The Nature Conservancy's Kern River Preserve, several miles down river, including such rarities as San Emigdio blue and Eunus skipper, believed to be extinct until 81 were observed on the Preserve. A total of 41 rare elements have been identified by the Department of Fish and Game's Natural Diversity Data Base (NDDB) of which six are rare natural communities, including 4 mammals, 22 birds, 1 reptile, 3 insects, and 5 plants.

Because of the unique habitat types and wide diversity of species found on this property, it has been included as part of a Significant Natural Area (SNA) site identified as the South Fork of the Kern River. Additionally, in 1990, the National Park Service (NPS) completed a survey of the "Great Valley Cottonwood Riparian Forests" within California, including the South Fork Kern River, and identified 4,583 acres along the South Fork Kern River as an outstanding example of that natural history theme. In 1991, the NPS designated this area, including the subject lands, as a national natural landmark to help identify and encourage the preservation of areas containing nationally significant ecological and/or geological features.

The riparian corridor in the South Fork Kern Valley extends 12 miles from Lake Isabella to the mouth of a deep canyon located upstream from the subject. The ranch itself sits

at the beginning of the floodplain where alder, willows and cottonwoods can be seen. Of the total $1290.02 \pm$ acres the ranch encompasses, about 250 acres are currently riparian habitat with a habitat mix that includes a number of good, mature cottonwoods and willow thickets.

Certain species requiring riparian habitat depend on the river corridor, including the state endangered yellow-billed cuckoo and willow flycatcher. Species of special concern include the yellow-breasted chat and the yellow warbler. Other bird species using the subject property include the summer tanager, tri-colored blackbird, American peregrine falcon, osprey, golden eagle, northern harrier, prairie falcon, sharp-shinned hawk, and Cooper's hawk.

The yellow-billed cuckoo has been sighted within one mile of the subject and while the riparian understory has been thinned by heavy grazing, the cuckoos may currently use the ranch for foraging or as a post-breeding area. It is expected that 5 to 10 pairs of cuckoos could inhabit the site after proposed cottonwood riparian forest restoration efforts are completed.

Currently, the South Fork Kern Valley population of willow flycatchers represents the highest breeding population in California, a number which is also expected to increase as habitat area increases. There are currently less than 200 pairs globally with about 45 of these pairs being located on the South Fork of the Kern River.

The ranch has tremendous potential for riparian restoration and would qualify as a potential restoration project under the new WCB California Riparian Habitat Conservation Program. If the cattle were removed, 200-300 acres could be restored through the planting of willows and cottonwoods, and the understory would naturally thicken under the existing and restored canopy. Based on other riparian restoration projects, it is expected that riparian enhancement would occur quickly, probably within three years and willow habitat could be suitable within two years for colonization by willow flycatchers.

Another species impacted by the cattle activities is the Southwestern pond turtle. While a healthy population occurs on the ranch now, the number of young has been decreasing in recent years. Nests are usually excavated about 100 feet from water, making them vulnerable to destruction by cattle. However, if grazing was removed from the ranch, the downward trend is expected to be reversed.

Also found on the property is an especially unique association of vegetation consisting of a Kern Joshua tree understory and a mature cottonwood overstory. This Joshua tree forest, which represents a unique interface with the cottonwood/riparian lowlands of the ranch, is the western-most extent of this plant association. Preservation of the flood plain as well as adjoining upland areas will help preserve the unique biological diversity of the area.

The greatest threats to the property, and its unique features, are habitat loss from development and habitat fragmentation. Numerous small housing tracts already exist to the east of the property, fragmenting the Joshua tree forest. To the southeast, 20-40 acre parcels are currently being offered for sale, including a 60 acre parcel west of Highway 178 and the South Fork Kern River.

Three separate portions of the ranch property front Highway 178 and could potentially be developed without impacting the existing and potential riparian areas. These three areas total approximately 110 acres. Two of the areas are separated from the main ranch by Highway 178, and are located east of the highway. The third, and largest portion, is a parcel of 74± acres located at the southerly end of the property. It is anticipated that if interested parties can be located, these three areas could be sold, or exchanged.

The Nature Conservancy (TNC) has indicated a desire to enter into a cooperative management agreement with the Department of Fish and Game to manage and restore the site. The subject area is near a complex of lands that are already managed as natural areas including: the Dome Land Wilderness in the Sequoia National Forest, TNC's Kern River Preserve, and the Army Corps of Engineer's Lake Isabella Wildlife Area. The Western Regional Office of the National Audubon Society which is very supportive of this proposed acquisition has expressed an interest in using the property for educational and scientific purposes.

The acquisition is exempt from CEQA under Section 15313 as an acquisition of land for wildlife conservation purposes. The California State Lands Commission has reviewed the proposed acquisition area for potential State claims and has indicated the property does not involve any State owned property interests. Presently, TNC has an option to purchase the subject parcels. The Department of General Services has approved the appraised property value of \$2,175,000 and TNC has agreed to sell the property at the approved value. It is anticipated that an additional \$11,000 will be needed to cover title and escrow fees, Department of General Services review costs and appraisal fees.

Mr. Schmidt stated that the project has been highly recommended by the Department of Fish and Game and there is the potential to dispose of some of the highway frontage either through sale or exchange and recap funds for additional properties in the future.

Staff recommended that the Board approve the purchase as proposed; allocate \$2,186,000.00 from the Wildlife and Natural Areas Conservation Fund, as established by the California Wildlife, Coastal and Park Land Conservation Act of 1988, (P-70), under Section 2720 (a) to cover the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt noted that 51 letters of support were received from individuals and environmental groups as well as educational institutions. He further added that Ms. Rhonda Reed representing the Department of Fish and Game's Fresno Office was present

should there be any questions. Mr. Schmidt indicated this acquisition was based on an approved appraisal.

Mr. Biaggini 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. GIBBONS THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE SOUTH FORK KERN RIVER ECOLOGICAL RESERVE, CANEBRAKE CREEK, KERN COUNTY, AS PROPOSED; ALLOCATE \$2,186,000.00 FROM THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND, AS ESTABLISHED BY THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT OF 1988 (P-70), UNDER SECTION 2720 (a) TO COVER THE PURCHASE PRICE AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

13. Indian Joe Spring Ecological Reserve, Inyo County \$155,000.00

Mr. Schmidt reported that this proposal was to consider the acquisition of 520± acres of land, known as "Indian Joe Spring", located within the south central portion of Inyo County on the eastern slopes of the Argus Range. Specifically, the property is located approximately two air miles northwest of Pioneer Point and roughly four air miles north of Trona. Access to the subject property is via an unimproved dirt road extending westerly from Trona Wildrose Road just north of the unincorporated area of Trona. Ms. Townsend explained the proposal.

The topography features moderate to steep sloping lands reaching approximately 3,800 feet in elevation. Except for the areas adjacent to the springs and water courses, most of the property has a sparse vegetative cover. In addition to Indian Joe Spring, there are four unnamed springs which flow from the northwest corner to the southeast corner of the property.

The Indian Joe Spring site contains a small amount of Desert Willow Riparian Scrub community which supports a variety of wildlife species including the state listed endangered and federally listed threatened Inyo brown towhee. The towhee's range is geographically restricted to a small portion of the Argus Mountains of Inyo County, with only ten documented occurrences. The entire population is believed to consist of less than 150 birds.

Of the 10 sites on which the towhee occurs, Indian Joe Spring is the only site in private ownership. Of the nine sites in public ownership, five sites are on Department of Defense (DOD) lands (China Lake Naval Weapons Center), three sites are on lands owned in combination by DOD and the U.S. Bureau of Land Management (BLM), and one site is in combination by State, DOD and BLM ownership.

While a majority of the towhee's habitat is in federal ownership, there is no federal recovery plan or active management program to maintain or recover the species. As noted, one half of all the towhee occurrences are on DOD lands where protection of the towhee is not the primary goal of the federal ownership. Also, with a population of 150 or less, protection of all remaining habitat sites is felt to be necessary if long-term biological viability of the species is to be maintained.

The property is presently utilized as a local recreational area and as a habitat for a variety of plant and animal species native to the region. A local contingent of the Girl Scouts of America travel to Indian Joe Spring each year during Easter vacation for a camping trip. Also, the Audubon Society conducts tours to the springs, because the Inyo brown towhee and other birds which tend to congregate at the springs. Management of this unimproved property would be by the Department of Fish and Game and it is anticipated that costs will be minimal since the area will be left in its existing condition and subject only to passive, occasional use for scientific or educational purposes.

The landowner has agreed to sell the property at the approved fair market value of \$143,000. It is estimated an additional \$12,000 will be required for related acquisition costs, including appraisal, title insurance and processing costs. Potential State claims to the property by way of the State Lands Commission have been considered and there are no sovereign interests in the property. The acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition for wildlife conservation purposes.

Staff recommended that the Board approve the acquisition of this property as proposed; allocate \$155,000.00 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 (P-70); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt indicated letters of support had been received from the Mountain Lion Foundation, the Kerncrest Chapter of the National Audubon Society and the Defenders of Wildlife. He also added that the Department has been trying to acquire this parcel for some time.

The question was asked if there would be any public access to the property. Mr. Schmidt stated that the main purpose of the acquisition is not for public access but that the property would be accessible. The purpose of this acquisition is primarily for the protection of the critical water sources and the endangered Inyo brown towhee.

Mr. Schmidt indicated that he understood that the Audubon Society and the local Ridgecrest Chapter have indicated a willingness to work with the Department for management of the area.

Mr. Biaggini asked if the mineral rights were included in acquisition and Ms. Townsend indicated that they were.

IT WAS MOVED BY MR. GIBBONS THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE INDIAN JOE SPRING ECOLOGICAL RESERVE, INYO COUNTY, AS PROPOSED; ALLOCATE \$155,000.00 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 (P-70); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

14. Eel River Wildlife Area. Expansion #2. Humboldt County \$210,000.00

Mr. Schmidt reported this was a proposal to acquire a 122± acre parcel of privately owned land in the largest contiguous riparian forest remaining on the north coast of California. According to the Department of Fish and Game, the area has the attributes of a "Significant Natural Area" because of its black cottonwood riparian habitat. It is estimated that about 10,000 acres of black cottonwood, Sitka Spruce and coastal redwoods occupied the Eel River flood plain before settlement. Today, after logging the spruce and redwoods, only a few mature conifers remain in the 1,000± acre riparian forest remnants which are now dominated by black cottonwoods, red alder and willows. The main threat to this area is conversion for agricultural purposes.

The property is located on the northerly bank of the Eel River, south of Eureka, in the Loleta-Ferndale-Fortuna area. It is approximately 2.5 miles southeast of the existing Eel River Wildlife Area. In fact, management of this area can be easily incorporated into the existing area and the Department has recommended this parcel for acquisition for some time. Mr. Dick explained the location of the project.

At least one endangered species, the peregrine falcon uses the property. In addition, 11 species of special concern use the area, including the common loon, osprey, northern harrier, sharp-shinned hawk, Cooper's hawk, merlin, prairie falcon, short-eared owl, willow flycatcher, yellow warbler and yellow-breasted chat. If acquired, the primary management emphasis would be to preserve the riparian habitat and wildlife species utilizing this property.

The State Lands Commission (SLC) holds sovereign fee ownership to the bed of the Eel River, a portion of which would likely involve the subject property. SLC staff has reviewed the proposed acquisition and concluded that the extent, location and value of the potential State interest has not been defined by either agreement or by court judgment. Furthermore, it is clear that to determine these facts would be expensive, time-consuming and possibly subject to legal challenge by the owners of record. As a compromise of the issue, the owners have agreed to accept a purchase price at the low end of the approved fair market value range. The approved fair market value of the property is given as a range, between \$1,700/acre and \$2,000/acre.

As noted, the owners have agreed to sell the subject 122± acres for \$1,700/acre, for a total of \$207,400. In addition it is estimated an additional \$2,600 will be necessary to cover costs of escrow and General Services review charges. The total cost allocation necessary for this acquisition is therefore estimated to be \$210,000. The acquisition of this property is exempt from CEQA under Section 13 of Categorical Exemptions as an acquisition for wildlife conservation purposes.

Staff recommended that the Board approve the acquisition of this 122± acre parcel as proposed; allocate \$210,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988 (P-70), Section 2720 (a) to cover the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt noted that letters of support had been received from the Defenders of Wildlife, Mountain Lion Foundation, National Audubon Society, Redwood Regional Audubon Society and Pacific Coast Joint Venture.

Mr. Biaggini 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. GIBBONS THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE EEL RIVER WILDLIFE AREA, EXPANSION #2, HUMBOLDT COUNTY, AS PROPOSED; ALLOCATE \$210,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 (P-70), SECTION 2720 (a) TO COVER THE PURCHASE PRICE AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

Items #15 & 16
(CONSENT CALENDAR)

The 1992 Budget Act appropriated \$1,641,000.00 to the Wildlife Conservation Board to be expended on specific Department of Fish and Game projects pursuant to the requirements of the California Wildlife Protection Act of 1990 (commonly known as Proposition 117 or the Mountain Lion Initiative). Pursuant to this Act, funds totaling \$30 M are to be annually placed into the Habitat Conservation Fund for use by five separate State agencies and in the amounts specified in the Act. While some of these funds are listed by categories, some funds are allocated to specific projects. Items #15 and #16 of this agenda describe two of these items as contained in the 1992/93 budget.

- *15. Stream Restoration and Fishery Enhancement Project \$991,000.00
(Consent Calendar)

To consider an allocation for the Department of Fish and Game/California Conservation Corps Contract for Salmon/Steelhead Habitat Restoration as specifically itemized in the 1992/93 budget.

Pursuant to the requirements of the Salmon, Steelhead, Trout, and Anadromous Fisheries Act, the Department of Fish and Game is mandated to increase the number of salmon and steelhead trout through habitat restoration, and where appropriate, artificial propagation.

Since January 1980, the California Department of Fish and Game (DFG) has worked cooperatively with the California Conservation Corps (CCC) to complete stream restoration projects on the north coast. The funding proposal for the "Salmon Restoration Project" is for \$991,000 to be provided through an interagency agreement with the Wildlife Conservation Board for fiscal year 92/93. The goal of the Salmon Restoration Project is to fully restore the productivity of chinook salmon, coho salmon and steelhead trout streams through habitat improvements.

This project is headquartered out of the CCC's Humboldt Center in Fortuna (Humboldt County). There are presently two satellites, one in Leggett (Mendocino County) and the other in Hayfork (Trinity County). The Salmon Restoration Project employs four full-time crews, two from each of the satellites. The Eureka nonresidential crew and crews from Fortuna are also used when available. Since 1980, over 800,000 corpsmember hours have been spent restoring or enhancing over 500 miles of tributaries to the Eel, Van Duzen, Mattole, and South Fork Trinity Rivers, tributaries to Humboldt Bay, and various coastal streams in Mendocino County. In addition, barriers have been modified in 165 streams, over 16,000 feet of streambank have been stabilized in 70 streams, over 1,600 instream structures have been constructed in 67 streams and over 600,000 trees have been planted along the banks of 88 streams.

These funds will be used to continue with more projects similar to the above described habitat restoration work. Site specific restoration projects will be monitored and evaluated by the Department of Fish and Game and Wildlife Conservation Board staff.

Staff recommended that the Board approve the Stream Restoration and Fishery Enhancement Project as proposed; allocate \$991,000.00 from the Habitat Conservation Fund (P-117); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. BURTON THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE STREAM RESTORATION AND FISHERY ENHANCEMENT PROJECT AS PROPOSED; ALLOCATE \$991,000.00 FROM THE HABITAT CONSERVATION FUND (P-117); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

*16. Wetland Development and Restoration Project \$650,000.00
(Consent Calendar)

California is the single most important wintering area in the Pacific Flyway for millions of migratory waterfowl and other marsh associated wildlife species. Each winter California supports approximately 60 percent of the ducks and geese of the Pacific Flyway, over 90 percent of the tundra swans and the entire population of the endangered Aleutian Canada goose. Over 90 percent of California's historical five million acres of natural wetland habitat have been lost to conversion to other land uses such as urbanization, agriculture and industry. The majority of waterfowl winter in the Central Valley where they survive on the waste grain from agricultural operations and natural feed from approximately 240,000 acres of public and private managed wetlands. In recent years there has occurred a continuing serious loss of private wetlands and seasonally flooded agricultural lands. Coincident with the loss of critical winter feeding and spring breeding areas has been the sustained decline in the waterfowl population. The waterfowl population of the Pacific Flyway has plummeted to one half of its historic levels. The North American Waterfowl Management Plan provides a broad framework for continental management of ducks and geese through the year 2000. The restoration and enhancement of waterfowl habitat on Department owned lands will ensure that wetlands are maintained for wintering waterfowl. Specifically, the Department proposes to initiate the following activities:

Minutes of Meeting, November 12, 1992
Wildlife Conservation Board

- A. Purchase of water and costs associated with distribution and pumping to protect, restore, develop and enhance wetlands on the following wildlife areas:
- (1) Upper Butte Basin Wildlife Area, including the Little Dry Creek, and Howard Slough Units, Glenn and Butte Counties \$150,000.00
 - (2) Gray Lodge Wildlife Area, Butte & Sutter Counties \$ 98,000.00
 - (3) Mendota Wildlife Area, Fresno County \$39,000.00
 - (4) North Grasslands Wildlife Area, including the China Island and Salt Slough Units, Merced County \$ 60,000.00
- B. Reduction of selenium in the soils of ponds at the Los Banos Wildlife Area \$ 45,000.00
- C. For the protection, development and enhancement of wetland habitat on Department owned wildlife areas, the Department of Fish and Game will implement various wetland restoration activities such as cleaning irrigation and drainage ditches, wetland surveys, repair and replacement of irrigation pumps, enhancing nesting and feeding habitats for waterfowl production, and the purchase of water for waterfowl. \$223,000.00
- D. Completion of wetland habitat productivity surveys \$ 35,000.00

Pursuant to the provisions of the 1992 Budget Act, all projects are to be carried out in accordance with the provisions of the Wildlife Conservation Law of 1947.

Staff recommended that the Board approve the Wetland Development and Restoration Project as one item as proposed; allocate \$650,000.00 from the Habitat Conservation Fund (P-117); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. BURTON THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE WETLAND DEVELOPMENT AND RESTORATION PROJECT AS ONE ITEM AS PROPOSED; ALLOCATE \$650,000.00 FROM THE HABITAT CONSERVATION FUND (P-117); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

17. Collins Lake Wildlife Area, Expansion #3, Yuba County

\$20,000.00

Mr. Schmidt reported that this was a proposal to accept a donation of $105 \pm$ acres of land as an addition to the Department of Fish and Game's Collins Lake Wildlife Area. The proposed acquisition will provide for additional preservation of deer winter range, winter range for the federal and state listed endangered bald eagle and habitat for upland game. Mr. Giordano described the area. The Board, at its February 23, 1989, and its August 10, 1989, meetings, approved the purchase of the original and first expansion of the Collins lake Wildlife Area ($2335 \pm$). On February 13, 1991, the Board approved the acceptance of a donation of $57 \pm$ acres from Mr. Lindgren. At that time the Board also approved the acceptance of a donation of the subject parcel at such time as Mr. Lindgren was in a position to make the transfer. He is now willing to proceed with this donation but is requesting compensation for fencing costs which he incurred after the first donation was completed.

The subject property is located in Yuba County approximately 20 miles northeast of the city of Marysville. It is contiguous to the existing wildlife area which is located adjacent to Collins Lake, an artificially created reservoir.

The proposed acquisition is primarily deer winter range, upland game and mountain lion habitat. Deer herd composition counts have been done on the state's wildlife area and it is common to count over 150 deer in a two hour evening count. The Natural Communities can be described as a mixture of Montane Manzanita Chaparral and Blue Oak Woodlands. Buckbrush is the dominant shrub species and is heavily browsed by deer. Redbud, coffeeberry and manzanita are also common shrub species. The property contains excellent habitat for wild turkey, California Valley quail, band-tailed pigeon, mourning dove, various species of rabbit and numerous nongame species. Because of the abundance of wild turkey in this general location, the area has been used by the Department as a trapping site for its turkey relocation program. Hunting and nonconsumptive uses would be consistent with the current Collins Lake Wildlife Area. The proposed acquisition area would be managed by the Department as part of the existing wildlife area at minimal additional costs.

The present threat to this area is the development of 15 to 20-acre homesites, as much of the general area is already subdivided and plans are being made to subdivide further. If the development continues, it will most likely result in abandonment by the bald eagle and could greatly limit or eliminate deer and upland game habitat.

The fair market value of the area proposed for acquisition at this time $\$150,000 \pm$. It is estimated that fencing costs ($\$15,000$) plus the costs of escrow, closing and administrative charges will total $\$20,000$. While the acceptance of this donation was approved by the Board on February 13, 1991, funding to complete this land transfer was not considered. This project is exempt from CEQA as an acquisition of land for habitat preservation purposes.

Staff therefore recommended that the Board approve this acceptance of a donation as proposed; allocate \$20,000.00 from the Habitat Conservation Fund (P-117); 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 Mountain Lion Foundation and the Defenders of Wildlife. Mr. Fred Morawcznski, County Administrator from Yuba County, addressed the Board and gave each Board Member a copy of a letter from the County of Yuba (copy of letter is attached to these minutes). He clarified that the Yuba County Board of Supervisors have been very supportive of wildlife preservation activities within the County and recognize this as a vital resource to the County. He added that the County is currently undertaking a general plan update in which they are looking very strongly at concentrating development within the foothill area and up zoning many small parcels to help preserve open space and wildlife conservation. He then expressed the County's major concern was regarding the lack of in-lieu tax payments to the County and how the Department of Fish and Game doesn't budget necessary funds to meet these tax obligations.

Mr. Biaggini expressed the sympathy of the Board for the plight of rural counties and understood that the County is being deprived of tax revenues and that it was unfortunate that the State of California doesn't meet its "tax" obligations. The Department of Fish and Game and Wildlife Conservation Board have a mandate from the voters and the legislature to proceed with acquiring lands. Mr. Schmidt reported that the Wildlife Conservation Board was not authorized to make in-lieu of tax payments and that the law states that the Department of Fish and Game shall pay make these payments as budgeted. The 1992/93 Department of Fish and Game budget contains funds for the current year and past two years for these payments. It was further noted that the Department of Fish and Game is the only State agency who pays in-lieu of tax fees when property is acquired. Ms. Burton encouraged the County to continue working with the legislators to resolve this issue.

Mr. Biaggini 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. GIBBONS THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACCEPTANCE OF A DONATION OF THE COLLINS LAKE WILDLIFE AREA, EXPANSION #3, YUBA COUNTY, AS PROPOSED; ALLOCATE \$20,000.00 FROM THE HABITAT CONSERVATION FUND (P-117) TO COVER FENCING COSTS, PLUS THE COSTS OF ESCROW, CLOSING AND ADMINISTRATIVE CHARGES; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

18. Santa Margarita River Ecological Reserve, Riverside County \$322,000.00

Mr. Schmidt reported that this proposal was for the acquisition of $145 \pm$ acres along the Santa Margarita River for the preservation of key south coastal riparian habitat and its associated, widely varied species of wildlife. Mr. David Martinez explained the proposal.

The Santa Margarita River corridor extends approximately 27.2 miles from southwestern Riverside County, near the town of Temecula, through Camp Pendleton in northern San Diego County where it empties into the Pacific Ocean. The corridor is roughly 1/3 of a mile wide and encompasses approximately 6,000 acres.

The Santa Margarita River corridor is unique as it is one of the last remaining coastal streams in relatively pristine condition in southern California. Although there are two small dams close to the headwaters, most of the river is unregulated. The majority of the river corridor is in various public ownerships with roughly 65 percent (3900 acres) of it lying within the USMC Camp Pendleton, 16 percent (960 acres) is owned by the Fallbrook Utility District, and 13.6 percent (816 acres) is owned by San Diego State University and the Bureau of Land Management. The latter two ownerships are managed by San Diego State University as part of its Santa Margarita River Ecological Reserve. The remaining 5.4 percent is in private ownership and is recommended for acquisition by the Department of Fish and Game. This area represents a strategic linkage in the protection of the river corridor. The Department has developed a Conceptual Area Acquisition Plan (CAP) for the area and the property now being proposed for purchase is among the highest priorities.

The area within the CAP traverses the coastal mountains through a fairly remote region, characterized by coastal sage scrub and chaparral on the slopes and riparian vegetation in the canyon bottom. Due to its remoteness and because the river corridor is one of the only mostly free-flowing rivers in southern California, it supports some of the least disturbed and largest stands of riparian habitat left in the southern part of the state.

The river corridor, encompassing both riparian and coastal sage scrub communities, provides habitat for a diverse ensemble of wildlife species, including two reptilian species of special concern, the San Diego horned lizard and the orange-throated whiptail. The black-tailed gnatcatcher, an avian species of special concern, is also present in addition to numerous other bird species. The total bird density and diversity on the Santa Margarita River is considered to be among the highest in southern California. Of additional significance is that the area serves as a vital wildlife corridor for mountain lion and deer.

The Santa Margarita River provides critical habitat for several rare, endangered and sensitive species. Among these are the Stephens' kangaroo rat (state-threatened/federal-endangered), the Belding's savannah sparrow (state-endangered) and the bank swallow

(state-threatened). The river also supports approximately 1/4 of the remaining breeding population of Least Bell's vireo, a federal and state listed endangered species. Endangered plant species include thread-leaved brodiaea, coastal dunes milk-vetch, California orcutt grass, Parish's meadowfoam and Nevin's mahonia. The river bottom supports extremely dense and undisturbed stands of southern willow scrub and areas of coastal brackish marsh, both rare communities.

Along the Santa Margarita River west of Interstate 15, the mountain lion habitat remains relatively intact. The river corridor is critical to mountain lion migration as it links areas in the southern Santa Ana Mountains (Cleveland National Forest, Camp Pendleton, Santa Rosa Plateau) with areas further southeast (Agua Tibia Wilderness of the Cleveland National Forest). The river also leads to the only passable undercrossing of Interstate 15, a formidable barrier to wildlife movements in the area.

The acquisition of the 145 ± acres along the Santa Margarita River is the first project proposed under the California Riparian Habitat Conservation Program (CRHCP). The legislation, SB 906, which created this program was enacted in 1991 (Chapter 762, Statutes of 1991) and is a component of Resourceful California.

This proposal fits the criteria for funding under the CRHCP extremely well. In addition to the natural resource values associated with the property and the contiguous parcels comprising the Santa Margarita River Corridor, the proposal is representative of private/public sector cooperation. The funding proposed for expenditure on the project is also reflective of expanded partnership in conservation efforts as it would be "re-invested" into riparian habitat conservation endeavors which support the CRHCP.

The Santa Margarita River is best suited for nonconsumptive uses, such as hiking, bird watching and photography, due to the presence of several sensitive and protected species, including mountain lion and Least Bell's vireo. The area is ideal for scientific research, as it is located within easy driving time of ten major colleges and universities. San Diego State University currently owns and manages over 2,500 acres in the upper Santa Margarita River and has indicated willingness to assume responsibility for management of the subject property under a cooperative agreement with the Department of Fish and Game. Cost to the Department would, therefore, be minimal. The acquisition is exempt from CEQA as an acquisition of land for wildlife conservation purposes.

The Nature Conservancy (TNC) has assumed a leading role in the project evaluation and planning and in the coordination of the various public agencies connected with the river corridor. TNC has negotiated options to acquire a number of the privately held ownerships within the CAP and has accepted a donation of the subject property and proposes to sell it to the State for inclusion in the publicly owned and managed holdings.

The approved fair market value of the property is \$316,000.00, and TNC proposes to convey the property to the State for that sum and with the further agreement that the

proceeds will be used for further acquisition and related riparian habitat preservation activities as may be mutually agreed upon.

In addition to the purchase price, it is estimated that an allocation of \$6,000 would be required to cover the costs of escrow, General Services review and related acquisition expenses.

Staff recommended that the Board approve this acquisition as proposed; allocate \$322,000.00 from the Habitat Conservation Fund (P-117), for purposes of the California Riparian Habitat Conservation Program to cover the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt reported that letters of support had been received from the Mountain Lion Foundation, San Diego State University, and the Defenders of Wildlife. It was noted that the Riverside County Board of Supervisors are also in support of the project.

Ms. Teri Burns, representing Senator Roberti, stated that Senator Presley as a member of the Board's advisory body would no doubt be willing to work with the Department and the Fallbrook Utility District and encouraged staff to make contact.

Mr. Biaggini 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. GIBBONS THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE SANTA MARGARITA RIVER ECOLOGICAL RESERVE, RIVERSIDE COUNTY, AS PROPOSED; ALLOCATE \$322,000.00 FROM THE HABITAT CONSERVATION FUND (P-117), FOR PURPOSES OF THE CALIFORNIA RIPARIAN HABITAT CONSERVATION PROGRAM 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.

19. Other Business

- A. Ms. Burton, Department of Finance, gave a State revenue update indicating that revenues are below expectations for the month of October, bringing year-to-date revenues considerably lower than hoped. Down \$231 million and there does not appear to be any indication of a turn around in the economy.

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Wildlife Conservation Board

- B. Mr. Gibbons expressed his concern again that it is an oddity that the in-lieu of tax payments apply to one single Department of the State Government when other State agencies are also acquiring land for public purposes. It was remarked that this is an issue that clearly needs the Legislature's attention.
- C. Mr. Mark Palmer, Mountain Lion Foundation, expressed his concerns over the in-lieu of tax issue and reported that the current in-lieu fees are coming from the Department's general revenue. He expressed sympathy to the counties and that a solution needs to be found. The Mountain Lion Foundation is working with the counties, budget committees and Department of Fish and Game in order to find a solution to this in-lieu of tax issue.
- D. Ms. Kay Nordyke, Colusa County Supervisor, spoke regarding the existing in-lieu of tax payment system and the inequity.

There being no further business to consider, the meeting was adjourned at 10:57 a.m. by Chairman Biaggini.

Respectfully submitted,



W. John Schmidt
Executive Director

Attachments

PROGRAM STATEMENT

At the close of the meeting on November 12, 1992, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$314,733,894.06. 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, California Wildlife Protection Act of 1990 and the Wildlife Restoration Fund.

A. Fish Hatchery and Stocking Projects	\$ 16,005,271.06
B. Fish Habitat Preservation, Development & Improvement	17,717,581.66
1. Reservoir Construction or Improvement	\$ 3,063,613.05
2. Stream Clearance and Improvement	11,716,380.42
3. Stream Flow Maintenance Dams	467,219.86
4. Marine Habitat	646,619.07
5. Fish Screens, Ladders and Weir Projects	1,823,749.26
C. Fishing Access Projects	33,910,989.09
1. Coastal and Bay	\$ 3,073,174.92
2. River and Aqueduct Access	7,372,919.31
3. Lake and Reservoir Access	6,290,964.56
4. Piers	17,173,930.30
D. Game Farm Projects	146,894.49
E. Wildlife Habitat Acq., Development & Improvement Projects	238,088,290.27
1. Wildlife Areas (General)	\$146,633,286.38
2. Miscellaneous Wildlife Habitat Dev.	4,656,351.63
3. Wildlife Areas/EcoReserves, (Threatened, Endangered or Unique Habitat)	86,292,405.26
4. Land Conservation Area	1,247.00
5. Inland Wetlands Conser. Grants & Easements	505,000.00
6. Riparian Habitat Conser. Grants & Easements	-0-
F. Hunting Access Projects	533,743.57
G. Miscellaneous Projects	7,286,412.87
H. Special Project Allocations	387,095.42
I. Miscellaneous Public Access Projects	<u>657,615.63</u>
 Total Allocated to Projects	 \$314,733,894.06

To the Wildlife Conservation Board, State of California:

Re: November 12, 1992 Agenda Item #9, Upper Sacramento River Wildlife Area,
River Mile 162-R, Colusa County.

The Board of Supervisors, County of Colusa, is officially on record,
by Board Resolution as being against further land acquisitions in Colusa
County for the following reasons:

1. The Negative Impact on the Property Tax Base of our County.
2. The unwillingness or inability of the State of California to fully fund, or fully pay Counties the "payments in lieu of taxes" which they have promised to pay.
3. The fact that even if such promises were paid in full they are based on a formula that results in less received by the County than if the property remained in private hands.
4. Information received by the County regarding federal land acquisitions, and supported by an audit by the Inspector General of the Interior Department, suggests that taxpayer's monies are spent imprudently, if not carelessly by governmental realty operations in the purchase of these lands.
5. State and federal agencies have contractual agreements and Memoranda of Understanding regarding land acquisition plans to the degree that they must be considered confederates in land acquisition plans. This warrants the Board of Supervisors in Colusa County to wonder if the acquisition of property by State Resource agencies is managed any more prudently than that of the Federal Government.
6. No agency of either the State of California or the Federal Government has made any substantive response to the concerns that our County has made regarding the government/nonprofit organization contracts or to questions of possible individual benefit following upon what might be called "insider trading" information.
7. The acquisition of riparian lands carries with it the possibility of a loss of not only land and property taxes but the impairment of local water rights to the detriment of third party interests, and the condition of the local economy.

The people of Colusa County have by Redress of Grievance petition expressed their concerns about the damage to their economy and their traditional life style, and the Board of Supervisors unanimously supports their wishes.

The people of Colusa County also question the wisdom of continuing acquisition of property when the State is unable to adequately fund for either just payment to Counties or for adequate management of existing State resource lands.

The Board of Supervisors of Colusa County believe that there must be a full Environmental Impact Report before there are any further land acquisitions in Colusa County by either the State of California or the federal government. The full environment of Colusa County includes the people who are living and working there, not just the wild animals and plants. We believe that an unbiased report on the economic impacts of State acquisition of private property is warranted. We believe that every plan for state acquisition of private land in our County should require a public hearing in our County, so that the people most directly affected by the action have reasonable opportunity to testify.

Lay Madyke
District 3 Supervisor
Colusa Co.

COLUSA COUNTY



RECEIVED BY
OCT 29 1992

Attachment to
11/12/92 WCB
Minutes (17 pages).

BOARD of SUPERVISORS

PATTI ARCAND SCOFIELD, District One
W. D. MILLS, District Two
KAY NORDYKE, District Three
WILLIAM R. WAITE, District Four
DAVID G. WOMBLE, District Five

COUNTY COURTHOUSE
COLUSA, CALIFORNIA
95932

KATHLEEN MORAN, Clerk
J. F. LAWRENCE, Executive Secretary
Area Code 916
Telephone 458-2101

October 22, 1992

Department of Fish and Game
Wildlife Conservation Board
801 "K" Street
Sacramento, CA 95814

Re: (1) Colusa County's Desire to Participate in All
Management Activities Related to Land Use Planning;
(2) Upper Sacramento River Wildlife Area,
River Mile 163R, Colusa County
Consideration of Acquisition of 227.8 Acres of
Land Located on the West Bank of the Sacramento
River, Just South of the Town of Princeton, for
Preservation and Enhancement of Riparian Habit

Dear Sir or Madam:

The Colusa County Board of Supervisors formally requests special notification and the opportunity to participate in all land use or other planning efforts or decision making processes undertaken within the boundaries of this county or of surrounding counties. Our county is interested in participating in all state and federal activities that will or may directly or indirectly affect the citizens or the tax base of this county.

In regards to the specific project referenced above, the preliminary concerns of the county include:

1. The tendency to bifurcate the issues pertaining to acquisition and the issues pertaining to management of the land acquired.
2. Impacts arising from assured public access to the refuge area.
3. Assessment of the need for police, fire and medical services in the proposed area.
4. Impacts on the county tax base arising from the proposed acquisition.

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Dept. of Fish & Game
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5. Economic effect arising from arbitrary construction of market value by the acquiring governmental agency.

6. County history of habitat protection when deciding not to adopt the no project alternative.

7. Assessment of the need for a joint EIS/EIR for the proposed project.

8. Failure to assess impacts arising on change in levy maintenance.

9. Assessment of impacts from the lack of management of areas acquired on the development of mosquito vectors which are injurious to the health of local residents.

Pending adoption of a permanent plan, the Colusa County Board of Supervisors has adopted an Interim Land Management Plan. A copy is attached for your review.

The county also requests a list of all activities that your agency plans to undertake or participate in within the coming year. The county requests this list in order to coordinate and ensure consistency between state and federal land planning management activities and local land use plans and other projects.

Pursuant to the decree of the National Environmental Policy Act, which states in part:

"It is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to ... (4) preserve important historic, cultural, and natural aspects of our national heritage."

In addition, section 21080.3(a) of the Public Resources Code provides in reference to interagency consultation under the California Environmental Quality Act:

"Prior to determining whether a negative declaration or environmental impact report is required for a project, the lead agency shall consult with all responsible agencies and with any other public agency which has jurisdiction by law over natural resources affected by the project which are held in trust for the people of the State of California."

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The mandates of NEPA and CEQA offer opportunity for participation of local governments in a distinct process. Notice of federal or state actions impinging in any way on the county's custom and culture should be given the county before the general public is asked to comment on a federal land use or management plan.

In light of all of the foregoing, the Colusa County Board of Supervisors requests the Wildlife Conservation Board to conduct further public hearings on the above-referenced project and offers the use of county facilities for that purpose.

We come to you in the spirit of mutual understanding and cooperation, and we thank you in advance for your cooperation.

Awaiting your reply, we remain,

Very truly yours,

COLUSA COUNTY BOARD OF SUPERVISORS

By William R. Waite
William R. Waite, Chairman

WRW:lw

LETTERS/wildlife.ltr

ORDINANCE NO. 551

AN URGENCY ORDINANCE OF THE COUNTY OF COLUSA ESTABLISHING
AN INTERIM LAND MANAGEMENT PLAN
(4/5 VOTE)

The Board of Supervisors of the County of Colusa hereby declares that there is an immediate danger to the public health, safety and welfare of the county and hereby adopts this emergency ordinance to be known as the Colusa County Interim Land Management Plan to read as follows:

The Colusa County Interim Land Management Plan (hereinafter referred to as the "Plan") is the county land management plan developed by the Colusa County Government to guide the use of public lands and public resources in Colusa County and to protect the rights of private landowners. This Plan, developed by the people of Colusa County and adopted by the Colusa County Board of Supervisors, shall serve as the primary guide in the use and management of all state and federal lands within the County of Colusa.

BACKGROUND

Federal and state lands make up a substantial part of Colusa County. Moreover, Colusa County's economy is dependent on business activities on federal and state lands. These Activities are inseparably tied to the small fraction of private land in Colusa County. To a substantial degree, local communities are at the mercy of state and federal planning decisions, often to the detriment of local communities and citizens, and that such

circumstances are contrary to the basic principles of freedom and liberty, and sound resource management. Believing that American concept of "government by the people, for the people" is best served when government affairs are conducted as close to the people as possible (i.e., at the county level), the citizens of Colusa County have called upon the Colusa County Board of Supervisors to instigate this plan.

CUSTOM AND CULTURE

By the time the western territories of today's United States began to be settled, the tradition of individual freedom, free enterprise and the right of the people as individuals to the use and enjoyment of the lands and resources within their communities had been well established in America. It was well recognized that private ownership always led to the greatest resource enhancement. It implied individual responsibility and stewardship. And so it was, that even though the great majority of the arid west did not qualify for the entry as agriculture land, the private use and development of the resources of the public lands were encouraged and accomplished.

COMMUNITY STABILITY

One of the biggest problems facing local governments today is loss of tax base. In order for any community to provide needed schools, health care, police protection and other services, industry and commerce within the community must be encouraged and strengthened. As it is today, increasing governmental regulation is not only destroying local enterprise,

but also destroying the most important feature of freedom itself, the right of people to the control and use of their own property.

PRINCIPLES AND OBJECTIVES

The nature and intent of Colusa County government land management planning is to protect the custom and culture of the county citizens through protection of private property rights, the facilitation of a free market economy and the establishment of a process to ensure self-determination by local communities and individuals.

It is therefore necessary to develop and implement land management planning mechanisms that focus on federal and state land uses and activities. The Plan is an interim set of policies that shall provide a general planning framework to remain in effect until a permanent Colusa County Comprehensive Land Management Plan is developed and approved by the Colusa County Board of Supervisors.

The Plan addresses federal and state land management issues directly and is intended to be used as a positive guide for federal and state land management agencies in their development and implementation of land use plans and management actions. The county and its citizens support the continued multiple use of federal and state land in Colusa County. Therefore, it is the policy of Colusa County that federal and state agencies shall inform local governments of all pending actions affecting local communities and citizens and coordinate with them in the planning and implementation of those actions. The Colusa County Board of

Supervisors, when affected by such actions, shall be consulted and coordinated with in accordance with the laws of California and the laws of the United States.

Finally, as stated in federal and state laws, all federal and state agencies shall comply with the Colusa County Land Management Plan and coordinate with the Board of Supervisors for the purpose of planning and managing federal and state lands within the geographic boundaries of Colusa County, California. Federal and state agencies proposing actions that will impact the Colusa County Land Management Plan shall prepare and submit in writing, and in a timely manner, report(s) on the purposes, objectives and estimated impacts of such actions, including economic, to the Colusa County Board of Supervisors. The report(s) shall be provided to the Colusa County Board of Supervisors for review and coordination prior to federal or state initiation of action.

PREAMBLE

We, the people of Colusa County, State of California, accept, support and sustain the Constitutions of the United States and the State of California. We have demanded through our elected legislature and governor that the federal government comply with the Constitution of the United States which limits the authority of the federal government to specific lands, and we hereby reaffirm our demand that all lands in Colusa County not so specifically designated be relinquished to the citizens thereof.

/ / /

Further, we reaffirm the fundamental rights of mankind as enumerated in the Declaration of Independence and acknowledge the limited nature of government as intended by the nation's founding fathers. Based on these cherished traditions, we declare that all natural resource decisions affecting Colusa County shall be guided by the principles of protecting private property rights, protecting local custom and culture, maintaining traditional economic structures through self-determination and opening new economic opportunities through reliance on free markets. Resource decisions made in this manner will enhance environmental quality.

LAND DISPOSITION

Recognizing that land is essential to local industry and residents, it shall be the policy of this county that the design and development of all federal and state land disposals, including land adjustments and exchanges, be carried out to the benefit of the citizens of Colusa County.

POLICIES:

1. Increase opportunities for local economic development by increasing the amount of private and non-federal land within the county.
2. Federal land agencies should not acquire any private lands or rights in private lands within Colusa County without first ensuring:
 - a. That as a minimum parity in land ownership status is maintained.

b. That private property interests are protected and enhanced.

3. Federally managed lands that are difficult to manage or which lie in isolated tracts shall be targeted for disposal.

4. The general public, the State of California and local communities shall be notified of, consulted about, and otherwise involved in all federal and state land adjustment in Colusa County. Colusa County concurrence shall be required prior to any such land adjustment. Further, Colusa County should review all federal and state land adjustment occurring within the county's political boundaries.

5. Colusa County shall review and make recommendations on proposed public land withdrawals for hazardous and non-hazardous waste storage as well as the types of such waste.

6. Before federal and state land agencies can change land use, adverse impact studies on uses shall be conducted and mitigation measures adopted in coordination with Colusa County. Impact studies as needed shall address community stability, local custom and culture, grazing rights, flood prone areas and access.

WATER RESOURCES

Colusa County recognizes that the protection and development of its water resources are essential to its short and long term economic and cultural viability.

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POLICIES:

1. The protection of existing water rights and water uses within the county is of primary importance to the county's economic and cultural well-being. Therefore, transfers in water use should be carefully considered in relationship to the history, traditions and culture of Colusa County. Any federally proposed designation of Wild and Scenic Rivers and all federal policies regarding riparian management in Colusa County shall be coordinated with the Colusa County Board of Supervisors. In addition, Colusa County should prepare plans for the protection of all aquatic threatened and endangered species within its boundaries. Federal agencies managing waterways and wetlands containing such species shall coordinate their management activities and plans with the Board of Supervisors.

2. Colusa County should consider development of water markets for the existing as well as future water rights for agricultural, municipal, industrial and domestic purposes. In addition, Colusa County should consider alternative uses of water, including but not limited to recreation and hydroelectric power.

3. Any regional water plan(s) shall be assessed and may be considered as part of the Colusa County Comprehensive Land Use and Water Use Plans.

4. Colusa County should promote and should be actively engaged in providing opportunity for the development of water based recreation within the county.

5. Colusa County shall review current water policies to determine if appropriate and adequate.

6. The Colusa County government shall be notified of all state, interstate and federal actions that have any impact on the water of the county prior to such actions being initiated. In addition, such proposed actions, including federally proposed Wild and Scenic River designations, shall be coordinated with the Colusa County Board of Supervisors and the county water and land use plans prior to adoption and implementation. It is the intent of the county to develop, plan and be part of the management with the federal and state agencies in the planning and management of the county's natural, cultural and economic resources.

7. Colusa County shall develop its water use policy to ensure both water quantity and water quality and to ensure that such policy does not adversely impact water users inside or outside the county.

8. Colusa County may develop Wild and Scenic River policies of its own design. Such policies would form input on how Wild and Scenic Lands are managed by the federal government.

AGRICULTURE

The custom and culture associated with agricultural production in Colusa County is necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of Colusa County to protect agricultural land and promote the continuation of agricultural pursuits by protecting private property rights, relying on self-determination, and ensuring open

market conditions. As defined by the Colusa County Board of Supervisors, the board requires a multiple use public land management policy.

POLICIES:

1. Opportunities for agriculture on federal and state lands shall be continued at levels consistent with historical custom and culture, the protection of equitable property rights and sound management practices.
2. Federal and state governments should not obstruct agricultural opportunities on their respective lands.
3. Colusa County shall utilize a county Grazing Advisory Board. Colusa County requires federal and state land managing agencies to coordinate with the Board on all matters affecting livestock grazing on public lands.
4. Incentives for improving grazing lands and promoting good land stewardship should be developed.
5. Colusa County advocates market and incentive systems to reduce administrative and grazing costs on federal and state lands.

FORESTRY AND FOREST PRODUCTS

The custom and culture associated with forest and forestry products production in Colusa County is necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of Colusa County to protect forest resources and promote the continuation of a sustainable forestry products industry by providing economic opportunity, relying on self-determination,

and ensuring open market conditions. As defined by the Colusa County Board of Supervisors, the board requires a multiple use forest management policy.

POLICIES:

1. Colusa County promotes multiple use of public forest resources to realize sustainable and continuous provision of timber, forage, firewood, wildlife, fisheries, recreation and water. Such sustainable levels assume that minimal lands be given single use or restrictive designation and that the maximum areas of land be outside Wilderness Areas and be available for active and intensive management.
2. Colusa County supports the harvesting of a wide range of non-wilderness timber stand age classes to promote more productive forests. Colusa County advocates the prompt replanting of harvested areas.
3. Colusa County shall support the current system of "gross in lieu" payments from revenues generated from federal and state lands within the county.
4. Colusa County supports the transportation of logs and manufactured forest products over federal, state and county roads and highways within the county.
5. Colusa County supports a broad range of reforestation tools and timber stand improvement tools and timber harvesting practices in line with prudent resource protection practices.

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6. Colusa County supports the prompt salvage of forest losses due to fire, insect infestation or other events.

7. Colusa County supports the detection and control of forest fires, as well as insect outbreaks.

8. Colusa County supports the education of both residents and visitors to wise and productive forest uses.

9. Colusa County supports the program of Timber Production Zoning (TPZ) and promotes the understanding by forest residents of the compatibility of timber harvesting on adjacent lands.

10. Colusa County supports the free market distribution of forest resources from local forest lands recognizing that the local forest products industry within the county is heavily dependent on forest service timber.

CULTURAL RESOURCES, RECREATION, WILDLIFE, FISHERIES AND WILDERNESS

Colusa County supports multiple use for public and private recreational land, and opportunities compatible with local custom and culture and within the constraints of private property rights and local self-determination.

POLICIES:

1. Colusa County should (or shall) establish a threatened and endangered species committee for overseeing protection and recovery of all federal and state listed threatened or endangered species.

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2. Colusa County requires coordination of federal and state land and wildlife and fishery management and enforcement agencies with Colusa County Fish and Game Commission.

3. No additional wilderness areas shall be designated in Colusa County.

MINERAL RESOURCES

Colusa County recognizes that the development of its abundant mineral resources is desirable and necessary to the state and the nation. Therefore, it is the policy of Colusa County to encourage mineral exploration and development consistent with custom and culture and to eliminate unreasonable barriers to such exploration and development, except for those that arise naturally from a regime of secured private property rights and free market conditions.

POLICIES:

1. Support retention of and compliance with the 1872 Federal Mining Law as presently amended, and consistent with state law.

ACCESS AND TRANSPORTATION

Colusa County should develop and maintain a transportation plan that optimizes accessibility within the county and that minimizes the cost of movement between all communities and across public lands.

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URGENCY CLAUSE

This ordinance is an ordinance for the immediate preservation of the public peace, health, and safety and shall take effect immediately in accordance with Section 25123 of the Government Code of the State of California as an urgency measure. Federal and state agencies are continuing to acquire privately owned lands within the county for wildlife habitat without adequately addressing the expressed concerns of the county citizens and their legislative body respecting water rights, adjacent agricultural practices, loss of tax base, lack of adequate management of acquired lands and other issues. To permit this process to continue without action by the Board of Supervisors presents real dangers to the health and safety of county residents and citizens as well as a continued erosion of the county tax base from which health and safety services are funded. It is therefore necessary to add this ordinance as an urgency measure; and direct its publication once within fifteen (15) days after its passage, pursuant to Section 25124 of the

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Government Code, in a legally published newspaper in the County of Colusa, State of California.

PASSED AND ADOPTED this 29th day of September 1992 by the following vote:

AYES: Supervisors Kay K. Nordyke, David G. Womble, W. D. Mills, Patti Arcand Scofield and William R. Waite.

NOES: None.

ABSENT: None.

COLUSA COUNTY BOARD OF SUPERVISORS

By: William R. Waite
WILLIAM R. WAITE, Chairman
Colusa County Board of Supervisors

ATTEST:

Kathleen Moran
KATHLEEN MORAN, County Clerk
and Ex-officio Clerk of the
Colusa County Board of Supervisors

The County of Yuba

OFFICE OF THE COUNTY ADMINISTRATOR

FRED J. MORAWCZNSKI
COUNTY ADMINISTRATOR



(916) 741-6464

November 11, 1992

Mr. Benjamin Biaggini, Chairman
Department of Fish and Game
Wildlife Conservation Board
801 K Street, Suite 806
Sacramento, CA 95814

Re: Collins Lake Wildlife Area, Expansion #3, Yuba County

Dear Mr. Biaggini:

This is to comment, on behalf of the Yuba County Board of Supervisors, on the consent item scheduled for your November 12, 1992 agenda regarding the referenced subject.

In principle, the County of Yuba is not opposed to State acquisition of the property in question. The Board favors insuring adequate winter range for deer, and habitat for mountain lions and bald eagles. There are a number of practical considerations, however, which cause us great concern over this most recent expansion proposal.

As you know, State acquisition removes property from the tax rolls. Conceptually, tax revenues are replaced by State in-lieu payments. In Yuba County's experience, revenues totalling nearly \$53,000 have been lost on property acquired by the State near Collins Lake since 1989. During the same period, no in-lieu payments have been received from the State. We assume this is because the Department of Fish and Game fails to budget for the ongoing expense of in-lieu payments. Regardless, it results in placing the burden of wildlife protection on small rural counties rather than spreading it evenly over the public who's interests are being served.

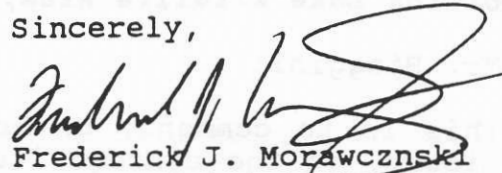
Even if the County did receive in-lieu payments, a fundamental flaw exists in their calculation which fails to account for the annual revenue growth the County would have received had the property remained on the tax rolls. We have attempted to correct this inequity through legislation in the past, and urge your Board to recognize that revisions to acquisition policies are necessary, and encourage the Department of Fish and Game to recognize it too.

Mr. Benjamin Biaggini
November 11, 1992.
Page Two.

In understanding the Department of Fish and Game's need to acquire property we urge you, in considering this item, to budget accordingly. This means not only the \$20,000 to cover transfer costs and fencing, but also the ongoing cost of making in-lieu payments to the County. We further urge you to budget the funds necessary to meet the State's standing obligation to the residents of this County for in-lieu payments associated with previously acquired property in the Collins Lake area.

Thank you for this opportunity to share our concerns. I will be available at Your meeting on November 12, 1992 should you have any questions.

Sincerely,



Frederick J. Morawcznski
County Administrator

FJM:JCB

cc: Each Board Member

Mr. James Kennedy, Treasurer-Tax Collector

Mr. W. John Schmidt, Executive Director, Wildlife Conservation Board

Mr. James Messersmith, Regional Manager, Dept. of Fish and Game