

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, May 5, 1994

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Minutes, Meeting of May 5, 1994

Pursuant to the call of Chairperson Frank Boren, the Wildlife Conservation Board met in Room 444 of the State Capitol, Sacramento, California, on May 5, 1994. The meeting was called to order at 10:00 a.m.

1. Roll Call

WILDLIFE CONSERVATION BOARD MEMBERS

Frank Boren, Chairperson
President, Fish and Game Commission
Theresa Parker, Chief Deputy Director,
Vice, Russell Gould, Member
Director, Department of Finance
Boyd Gibbons, Member
Director, Department of Fish and Game

JOINT LEGISLATIVE INTERIM ADVISORY COMMITTEE

Chris Davis,
Vice, Senator Dan Mc Corquodale
Mary Morgan,
Vice, Assemblyman Dan Hauser
Rick Battson,
Vice, Assemblyman Phillip Isenberg
Senator Mike Thompson

Absent: Senator Pat Johnston
Assemblyman Jim Costa
Senator Daniel Boatwright (Alternate)

Minutes of Meeting, May 5, 1994
Wildlife Conservation Board

Staff Present: W. John Schmidt, Executive Director
Clyde Edon, Assistant Executive Director
Marilyn Cundiff-Gee, Wetlands Program Manager
Scott Clemons, Riparian Program Manager
Bob 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, Associate Land Agent
Sylvia Gude, Staff Services Analyst
Jan Beeding, Office Technician

Others Present: Lee Lehman, Suisun Resource Conservation District
Brian Hunter, Department of Fish and Game, Yountville
Jim Swanson, Department of Fish and Game, Yountville
Neal Nelson, San Joaquin Wetland Farms
Cindy Gustafson, Tahoe City Public Utility District
Bob Lourey, Tahoe City Public Utility District
Philip Jelley, Citizen
Warren Halsey, Citizen
Mrs. Wilbur Halsey, Citizen
Pat Perkins, Department of Fish and Game, Rancho Cordova
Jane Kagehiro, Citizen
Fred Braden, Citizen
Pete Rabbon, Reclamation Board
John Beam, Department of Fish and Game, Fresno
Cindy Watanabe, Department of Fish and Game, Sacramento
Dennis Beardsley, Greater Vallejo Recreation District
Art Dykzenl, Citizen
Vince Dykzenl, Citizen
Robert Douglass, Cargill Salt
Janet Diehl, State Coastal Conservancy
Blake Millar, Citizen
Corey Brown, Trust for Public Land
Holly Liberato, Ducks Unlimited
Glenn Rollins, Department of Fish and Game, Sacramento

CONSENT CALENDAR * (Items #2-15)

Mr. Schmidt reported that the Consent Calendar consisted of Item Nos. 2-15. Mr. Schmidt indicated there were a couple of changes. The amount requested for Item #10 (Eel River Wildlife Area, Expansion #4, Humboldt County) should be \$43,400.00 instead of \$37,400.00 and it would be funded from the Wildlife Restoration Fund and Habitat Conservation Fund. Item #14 (Clear Creek Wildlife Area, Expansion #1, Shasta County) had been withdrawn from the agenda.

Mr. Schmidt gave the audience and/or Board Members the opportunity to request that an item be removed from the consent calendar. He then recommended a vote on the Consent Calendar including the above noted changes. Mr. Boren asked if there were any questions or concerns with respect to the Consent Calendar, and since there was no further discussion, the following action was taken.

IT WAS MOVED BY MS. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE CONSENT CALENDAR ITEM NOS. 2-13 AND 15, INCLUDING THE CORRECTION FOR THE AMOUNT REQUESTED FOR ITEM #10, AS PROPOSED IN THE INDIVIDUAL AGENDA EXPLANATIONS, INCLUDING FUNDING AS NOTED THEREIN.

MOTION CARRIED.

*** 2. Approval of Minutes (CONSENT CALENDAR)**

Approval of minutes of the February 10, 1994, meeting of the Wildlife Conservation Board was recommended.

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. PARKER THAT THE MINUTES OF THE WILDLIFE CONSERVATION BOARD MEETING OF FEBRUARY 10, 1994, BE APPROVED AS WRITTEN.

MOTION CARRIED.

* 3. Funding Status as of May 5, 1994 (Information Only)
(CONSENT CALENDAR)

(a) 1993-94 Wildlife Restoration Fund Capital Outlay Budget

Governor's Budget - Land Acquisitions	\$ 350,000.00
Plus LWCF Reimbursement	100,000.00
Less Previous Board Allocations	-105,007.88
Unallocated Balance	\$ 344,992.12

Governor's Budget - Minor Projects	\$ 530,000.00
Less Previous Board Allocations	-270,000.00
Unallocated Balance	\$ 260,000.00

Governor's Budget - Major Development	\$ 500,000.00
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(b) 1992-93 Wildlife Restoration Fund Capital Outlay Budget

Governor's Budget - Land Acquisitions	\$ 200,000.00
Plus LWCF Reimbursement	100,000.00
Less Previous Board Allocations	-203,101.00
Unallocated Balance	\$ 96,899.00

(c) 1993-94 Environmental License Plate Fund Capital Outlay Budget

Added to Governor's Budget by Ch. 1241	\$ 572,000.00
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(d) 1992-93 Fish and Wildlife Habitat Enhancement Fund Capital Outlay Budget

Reappropriation of 1989/90 - Stream Projects	\$2,044,100.49
Less Previous Board Allocations	-1,483,471.98
Unallocated Balance	\$ 560,628.51

(e) 1992-93 Wildlife and Natural Areas Conservation Fund Capital Outlay Budget

Governor's Budget	\$2,000,000.00
Less Previous Board Allocations	- 479,084.09
Unallocated Balance	\$1,520,915.91

(f) 1991-92 Wildlife and Natural Areas Conservation Fund Capital Outlay Budget

Governor's Budget	\$5,000,000.00
Less Previous Board Allocations	-5,000,000.00
Unallocated Balance	\$ -0-

Minutes of Meeting, May 5, 1994
Wildlife Conservation Board

(g) 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	-60,452,537.54
Less State Administrative Costs	- 1,219,500.00
Less Reverted Funds	-11,528,799.69
Plus Reappropriated Funds	<u>11,528,799.69</u>
Unallocated Balance	\$19,627,962.46

(h) 1993-94 Habitat Conservation Fund Capital Outlay Budget

Governor's Budget	\$9,844,000.00
Less Previous Board Allocations	<u>-1,852,081.13</u>
Unallocated Balance	\$7,991,918.87

(i) 1992-93 Habitat Conservation Fund Capital Outlay Budget

Governor's Budget	\$ 9,194,000.00
Less Previous Board Allocations	<u>-5,147,452.13</u>
Unallocated Balance	\$ 4,046,547.87

(j) 1991-92 Habitat Conservation Fund Capital Outlay Budget

Governor's Budget -	
Waterfowl Habitat Acquisition	\$ 2,000,000.00
Less Previous Board Allocations	<u>-1,960,563.44</u>
Unallocated Balance	\$ 39,436.56

Governor's Budget - Unallocated	\$ 1,682,000.00
Less Previous Board Allocations	<u>-1,679,213.16</u>
Unallocated Balance	\$ 2,786.84

Governor's Budget -	
Upper Sacramento River Basin	\$ 1,000,000.00
Less Previous Board Allocations	<u>- 891,846.77</u>
Unallocated Balance	\$ 108,153.23

RECAP OF FUND BALANCES

Wildlife Restoration Fund

Acquisition	\$ 441,891.12
Minor Development	\$ 260,000.00
Major Development	\$ 500,000.00
<u>1984 Fish & Wildlife Habitat Enhancement Fund</u>	\$ 560,628.51
<u>Ca. Wildlife, Coastal & Park Land Conservation Fund of 1988</u>	\$19,627,962.46
<u>Wildlife & Natural Areas Conservation Fund</u>	\$ 1,520,915.91
<u>Ca. Environmental License Plate Fund</u>	\$ 572,000.00
<u>Habitat Conservation Fund</u>	\$12,188,843.37

* 4. Recovery of Funds (CONSENT CALENDAR)

The following 23 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:

\$16,610.58 to the Wildlife Restoration Fund,
\$775.35 to the Fish and Wildlife Habitat Enhancement Fund,
\$95,426.74 to the Habitat Conservation Fund,
\$54,168.92 to the Calif. Wildlife, Coastal & Park Land Conservation Fund,
\$6,151.90 to the Wildlife and Natural Areas Conservation Fund,

and that the projects be closed.

WILDLIFE RESTORATION FUND

Moss Landing Wildlife Area, Expansion #5, Monterey County

Allocation	\$255,000.00
Expended	-254,292.49
Balance for Recovery	\$ 707.51

San Pablo Reservoir Fishing Access, Contra Costa County

Allocation	\$ 45,100.00
Expended	-29,196.93
Balance for Recovery	\$ 15,903.07

Total Wildlife Restoration Fund Recoveries \$16,610.58

FISH AND WILDLIFE HABITAT ENHANCEMENT FUND

Perazzo Creek Habitat Enhancement, Sierra County

Allocation	\$ 14,700.00
Expended	<u>-14,700.00</u>
Balance for Recovery	\$ -0-

Rattlesnake Creek, Trinity County

Allocation	\$ 75,500.00
Expended	<u>-74,731.00</u>
Balance for Recovery	\$ 769.00

Taylor Creek Habitat Enhancement, Mendocino County

Allocation	\$ 5,975.00
Expended	<u>- 5,968.65</u>
Balance for Recovery	\$ 6.35

Total Fish and Wildlife Enhancement Fund Recoveries \$775.35

HABITAT CONSERVATION FUND

Flume and Marsh Gulch Habitat Enhancement, Mendocino County

Allocation	\$ 42,200.00
Expended	<u>- 42,199.99</u>
Balance for Recovery	\$.01

Hallelujah Junction Wildlife Area, Expansion #2, Lassen & Sierra Cos.

Allocation	\$ 18,000.00
Expended	<u>- 17,961.00</u>
Balance for Recovery	\$ 39.00

Little Rattlesnake Creek Fishery Enhancement, Trinity County

Allocation	\$ 63,800.00
Expended	<u>- 63,795.00</u>
Balance for Recovery	\$ 5.00

Noyes River Wildlife Area, Expansion #3, Siskiyou County

Allocation	\$ 2,000.00
Expended	- 1,049.00
Balance for Recovery	\$ 951.00

Prosser Creek Trout Enhancement, Nevada County

Allocation	\$ 20,100.00
Expended	- 20,000.00
Balance for Recovery	\$ 100.00

Sacramento Valley Rice Roller Project, Various Counties

Allocation	\$ 94,000.00
Expended	-93,118.43
Balance for Recovery	\$ 881.57

Snobird Ranch, Merced County

Allocation	\$ 63,400.00
Expended	- 0-
Balance for Recover	\$ 63,400.00

Stillbow Water Delivery System, Merced County

Allocation	\$ 8,000.00
Expended	- 7,767.05
Balance for Recovery	\$ 232.95

Truckee River Trout Enhancement, Placer County

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

Upper Butte Basin Wildlife Area, Expansion #5, Glenn County

Allocation	\$1,146,260.00
Expended	-1,135,595.70
Balance for Recovery	\$ 10,664.30

Upper Sacramento River Wildlife Area Restoration (Pine Creek/Jacinto/
Princeton Units), Butte and Glenn Counties

Allocation	\$ 35,000.00
Expended	- 23,863.56
Balance for Recovery	\$ 11,136.44

Project Planning

Allocation	\$ 13,972.70
Expended	- 5,956.23
Balance for Recovery	\$ 8,016.47

Total Habitat Conservation Fund Recoveries \$95,426.74

CA. WILDLIFE, COASTAL & PARK LAND CONSERVATION FUND

Mendota Wildlife Area Wetland Development, Fresno County

Allocation	\$285,570.00
Expended	-245,483.54
Balance for Recovery	\$ 40,086.46

Mokelumne River Ecological Reserve, Expansion #1, San Joaquin County

Allocation	\$ 10,000.00
Expended	- 9,876.47
Balance for Recovery	\$ 123.53

Upper Butte Basin Wildlife Area, Expansion #5, Glenn County

Allocation	\$673,740.00
Expended	-673,740.00
Balance for Recovery	\$ -0-

Project Planning

Allocation	\$ 35,000.00
Expended	- 21,041.07
Balance for Recovery	\$ 13,958.93

Total California Wildlife, Coastal and Park Land
Conservation Fund Recoveries \$54,168.92

WILDLIFE AND NATURAL AREAS CONSERVATION FUND

Moss Landing Wildlife Area, Expansion #5, Monterey County

Allocation	\$255,000.00
Expended	-248,859.10
Balance for Recovery	\$ 6,140.90

Stone Corral Ecological Reserve, Tulare County

Allocation	\$365,000.00
Expended	-364,989.00
Balance for Recovery	\$ 11.00

Total Wildlife and Natural Areas Conservation

Fund Recoveries \$6,151.90

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. PARKER THAT THE WILDLIFE CONSERVATION BOARD RECOVER FUNDS FOR THE 23 PROJECTS LISTED ON PAGES 6-10 AND CLOSE THE PROJECT ACCOUNTS. RECOVERY TOTALS INCLUDE \$16,610.58 TO THE WILDLIFE RESTORATION FUND, \$775.35 TO THE FISH AND WILDLIFE HABITAT ENHANCEMENT FUND, \$95,426.74 TO THE HABITAT CONSERVATION FUND, \$54,168.92 TO THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND, AND \$6,151.90 TO THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND.

MOTION CARRIED.

* 5. Special Project Planning Account Informational
(CONSENT CALENDAR)

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

Some appropriations now made to the Board do not include a specific budgeted planning line item appropriation necessary to begin a project without prior Board authorization. Pre-project costs are a necessary expenditure in most all capital outlay projects. The Special Project Account would be used for these costs and to pay for State Treasurer and State Controller Offices costs for the necessary Pooled Money Bond Loans the Board applies for periodically.

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

Habitat Conservation Fund	\$30,000.00
California Wildlife, Coastal & Park Land Conservation Fund	\$30,000.00
Wildlife and Natural Areas Conservation Fund	\$15,000.00

* 6. Salmon, Steelhead & Resident Fish Habitat Enhancement Projects \$496,750.00
(CONSENT CALENDAR)

It was proposed that the Board allocate funds for the enhancement and rehabilitation of salmon, steelhead and resident fish spawning and rearing habitat on 10 waterways in California.

The anadromous fishery resource in California has suffered a severe decline over the past thirty years. For example, records indicate that the chinook salmon population in the Klamath River Basin has declined from a historic level of 500,000 to 180,000 by 1963, 115,000 by 1978, 55,000 by 1984 to 33,000 by 1991. One of the major causes for this decline is degradation of natural habitat due to stream and watershed disturbances from logging, road construction, mining and other activities associated with modern development. There has been a dramatic increase in the numbers of artificially produced fish returning to the Klamath system since 1985. Returns of naturally produced salmon are still very low, however, due to the recent drought and widespread loss of habitat.

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

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

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

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

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

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

Site specific information for each of the 10 proposed habitat enhancement projects is briefly provided below:

A. Bluff Creek Habitat Enhancement #5, Humboldt County \$ 18,700.00

This Department of Fish and Game proposed project consists of the construction of 15 stream enhancement structures on Bluff Creek, a tributary to the Klamath River, for the enhancement of the steelhead trout and chinook fishery. All work will be done on U.S. Forest Service land and will consist of developing habitat by anchoring logs and root wads on existing boulders in the stream to provide woody cover and allow the flow of water to scour pools. The developed pools and woody cover will provide better summer rearing conditions for juvenile salmonids. This project will be administered by the U.S. Forest Service, under direction of the Department of Fish and Game.

B. Butte Creek Parrott-Phelan Fish Ladder, Butte County \$318,000.00

This was a Department of Fish and Game proposal to restore the salmon fishery in Butte Creek, a tributary to the Sacramento River, originating in the Lassen National Forest and encompassing a watershed of approximately 150 square miles. The anadromous portion extends from approximately 15 miles east of Chico to the mouth of the Feather River, and is known to support a highly fluctuating population of both fall and spring-run chinook salmon, and an unknown number of steelhead.

Parrott-Phelan Dam, a water diversion structure located on Butte Creek, has, since its construction, presented varying degrees of blockage to migrating salmon and steelhead. The marginally passable conditions of this dam has the potential to cause delay or injury to migrating salmon and steelhead depending on stream flows.

Particularly affected are spring-run chinook salmon which, because of their unique life cycle, need to move rapidly through the valley reaches of Butte Creek into the summer holding pools located above the dam. Delay or injury often results in adult mortalities prior to spawning, during the months of August through October.

This proposal consists of removing and backfilling the existing fish ladder structure and constructing a new, hybrid fish ladder, also known as a pool-chute ladder. The new fish ladder will be located in an excavated section of the dam, adjacent to the location of the existing fish ladder structure. The ladder will consist of eight pools, separated by a specialized weir consisting of a sloping crest, center notch and orifices. The fish ladder provides excellent fish passage at a wide range of flows (20-300 cfs), with strong attraction flow characteristics and minimal maintenance. Four pool-chute fish ladders of varying sizes currently exist in the State of Washington. They operate in a similar range of flows and have proven themselves extremely effective in fish passage. The most economical, hydraulically acceptable fish ladder dimensions were determined from a hydraulic analysis of a scale model of this fish ladder by DFG staff engineers. The final, contract ready, engineering design and specifications will be provided by Department of Water Resources engineers and contract administration will be handled by the Department of Fish and Game.

C. East Mill Creek Habitat Enhancement, Humboldt County \$ 19,050.00

This was a proposed cooperative project between the Department of Fish and Game and the Mattole Restoration Council, a private, nonprofit organization, for the enhancement of chinook and coho salmon and steelhead trout in East Mill Creek, a tributary to the Mattole River. Historic records report a good salmonid fishery in this creek, however sediment from an unstable channel, steep banks and undercutting slopes have seriously reduced its productivity. The proposal includes the construction of seven rock and log structures at various locations along a three mile section of the creek to stabilize the banks and reduce erosion. Logs, root fans and boulders will be incorporated in the construction phase to encourage the deposition of gravel for spawning and the creation of pools and cover for juveniles. The project will be administered by the Mattole Restoration Council, under the direction of the Department of Fish and Game.

D. Freeman Creek Habitat Enhancement, Tulare County \$ 15,000.00

This was a proposed cooperative project between the Department of Fish and Game and the Sequoia National Forest for enhancement of habitat for rainbow trout. Freeman Creek, a tributary to Kern River, has been heavily impacted by excessive angler and recreational activities. This proposed project is designed to enhance approximately ¼ mile of fishery habitat through bank stabilization to reduce erosion, removal of debris accumulation within the stream and revegetation of the riparian areas. In conjunction with the habitat restoration work, information signs and vehicular barriers will be placed near the creek to help reestablish the streamside habitat. The project will be administered by the Sequoia National Forest, under the direction of the Department of Fish and Game.

E. Lee Vining Creek Habitat Enhancement, Mono County \$ 9,900.00

This was a proposed cooperative project between the Department of Fish and Game and the Inyo National Forest for enhancement of habitat for rainbow, brown and brook trout. Lee Vining Creek, a tributary to Mono Lake, has been heavily impacted by excessive angler access due to adjacent camping and recreational facilities. This proposed project is designed to enhance fishery habitat through bank stabilization to reduce erosion thereby reducing sedimentation and providing instream cover. The campgrounds are also being relocated away from the creek at the same time the restoration work will occur in order to maintain this important resource. The project will be administered by the Inyo National Forest, under the direction of the Department of Fish and Game.

F. Little River Barrier Removal, Mendocino County \$ 40,000.00

This was a proposed cooperative project between the Department of Fish and Game and Department of Parks and Recreation to enhance the coho salmon fishery on Little River which flows through Van Damme State Park in Mendocino County. Adequate year round flows and the close proximity to the Pacific Ocean make this stream valuable to spawning coho salmon. This project is intended to correct fish passage problems by providing for the removal of seven concrete and rock ford crossings on the river which are currently acting as barriers. Removal of these barriers will open 2.5 miles of additional spawning habitat for salmon. The project will be administered by the Department of Parks and Recreation, under the direction of the Department of Fish and Game.

G. Mill Flat Creek Habitat Enhancement, Tulare County \$ 11,750.00

This was a proposed cooperative project between the Department of Fish and Game and the U.S. Forest Service, Sequoia National Forest, to enhance rainbow trout habitat along Mill Flat Creek, a tributary to the Kings River. The project will include the installation of wood structures in the stream to create pool habitat to create more favorable trout habitat. Bank stabilization measures will also be taken by strategically placing log structures along the bank to reduce erosion and allow for the formation of natural cover. Willow plantings will be placed along the bank to increase the natural vegetation. The project will be administered by the Sequoia National Forest, under the direction of the Department of Fish and Game.

H. Red Cap Creek Habitat Enhancement #5, Humboldt County \$ 24,100.00

This Department of Fish and Game proposed project consists of constructing 20 stream enhancement structures on Red Cap Creek, a tributary to the Klamath River, for the enhancement of the chinook salmon and steelhead trout fishery. All work will be done on U.S. Forest Service land and will consist of developing habitat by anchoring logs and root wads on existing boulders in the stream to provide woody cover and allow the flow of water to scour pools. The developed pools and woody cover will provide better summer rearing conditions for juvenile fish. This project will be administered by the U.S. Forest Service, under direction of the Department of Fish and Game.

I. Sultan Creek Habitat Enhancement, Del Norte County \$ 19,650.00

This was a proposed cooperative project between the Department of Fish and Game and Rural Human Services, Inc., a private, nonprofit organization for the enhancement of the chinook and coho salmon and steelhead trout fishery in Sultan Creek, a tributary to the Smith River. Currently, the stream has a fair riparian canopy and good year-round flows. However, spawning opportunities are somewhat limited because of inadequate spawning gravels. This project will provide rearing and adult escape cover as well as enhance spawning opportunities through the construction of 8-10 log and 10-12 boulder structures in selected spots along the stream. Specifically, the boulder structures will include deflectors, clusters and upstream "V" weirs to create rearing pools as well as sort and store spawning gravel. Woody structures, in the form of multiple digger logs and weirs, will be installed for rearing and overwinter refuge habitat. This project will be administered by Rural Human Services, Inc., under the direction of the Department of Fish and Game.

J. West Branch Mill Creek Habitat Enhancement, Del Norte County \$ 19,900.00

This was a proposed cooperative salmon (chinook and coho) and steelhead trout project between the Department of Fish and Game and the Rural Human Services, Inc., a private, nonprofit organization, for the enhancement of fisheries in West Branch Mill Creek, a tributary to the Smith River. Currently, the stream has an excellent riparian canopy and good year-round flows and is noted to be one of the most productive small tributaries to the Smith River. However, crib wall deflectors placed in the creek several years ago to inhibit floodings have failed causing erosion and subsequent deposition of fine sediment into the creek which will eventually reduce spawning opportunities. The crib wall will be removed and the bank sloped and stabilized with boulders and riparian plantings. This project will be administered by the Rural Human Services, Inc., under the direction of the Department of Fish and Game.

Administrative contract costs to process the contracts for the listed projects are estimated at \$700.00.

Staff recommended that the Board approve these 10 salmon, steelhead and resident fish projects as one item as proposed; allocate \$496,750.00 from the Fish and Wildlife Habitat Enhancement Fund (P-19), which includes \$700.00 to cover the Department of General Services contract review costs; 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. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE TEN SALMON, STEELHEAD AND RESIDENT FISH PROJECTS AS ONE ITEM AS PROPOSED; ALLOCATE \$496,750.00 FROM THE FISH AND WILDLIFE HABITAT ENHANCEMENT FUND (P-19), INCLUDING \$700.00 TO COVER THE DEPARTMENT OF GENERAL SERVICES CONTRACT REVIEW COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

* 7. Vallejo Fishing Pier, Solano County \$500,000.00
(CONSENT CALENDAR)

This proposal was for the continuation of a project previously approved by the Board for the replacement of the Vallejo Fishing Pier, a cooperative project with the Greater Vallejo Recreation District.

The pier, which is owned by the Department of Fish and Game, is located at the junction of Highway 37 and the Napa River, in Vallejo. It is a conversion of a portion of the old Highway 37 Napa River Bridge which was originally constructed in 1947. The converted bridge was acquired in 1968, pursuant to Board authorization, from the Division of Highways when they completed the construction of the new bridge. Since that time, the Board has allocated a total of \$373,755 to this project for items including pier renovation costs, fire damage repair, a restroom facility, parking area and, most recently, engineering reports to determine the condition of the pier and appropriate methods of maintaining it in a safe condition.

The pier is a very important and attractive local and regional fishing site with an estimated 80,000 user days expected this year. Because of the location near the western edge of San Pablo Bay at the mouth of the Carquinez Straits, the fishing success is very good.

As noted at the previous Board meeting, the completed engineering report indicates that the pier has serious decay, at 15 locations along its length, where the 60 foot long concrete deck sections join. In addition, about 80 percent of the wood piles are estimated to be within ten years of the end of their useful life. The most serious condition noted in this report is the loss of strength to resist lateral and longitudinal forces which could certainly result from earthquake activity. The report concludes that if not corrected these conditions could ultimately render the pier unsafe for public use unless repairs can be completed within the next three to five years.

Preliminary cost estimates, considering six separate construction alternatives or complete pier removal, are included in the report and summarized below:

A.	Repair existing wood pier "in kind" (40 year life)	\$2,470,000
B.	New concrete substructure, repair superstruct. (40 year life)	\$2,563,000
C.	Reconstruct concrete pier in 2 phases (80 year life)	\$4,178,000
D.	Construct new wood pier (40 year life)	\$3,292,000
E.	Construct new concrete pier (80 year life)	\$3,152,000
F.	Construct concrete pier, salvage & use existing deck (80 year life)	\$2,723,000
G.	Demolish pier, no replacement	\$1,231,000

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

The District requested and the Board approved \$30,000 in May 1993 for the District to complete the appropriate CEQA review and make application for required permits in preparation for anticipated replacement of the pier. The Board made this approval based on the assumption that option 'F' was in fact the best way to proceed. The District has now completed a Negative Declaration and has filed a Notice of Determination in compliance with the Public Resources Code. They will also submit application for all required permits.

The reconstruction plan proposes to build a parallel pier using the existing structure to support construction equipment. If construction cannot be completed from the existing structure, the environmental concerns and costs of construction would be significantly changed. This, coupled with the public safety issue, makes it very important that we proceed with this project as soon as possible. The time remaining to safely construct from the existing structure is estimated to be no more than three or four years.

The next step in this pier replacement process is to complete the final design and prepare bid documents in preparation for bid advertisement. The current WCB budget has a \$500,000 major capital outlay item to be applied to this project. The portion not used for the final design and bid package preparation will be deposited into a construction account by the District. Staff acknowledges that the total funding needed for this project is not in place. However, recognizing the local and state interest to replace the pier and the critical timing element tied to the deteriorating structural strength of the existing pier, it is vital to complete all of the required preliminary steps as soon as possible. Construction could then begin without delay providing adequate funding is made available.

It is hoped that bond funds will be available in the near future. Additionally the District and staff will continue to pursue the availability of grant funds to assist with this much needed public access item.

Staff recommended that the Board approve funding to complete the final design and bid package element for the reconstruction of the Vallejo Fishing Pier as proposed, with the unused balance being placed into a construction account by the District; allocate \$500,000.00 from the Wildlife Restoration Fund; 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. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE FUNDING TO COMPLETE THE FINAL DESIGN AND BID PACKAGE ELEMENT FOR THE RECONSTRUCTION OF THE VALLEJO FISHING PIER, SOLANO COUNTY, AS PROPOSED, WITH THE UNUSED BALANCE BEING PLACED INTO A CONSTRUCTION ACCOUNT BY THE DISTRICT; ALLOCATE \$500,000.00 FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

* 8. Lake Tahoe Public Access, Placer County \$250,000.00
(CONSENT CALENDAR)

This proposal was for the continuation of a cooperative project, previously approved in concept by the Board, with the Tahoe City Public Utility District (District) to continue with the restoration of the Lake Tahoe Public access facilities. The District currently operates and maintains these project facilities which are located on Department of Fish and Game owned land located one mile east of Tahoe City. Due to continued heavy use and deterioration, this project is in need of renovation. The District requested and was granted funding for an engineering study for the proposed improvements at the May 10, 1990, Board meeting. In addition, the Board also approved funding on March 9, 1993, to cooperate with the District to replace the restroom facility as a separate item from the main project and to provide funding to complete the required CEQA review and permit process in preparation for the major restoration activities.

The District is currently completing the CEQA and Tahoe Regional Planning Agency environmental review requirements. They also circulated a Notice of Preparation and carried out scoping meetings during the fall of 1993. Based on the scoping meetings and response to the Notice of Preparation, the District prepared a Negative Declaration for the restoration work planned for the boat ramp site. A Notice to Adopt was circulated on February 19, 1994, and the District Board has adopted the Negative Declaration under CEQA. However, they will not certify the document as the Final Negative Declaration for the purpose of gaining regulatory agency permits until all findings and mitigation are included within the document.

The California Regional Water Quality Control Board-Lahontan Region is requesting additional review and investigation of water quality issues. These items will be completed during the coming spring-early summer season. It is uncertain at this time

when all permits and approvals will be received by the District.

However, in preparation for implementing Phase 1 of the restoration work as early as possible, funding approval is being sought at this time. Staff will prepare the appropriate project contracts with the District, however, a notice to proceed will be withheld until all approvals and permits are obtained by the District.

Cost estimates, as contained in the engineering study, for the work planned under this phase of the proposed project are as follows:

Repair, widen and lengthen ramp	\$ 40,000
Relocate, extend and reconfigure pier	100,000
Install wave attenuation	40,000
Install facility lighting	35,000
Construction Engineering	10,000
Contingency	<u>25,000</u>
TOTAL ESTIMATE	\$250,000

The relocation of the kiosk and entrance gate, improving the parking lot, adding new signs and striping along with improved drainages and landscaping will be completed in a separate phase.

Staff recommended that the Board approve funding for the above construction at the Lake Tahoe Public Access project as proposed; allocate \$250,000.00 from the Wildlife Restoration Fund; and authorize staff and the Department of Fish and Game to proceed substantially as planned, contingent upon the District obtaining all permits and approvals.

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE FUNDING FOR THE CONSTRUCTION AT THE LAKE TAHOE PUBLIC ACCESS, PLACER COUNTY, AS PROPOSED, CONTINGENT UPON THE DISTRICT OBTAINING ALL PERMITS AND APPROVALS; ALLOCATE \$250,000.00 FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

* 9. Green Creek Wildlife Area, Expansion #1, Mono County \$405,000.00
(CONSENT CALENDAR)

This was a proposal to consider the acquisition of a 160± acre parcel of land as the second phase of a planned 560± acre acquisition along Green Creek in Mono County. The Board has previously authorized the purchase of 200 acres at its February 10, 1994, meeting along with approval of the option to purchase the remaining 360± acres. The property is located approximately eight miles south of Bridgeport, about four miles southwest of Highway 395 via Green Creek Road. Green Creek is a popular destination area for campers staying at the nearby Green Creek Campground which is operated by the U.S. Forest Service.

The total proposed acquisition is a cooperative project involving the Board, the Trust for Public Land (TPL), the Department of Fish and Game (DFG) and the U.S. Bureau of Land Management (BLM). TPL has optioned an entire 800 acre ownership which is an irregular shaped parcel encompassing about four miles of Green Creek. The BLM proposes to acquire a 240 acre portion of the property east of the Toiyabe National Forest boundary which includes a reservoir which is known as "Dynamo Pond", a historical landmark that was used to produce electricity for the ghost town of Bodie in the 1890's. This proposal is to acquire a 160± acre portion of the remaining 360 acres the Board has optioned. The acreage consists of the creek, wetlands, meadows and some surrounding uplands.

The property contains a wide array of fish and wildlife values. Green Creek contains good fishery populations which include brown, rainbow and brook trout. The property is also extremely important as a mule deer migration corridor with telemetry data showing approximately 1,600 deer using this area during their spring and fall migrations. These deer populate hundreds of square miles of the Central Sierra Nevada mountains. Several hundred deer are known to hold over on this property during their spring migration, in part because it contains vital foraging areas for pregnant does, as well as good fawning habitat.

Critical habitat is also found on the property for several threatened or endangered species. The State threatened Sierra red fox and wolverine have been sighted in the vicinity while endangered Bald eagle sightings have been verified on the property. The yellow warbler, a species of special concern, has also been sighted on the property.

Other wildlife which can be found using this property include mountain lion, black bear, beaver, small rodents, raptors, sage grouse, mountain quail, bluegrouse, and small birds associated with high mountain meadows. It also provides important nesting habitat for waterfowl, including mallards, American coots, Sora rail, common snipes, Canada geese, cinnamon teal, and other species.

According to the Department, Green Creek Wildlife Area will be managed in conjunction

with nearby Department lands at Pickel Meadow, Walker River and Little Antelope Valley. The acquisition is exempt from CEQA under Class 13 of categorical exemptions as an acquisition of land for wildlife conservation purposes.

The proposed acquisition represents an opportunity for the public to protect this area from possible rural homesite development. This type of development is highly likely due to its proximity to Highway 395, its level topography, and the creek frontage it provides. In fact, similar subalpine valleys to the north and south of Green Creek have been extensively developed in recent years. The landowner has indicated that subdivision of the land into 40-acre parcels will occur if the land is not acquired by a public agency. Potential hydropower development could also negatively impact the fishery resources and public use of Green Creek.

The property's approved appraised fair market value for the subject 160± acres is \$400,000. If this acquisition is approved, only 200 acres of the optioned land will remain to be acquired. A Land and Water Conservation Fund Grant has been applied for which, if approved, will result in a reimbursement of 50 percent of the acquisition costs to the Board. It is estimated that an additional \$5,000 will be needed to cover acquisition costs including escrow fees, title insurance and the Department of General Services review charges.

Staff recommended that the Board approve this acquisition as proposed, including the authorization to accept the grant from the Land and Water Conservation Fund; allocate a total of \$405,000.00; \$324,144.35 from the Wildlife Restoration Fund and \$80,855.65 from the Habitat Conservation Fund/P-117, [P-70, Section 2720 (b)]; to cover the acquisition and related costs; 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. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE GREEN CREEK WILDLIFE AREA, EXPANSION #1, MONO COUNTY, INCLUDING THE AUTHORIZATION TO ACCEPT THE GRANT FROM THE LAND AND WATER CONSERVATION FUND, AS PROPOSED; ALLOCATE A TOTAL OF \$405,000.00, \$324,144.35 FROM THE WILDLIFE RESTORATION FUND AND \$80,855.65 FROM THE HABITAT CONSERVATION FUND/P-117 [P-70, SECTION 2720 (b)] TO COVER THE ACQUISITION AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

*10. Eel River Wildlife Area, Expansion #4, Humboldt County \$43,400.00
(CONSENT CALENDAR)

This proposal was for the acquisition of approximately 137 acres, the second phase of an acquisition of an ownership on Cock Robin Island in the Eel River Delta and an expansion to the Department of Fish and Game's existing Eel River Wildlife Area. The wildlife area presently consists of approximately 1,773 acres which were acquired by the Board through three separate authorizations between 1986 and 1993. The first phase of this proposed acquisition was approved by the Board in November, 1993, and closed escrow in December, 1993.

The subject property is located 2.5 miles west of Loleta, just to the south of Cannibal Island, where the Board acquired approximately 446 acres of land in 1988. The Eel River Delta, in association with Humboldt Bay, is one of the most important coastal wetlands in California and the opportunity for increasing the area's wetland and riparian habitat values for fish and water-associated wildlife through DFG ownership and management is high.

The property is part of a 400± acre ranch which has been used for dairy farming and livestock grazing. Significant riparian habitat is found along the perimeter of the island and the potential for reestablishing much more is substantial. For the most part, however, the riparian habitat has been removed and is incapable of returning so long as there is continuing use of the land for cattle grazing. While most of the property is not now classified as wetlands, the possibility of restoring significant amounts of riparian habitat and creating new wetlands on nonwetland habitat make this area a high priority for inclusion in the existing wildlife area. The property's potential value to area wildlife is, in fact, increased by its proximity to the existing wildlife area.

The Eel River Delta supports at least 35 species of mammals, including black-tail deer, gray fox, river otters, raccoons, skunks, mink, weasels, sea lions, seals and a variety of small mammals. In addition, over 250 species of birds have been recorded in this area. Common water-associated birds include about 30 species of waterfowl, 30 species of shore birds, 7 species of egrets, herons and bitterns, 3 species of loons, 5 species of grebes, 3 species of cormorants and 4 members of the rail family (including coots). Many species of coastal and pelagic birds, such as gulls, petrels, terns and the endangered brown pelican also use the lower Eel River Delta.

Cock Robin Island offers significant habitat for raptors, particularly riparian nesting sites. Common residents include the red-tailed hawk, red-shouldered hawk, northern harrier, Cooper's hawk, American kestrel, merlin, black-shouldered kites, great horned owl, barn owl, short-eared owl and pigmy owl. Rough-legged hawks, peregrine falcons and prairie falcons are present during winter months. Use by wetland and riparian associated species is expected to increase greatly as a result of the proposed restoration of this property.

The river and its associated channels provide habitat for 26 species of fish, including chinook salmon, coho salmon, steelhead trout, coastal cutthroat trout, American shad, green sturgeon and lamprey. Expansion and improvement of the riparian vegetation can only serve to significantly increase the benefits to wildlife.

At the time of the "first phase" of this acquisition project was considered, staff advised the Board of its pending application for funding under the National Coastal Wetlands Conservation Program and indicated that the second phase would be proposed for Board consideration if the grant was approved. The grant was approved in February, 1994, in the sum of \$347,500. The fair market value of the remaining 137 acres in the ownership is \$385,900, and it is estimated that costs of sale and Department of General Services administrative expenses will be \$5,000. Thus, an allocation of \$43,400 would be required to augment the grant funds and complete the purchase. Funding is available for the purchase in the Wildlife Restoration Fund.

The Trust for Public Land has done an outstanding job in negotiating this transaction and assisted greatly in the preparation of the Board's grant application. Since the grant is made on a reimbursement basis, TPL has also agreed to facilitate the completion of the purchase by advancing \$347,500 to escrow, to be reimbursed following close of escrow. TPL would also be reimbursed its interest expense, at 5 percent per annum, for amounts advanced. Interest expense is estimated at \$2,800.00 and is included in "costs of sale", above.

This acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition of land for wildlife habitat conservation purposes. Management would be by the Department as part of its management of the Eel River Wildlife Area. Restoration of habitat will be virtually cost-free as it will occur naturally when the cattle are removed from the acquired property.

Staff recommended that the Board approve this acquisition as proposed; allocate \$43,400.00 from the Wildlife Restoration Fund to augment the grant funds and cover the purchase price and related costs; approve the receipt of the grant funds, \$347,500.00, for direct reimbursement to the Trust for Public Land; 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. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE EEL RIVER WILDLIFE AREA, EXPANSION #4, HUMBOLDT COUNTY, AS PROPOSED; ALLOCATE A TOTAL OF \$43,400.00, \$37,400.00 FROM THE WILDLIFE RESTORATION FUND AND \$6,000.00 FROM THE HABITAT CONSERVATION FUND, TO AUGMENT THE GRANT FUNDS AND COVER THE PURCHASE PRICE AND RELATED COSTS; APPROVE THE RECEIPT OF THE GRANT FUNDS, \$347,500.00, FOR DIRECT REIMBURSEMENT TO THE TRUST FOR PUBLIC LAND; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

*11. Allensworth Ecological Reserve, Expansion #6, Tulare County \$422,000.00
(CONSENT CALENDAR)

This proposal was to consider expanding the southern portion of the Allensworth Ecological Reserve by acquiring two parcels of land totalling $640 \pm$ acres. The subject property is located about five miles west of Highway 99 near Delano, on the Tulare-Kern County line. The eastern parcel in this proposal contains $628.94 \pm$ acres while the second parcel which is located to the west, and separated by Highway 43, contains $11.06 \pm$ acres. While good progress has been made to protect habitat in the northern portion of the Allensworth Ecological Reserve, progress has been slower in the southern portion with about 480 acres acquired to date. This acquisition will bring the total acreage in the southern portion to $1,120 \pm$ acres. Continuing efforts are being made to join DFG ownerships in the southern area through mitigation measures.

The area contains prime habitat for the State listed threatened and Federally listed endangered San Joaquin kit fox, and the State and Federally listed endangered Tipton kangaroo rat and Blunt-nosed leopard lizard. The Allensworth area is listed in the 1988 Annual Report of Significant Natural Areas of California prepared by the Lands and Natural Areas Program. The Valley Sink Scrub community found at Allensworth is one of the best remaining examples in the southern San Joaquin Valley. Due to the relatively large area it covers, it provides critical habitat for the San Joaquin kit fox, which requires sizable territories (1-2 square miles) for hunting and breeding. In addition, because of its significant habitat for the Blunt-nosed leopard lizard, the Allensworth area is also recommended for protection in the Recovery Plan for that species.

Much of the land in the general vicinity of the subject property has been converted to extensive agricultural uses including alfalfa, cotton, milo, grapes or orchard use. In the long-term, it is almost a certainty that the subject property will be developed to agricultural uses, thereby destroying its habitat value. DFG operation and maintenance costs for this area are expected to be minimal. The management focus is habitat preservation with potential species augmentation.

The owners have agreed to sell the subject land for the total approved appraised fair market value of \$416,000. Acquisition costs are estimated to be an additional \$6,000 for title insurance, escrow fees and the Department of General Services review charges. The acquisition is exempt from CEQA under Section 15313 as an acquisition of land for wildlife conservation purposes and a Notice of Exemption has been filed.

Staff recommended that the Board approve this acquisition as proposed; allocate \$422,000.00 from the Wildlife and Natural Areas Conservation Fund [Section 2720 (a)], as made available by the passage of the California Wildlife, Coastal and Park Land Conservation Act of 1988 (P-70), to cover the purchase price and related costs; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

AS ONE OF THE CONSENT CALENDAR ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE ALLENSWORTH ECOLOGICAL RESERVE, EXPANSION #6, TULARE COUNTY, AS PROPOSED; ALLOCATE \$422,000.00 FROM THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND [SECTION 2720 (a)], AS MADE AVAILABLE BY THE PASSAGE OF THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT OF 1988 (P-70), TO COVER THE PURCHASE PRICE AND RELATED COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

*12. Lake Earl Wildlife Area, Expansion #20, Del Norte County \$342,500.00
(CONSENT CALENDAR)

This proposal was to acquire approximately 115 acres of privately owned property adjacent to the Lake Earl Wildlife area. The acquisition is part of an ongoing project to acquire lands surrounding Lake Earl and Talawa to facilitate better management of the Lake in its natural state. The subject parcel is located on the southeast side of Lake Earl, just northerly of Lakeview Drive.

The Lakes Earl & Talawa area is on the Smith River Plain, which extends southward from the mouth of the Smith River to Crescent City, the county seat of Del Norte County. The Smith River Plain is an integral part of the coastal arm of the Pacific Flyway. The waters of Lakes Earl and Talawa and the lands in this proposal include habitat that is critical to the existence of significant waterfowl populations, such as the Aleutian Canada goose, which is presently listed by the State and the U.S. Fish and Wildlife Service as endangered. The waters of Lake Earl also support the highest wintering population of canvasback ducks north of San Francisco Bay. The overall flood plain, lakes and surrounding uplands support over 250 species of birds, most of them water-associated, and 58 species of mammals.

The Board, at its June 22, 1979, meeting approved the concept of acquiring certain lands to protect and preserve Lakes Earl and Talawa, as proposed by the Department of Fish and Game, in coordination with the Department of Parks and Recreation and the State Lands Commission. In accordance with specific authorizations made by the Board over the last 14 years, staff has acquired over 2,600 acres in fee and easements within or adjacent to Lakes Earl and Talawa. An additional 2,600 acres have been leased from the State Lands Commission, placing a total of over 5,200 acres under Department of Fish and Game management.

The acquisition presently being proposed has been highly recommended by the Department of Fish and Game. It is the last private ownership of significant size and will greatly enhance the Department's management capabilities at the wildlife area. The acquisition will also provide additional protection to the riparian habitat in this area, along Jordan Creek, which runs through part of the property. The Department has also confirmed the existence of a variety of sensitive, rare or threatened species utilizing the subject property, which qualifies the project for funding under Proposition 70 of 1988 (Wildlife and Natural Areas Conservation Program). Among these are the Aleutian Canada goose, western snowy plover, coast cutthroat trout, sand dune phacelia and tidewater goby.

The owners have been involved in litigation with the Department, claiming that the Department's management practices at the lake have resulted in monetary losses to them and, in essence, a "taking" of their property. The case was set for trial in late 1993. However, rather than go to trial, the owners have agreed to sell portions of the property

to the State for its approved fair market value.

As structured, the settlement provides for the State to purchase the lowlands, those portions identified lying generally below the 10' to 12' mean sea level elevation, consisting of approximately 115 acres. The landowner will retain approximately 30 acres of uplands and the improvements constructed on those portions of the property. The appraised fair market value of the property is \$2,500 per acre, a total of \$287,500.

Management would be by the Department of Fish and Game as part of the overall management of the Lake Earl Wildlife Area. To assist in management, the Department proposes to fence off the lowlands from the remaining private ownership at a cost of approximately \$40,000. The acquisition is categorically exempt from CEQA under Class 13, acquisition of land for wildlife conservation purposes.

It is proposed that the fencing be funded in part (\$10,000) from the Wildlife Restoration Fund. The remaining \$30,000 in fencing costs, as well as the land purchase price of \$287,500, would be funded by the Wildlife and Natural Areas Conservation Fund (Proposition 70). Costs of sale, appraisals, surveying and administrative costs of the Department of General Services are estimated to be an additional \$15,000. The total recommended allocation, therefor, would be \$342,500.

Staff recommended that the Board approve this acquisition; allocate a total of \$342,500.00; \$332,500.00 from the Wildlife and Natural Areas Conservation Fund [P-70, Section 2720 (a)] and \$10,000.00 from the Wildlife Restoration Fund to pay the purchase price, fencing and related costs of purchase; 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. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE LAKE EARL WILDLIFE AREA, EXPANSION #20, DEL NORTE COUNTY, AS PROPOSED; ALLOCATE A TOTAL OF \$342,500.00, \$332,500.00 FROM THE WILDLIFE AND NATURAL AREAS CONSERVATION FUND [P-70, SECTION 2720 (a)] AND \$10,000.00 FROM THE WILDLIFE RESTORATION FUND TO COVER THE PURCHASE PRICE, FENCING AND RELATED COSTS OF PURCHASE; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

*13. San Joaquin Hatchery Settling Pond, Fresno County \$3,000.00
(CONSENT CALENDAR)

This was a proposal to lease 15± acres of Department of Fish and Game (Department) property for a period of 20 years for a commercial worm farming operation, which also provides fish waste removal; a cost savings to the State. The subject property is a portion of the Department's San Joaquin Hatchery site which is located in Friant, below the Friant Dam (Millerton Lake).

Operation of the hatchery necessitates regular cleanup and disposal of fish waste. This service has been provided by the public sector through the bid process wherein the State has sold the waste for removal from the hatchery premises. However, there is a limited market for this by-product and for over 13 years the successful bidder has been the AQUA LIFE Company which operates a wholesale worm farm business. It uses the waste as a food source for the raising of "Aquatic Worms" which are then sold for fish food.

AQUA LIFE has lost its present leased site and must relocate or go out of business, which, while being a personal loss to the owners, would also be an economic loss to the Department. In an effort to avoid this, the company has made a proposal to the Department as follows: 1) that if allowed to lease a site at the hatchery for its operation, the company would, at its sole cost, build for the Department a new and much needed settling pond; 2) that the company will provide, for the term of the lease, all needed fish waste cleanup and disposal needed by the hatchery; and 3) that the company will continue to accept all waste collected through the term of the lease.

The Department, in turn, will allow the company to relocate its operation on Department land and to construct new worm farming facilities as needed to continue its business, which is a wholesale operation, not a public retail operation.

WCB staff has reviewed the economics of the proposal and have determined the following:

- 1) The construction cost and value of the facilities to be installed for the Department totals approximately \$134,000. When this consideration is capitalized over the 20 year lease term, the indicated benefit to the Department is \$13,650 per year.
- 2) The Department has estimated that if they were required to pay for the regular cleanup and disposal of the fish waste products, its costs could be as high as \$100,000 per year.
- 3) Therefore, the benefit to the Department, counting both the initial construction of the new settling pond and the annual cleanup and waste disposal benefits, will average \$113,650 per year over the 20 year lease period.

The proposed lease area was a borrow site for earthen materials for the construction of Millerton Lake Dam and its current condition and location, lying within a flood plain, makes it economically unsuitable for farming, grazing and/or housing. The acreage is estimated to have a nominal rental value. It is the appraiser's opinion that the \$13,650 per year is ample payment for the leased acreage and the \$100,000 per year provided in services to the Department is more than ample for the waste received by the lessee. The current proposed payment to the State for the waste is \$400 per year, which includes all cleaning and disposal.

The owners have agreed to execute the State's lease and provide all required services. The Department has recommended that WCB accept the proposal. The lease, is not exempt from CEQA and although approved by WCB will still be subject to the Department and lessee applying for and receiving all necessary local, county and state entitlement permits, including complying with CEQA prior to any construction taking place. The company, however, will bear all costs of compliance with CEQA and local permit requirements.

Staff recommended that the Board approve the lease of this property; allocate \$3,000.00 from the Wildlife Restoration Fund for appraisal and Department of General Services review costs; 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. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE LEASE AT THE SAN JOAQUIN HATCHERY SETTLING POND, FRESNO COUNTY, AS PROPOSED; ALLOCATE \$3,000.00 FROM THE WILDLIFE RESTORATION FUND FOR APPRAISAL AND DEPARTMENT OF GENERAL SERVICES REVIEW COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

***14. Clear Creek Wildlife Area, Expansion #1, Shasta County \$45,000.00
(CONSENT CALENDAR)**

This was a proposal to consider the acquisition of a 13.6± acre parcel of land on Clear Creek, at its junction with the Sacramento River, to protect its riparian and fishery values.

MR. SCHMIDT REPORTED THAT THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND WOULD NOT BE CONSIDERED.

*15. San Joaquin River Riparian Habitat, Expansion #3 (Modified).

Fresno County

Scope Change

(CONSENT CALENDAR)

At its meeting of February 10, 1994, the Board approved the first phase of acquisition of Rank Island, 114± acres within a 272± acre ownership along the San Joaquin River in Fresno County. At that time, staff informed the Board of its pending application for a federal transportation enhancement (ISTEA) grant of up to \$4 million to acquire the balance of the ownership and another small parcel on the Madera County side of the river. On March 31, 1994, the California Transportation Commission (CTC) approved the grant of \$3.4 million in ISTEA monies to WCB for the Rank Island portion of the project.

In the earlier Board action, the Board approved the purchase of 114± acres using \$1.77 million of WCB funds and \$400,000 in Caltrans Environmental Enhancement and Mitigation (EEM) grant funds to pay for the \$2.17 million dollar first phase. Staff has now learned that the earlier-than-expected availability of the "Phase Two" grant funds will afford the Board an opportunity to save up to \$410,000 by combining Phase One and Phase Two into one transaction in order to acquire the entire \$5.145 million property as a single package. This was not previously considered to be realistic because the availability of the ISTEA grant was not expected for another 6 to 9 months, and the option to purchase the property required an earlier acquisition (phased) by the public. With the early CTC action, the landowner has agreed to restructure the sale to allow for a single purchase of the entire property, with an escrow closing in June or July of 1994. The significance of modifying the transaction to single phase is that ISTEA grant rules and regulations will then allow the WCB funds (from what would have been Phase One) to satisfy ISTEA's requirements of 12 percent matching funds.

The revised funding of the purchase is expected to be structured as follows:

ISTEA Grant	\$3,400,000
EEM Grant	400,000
WCB Funds	<u>1,345,000</u>
Total Expenditures	\$5,145,000

With an estimated \$15,000 in closing and administrative expenses, the Board's necessary allocation would be reduced from the anticipated \$1,770,000 down to \$1,360,000, an estimated saving to the Board of \$410,000. These funds would be recovered by the Board after conclusion of the purchase and could be used for additional San Joaquin River projects in this vicinity.

As the Board may recall from the February meeting, the flow of the San Joaquin River in this vicinity is controlled by releases from Friant Dam. The property contains a mature, mixed riparian forest system, primarily consisting of sycamores, cottonwoods,

willows and oaks. Sand and gravel extraction, still conducted on parts of the property, have left borrow ponds, some of which have begun to develop riparian vegetation. The property historically has been used for cattle grazing, with portions leased out for gravel extraction. It is zoned for 20-acre minimum-size residential development lots.

With well-documented losses of riparian habitat throughout California, the San Joaquin River, from Friant Dam downstream to Highway 99, was among the areas designated for selective Board acquisitions in the California Wildlife, Coastal and Park Land Conservation Act of 1988 (Proposition 70). The subject property was noted to be among the top priorities identified by the Department of Fish and Game, but until now, has not been available at a price or terms that could be met with available funding. Earlier acquisitions of high priority sites in this reach of the river since 1988 total about 520 acres.

Acquisition of the property would be categorically exempt from CEQA under Class 13 of exemptions, an acquisition of land for wildlife conservation purposes. The proposed management of the subject property would be by the Department as a unit of the existing San Joaquin River Ecological Reserve, primarily to protect and possibly to enhance the riparian habitat and natural lands. Fishing access would also be available along reaches of the river, to the extent compatible with sound riparian habitat management. Opportunities would also exist for educational experiences and other compatible uses such as sightseeing, birding, photography, hiking and picnicking. Nature trails, if properly routed, could be readily incorporated into the San Joaquin River Parkway, which is currently being considered for this area.

The State Lands Commission (SLC) has indicated it would claim fee ownership over $56.76 \pm$ acres of the property lying in the low water channel of the river and a public trust easement over $44.96 \pm$ acres lying between the low water channel and the ordinary high water line of the river. The appraiser, who was provided maps and descriptions of the SLC-claimed portions of the property prior to commencement of the appraisal, took into account the existence of the State's claims and concluded the overall value is, as indicated, \$5,145,000.00. The Department of General Services, in its review of the appraisal, concurs in this valuation and in the appraiser's treatment of the SLC claims and has approved the appraisal accordingly.

The SLC staff has reviewed the proposed granting documents and the appraisal and has indicated it does not object to the transaction in principle. However, SLC has recommended, and Board staff concurs, that the descriptions prepared by SLC be utilized in the transfer to assure contiguity to SLC's claimed boundaries on adjacent lands. Also, SLC has asked that the Department enter into an agreement whereby the Department, by lease or other agreement, assumes operation and maintenance responsibility for the areas claimed by the SLC. This process was followed at the Department's Milburn and Willow Units of the San Joaquin River Ecological Reserve, and staff concurs in this recommendation as well.

Staff recommended that the Board amend its February 10, 1994, action to approve the Rank Island acquisition as modified and proposed; and further recommended that if, for any reason, the ISTEAF funding fails, the acquisition of Phase One, as approved on February 10, 1994, proceed as planned; authorize the acceptance and use of the EEM and ISTEAF grant funds as outlined above for direct deposit to escrow; 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. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE AMENDING ITS FEBRUARY 10, 1994, ACTION TO APPROVE THE SAN JOAQUIN RIVER RIPARIAN HABITAT, EXPANSION #3 (MODIFIED), RANK ISLAND, FRESNO COUNTY, ACQUISITION AS MODIFIED AND PROPOSED; AND FURTHER RECOMMENDED THAT IF, FOR ANY REASON, THE ISTEAF FUNDING FAILS, THE ACQUISITION OF PHASE ONE, AS APPROVED ON FEBRUARY 10, 1994, PROCEED AS PLANNED; AUTHORIZE THE ACCEPTANCE AND USE OF THE EEM AND ISTEAF GRANT FUNDS FOR DIRECT DEPOSIT TO ESCROW; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

16. Napa Marsh Wildlife Area, Salt Pond Unit, Napa, Solano
and Sonoma Counties \$1,775,000.00

Mr. Schmidt reported this proposal involved a cooperative effort between the Shell Oil Spill Litigation Settlement Trustee Committee (Trustee Committee), the State Coastal Conservancy (Conservancy), the State Lands Commission (Commission) and the Wildlife Conservation Board (Board), to acquire 9,849± acres of salt ponds, dikes, levees and salt marsh wetlands located north of San Pablo Bay and west of the Napa River in Napa, Solano and Sonoma Counties. Ms. Lipphardt of staff explained the project. The subject property is located within an approximate 48,000 acre complex of tidal sloughs, rivers and reclaimed marsh known as the Napa Marsh. The boundaries of the present Napa Marsh complex are formed by the cities of Sonoma and Napa to the north, State Highway 121 on the west, San Pablo Bay on the south and the Napa River on the east.

Approximately 100 years ago, Napa Marsh was one of the largest wetland systems in the San Francisco Bay area, providing habitat for millions of migratory waterfowl and shore birds. An estimated 83 percent of the San Francisco Bay wetlands have been lost to industrial, commercial, agricultural and residential development since the mid-1800's. Today, the Napa Marsh complex is composed of reclaimed marsh lands used for agriculture, diked historic wetlands used for solar salt production and open water or marsh lands. The salt ponds and sloughs provide primary habitats for fish and water birds including the endangered California clapper rail. The marsh areas provide home to the endangered Salt-marsh harvest mouse and the diked agricultural lands provide seasonal wetland habitats during heavy rain periods.

The subject property is composed of approximately 7,300 acres of salt ponds, surrounded by levees and ringed by sloughs. Bands of salt marsh vegetation border the sloughs. There are 12 salt ponds varying in size from 135 acres to 1,320 acres. Seven of the ponds are located on islands with water access only. There are 52 miles of levees that form these ponds. These evaporative ponds have been used for salt production by the landowner since 1959. The landowner has ceased production of salt after having lost its one customer for the salt in 1990. Currently, the owners are continuing to manage the property for potential salt production, which is dependent upon pumping water through the system, thereby maintaining the existing habitat values of the property. The southwestern tip of the property, which is a 482 acre diked pond, is separated from the balance of the property by a duck club which is under separate ownership. This pond area has never been a part of the salt production facility and is a tidal marsh controlled by tide gates.

It has been reported that as many as 128 species of waterfowl, shorebirds and other water-associated birds utilize the salt ponds and adjacent sloughs and marshes. Several waterfowl species nest in areas adjacent to the salt ponds while others make extensive use of the salt ponds for wintering grounds and resting areas. According to the U.S. Fish and Wildlife Service (Service), San Francisco Bay is one of the most important staging

and wintering areas for Pacific Flyway migratory waterfowl, and the Napa Marshes are of paramount importance.

The proposed Salt Pond Unit of the Napa Marsh Wildlife Area will be added to the existing Napa Marsh Wildlife Area, forming a $12,000 \pm$ acre wildlife area. The Department currently owns approximately 2,000 acres of property in the Napa Marsh complex, including the Huichica Creek Unit, a $805 \pm$ acre property located immediately north of the subject; the Fagan Slough Unit, a $292 \pm$ acre property located northeast of the subject and on the east side of the Napa River; the Steamboat Slough Unit, a $468 \pm$ acre property located about 3 miles north and west of the subject; and the Tolay Creek Unit, a $156 \pm$ acre property located on the southwest edge of the Napa Marsh complex. In addition, under a 66-year lease with the State Lands Commission, the Department manages the 250-acre marsh called the Coon Island Ecological Reserve, which is located on the northeast boundary of the subject acquisition. All of these properties, which are part of the historic Napa Marsh complex, are managed by the Department for wetland habitat preservation and enhancement. The Service owns the $1,500 \pm$ acre Cullinan Ranch property, adjacent to and south of the subject property. These lands were farmed prior to their inclusion into the San Pablo Bay National Wildlife Refuge. It is anticipated that the Department and the Service will work jointly to manage these lands.

While several of the salt ponds on the subject area provide habitat for high numbers of migratory waterfowl and shorebirds, some ponds are too saline for most marine organisms, birds and insects. However, since the salt ponds once supported tidal marshes and have not yet been built upon, they have great potential for restoration to historic intertidal habitat. The potential for restoring areas within the Napa Marsh and the need for public acquisition in order to make restoration feasible has been recognized by resource and regulatory agencies for many years. In the 1977 report entitled "The Natural Resources of the Napa Marsh," the Department of Fish and Game recognized the need to acquire and restore the salt ponds should the owners ever cease salt production activities. Likewise, the San Francisco Bay Conservation and Development Commission's San Francisco Bay Plan recommends public acquisition of salt ponds and reintroduction of tidal action if salt production activities are ever discontinued. In addition, the Service has identified the Napa Marsh in its 1989 report entitled "Concept Plan for Waterfowl Habitat Protection: San Francisco Bay, California", as a site to be protected and enhanced.

Measured salinities in the ponds range from slightly above average San Pablo Bay water to over 20 times that of open ocean waters. The highest salinity area is found in Pond 7, the "bittern" pond. Bittern is a solution of sodium, magnesium and calcium salts remaining after sodium chloride is crystallized out of sea water. Less concentrated salt solutions are classified as brines and are found in various concentrations throughout the pond system. Prior to any habitat development or restoration of any of the ponds, the existing saline materials will need to be mobilized, diluted to background salinities, and then discharged, possibly to the Napa River or to San Pablo Bay, under the terms of a

National Pollutant Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Control Board. While not considered a "toxic waste" requiring clean-up by the Regional Board, the discharge of concentrated brine and bittern necessary for site restoration has a significant potential to affect aquatic productivity as well as migratory fish and crustacean behavior in the discharge zone. The landowner has funded some laboratory studies of bittern and brines which are preliminary to an application for the NPDES permit for discharge which will be needed to restore the property. While the studies performed to date are essential, several other studies are needed to obtain the permit. In addition, environmental documentation required under the California Environmental Quality Act (CEQA), will be needed when the Department prepares the management plan. Preparation of these documents and plans for management will require funding of services of consulting biologist and engineers. Staff recommends funding \$500,000 towards the preparation of a site restoration plan and the development of a management plan including any associated CEQA documentation required.

The landowners have offered to sell the property for \$10,000,000. The State Department of General Services and the State Lands Commission have approved the value of the subject property to be at least \$10,000,000. The use and management of the property and the funding for acquisition of the property have been agreed to in a Memorandum of Understanding (MOU) between the Trustee Committee, the Conservancy, the Commission, the Department and the Board. The MOU provides for funding of the acquisition portion of this project with \$6,500,000 coming from the Trustee Committee, \$1,000,000 from the Conservancy, \$500,000 from the Commission and the balance from the Board.

In an effort to reduce paperwork and assure timely transfer of the property, the Conservancy has approved their share of the contribution to be made in the form of a grant to the Board which will be deposited directly into escrow. In addition, Board staff has applied to the National Coastal Wetlands Grant Program for a grant to fund a portion of the acquisition. The grant has now been approved in the sum of \$750,000, as a reimbursement of costs. To facilitate the closing of the acquisition, the Trustee Committee has agreed to advance \$750,000 into escrow which will be reimbursed by the National Coastal Wetlands Grant Program directly, once the property is acquired. This action makes funds available from the Board to obtain the studies and associated documentation needed to initiate the restoration process as well as any documentation that may be required by CEQA when the developing the management plan for the property.

Acquisition of the property would be categorically exempt from CEQA under Class 13 of exemptions, an acquisition of land for wildlife conservation purposes. The proposed management of the subject property would be primarily for wetland habitat enhancement and protection and for public use compatible with wetland habitat protection. Processing costs are estimated to be \$25,000, which includes title and escrow fees and costs of General Services review.

Ms. Lipphardt reported that there was one pond that had never been part of the salt pond operations which was being acquired by the State Lands Commission. The Commission will decide whether to manage the area or to offer the land to the Department to manage as part of the overall area. The Department intends to manage the overall property and eventually restore it to tidal marsh. Currently, the owner has offered to maintain and manage the property for 90 days in its current condition, which is important because if the pumping should stop there is a possibility that the ponds could dry out. This would give the Department the opportunity to consider the owners offer to manage the area for up to three years for a fee of \$100,000 a year. Ms. Lipphardt added that Mr. Brian Hunter, Regional Manager, Department of Fish and Game's Central Coast Region, and the region's wildlife biologist Mr. Jim Swanson were present should there be any questions.

Staff recommended that the Board approve this acquisition as proposed; allocate a total of \$1,775,000.00: \$1,250,000.00 toward the acquisition of the property, \$500,000.00 for use by the Department for restoration and development of the management plan, and \$25,000.00 for processing costs. The total allocation was recommended from the funds and in the amount as follows:

California Wildlife, Coastal and Park Land Conservation Fund of 1988 (P-70)

1) Section 5907 (c)(1)(A-1)	\$1,046,490.69
2) Section 5907 (c)(11)	689,699.31
3) Section 5907 (c)(10)	<u>38,810.00</u>
TOTAL	\$1,775,000.00

Staff further recommended that the Board authorize staff and the Department of Fish and Game to proceed substantially as planned, including the authorization to enter into the MOU between the funding parties, accept the grant of funds from the National Coastal Wetlands Grant for direct reimbursement to the Shell Trustees Fund and accept the grant from the State Coastal Conservancy, to be applied toward this purchase as described herein.

Mr. Schmidt noted that letters of support had been received from the Napa County Land Trust, California Waterfowl Association and the U.S. Fish and Wildlife Service.

In answer to several questions relating to the salinity of the ponds and future management, Mr. Brian Hunter, Department of Fish and Game, reported that the area was currently salt production ponds that had not been operational for several years. He further indicated that the owners have been actively managing the area and adding water to the ponds. It is the intention of the Department, when the CEQA process and studies are completed, to start getting rid of the very salty water. Currently, one end of the acquisition area is regular bay water while the opposite end (easterly) contains high saline water. This dilution process will take place over a period of five to ten years. Mr. Hunter added that this was a tremendous opportunity for the Department and was

the largest tidal restoration project in California.

Mr. Schmidt indicated that Mr. Bob Douglass, representing Cargill (owner), was present. Mr. Douglass thanked the State's staff for the opportunity to work with them. He added that he thought the property could be restored sooner than ten years and that they will continue to work cooperatively with the State.

Ms. Parker added that this was an outstanding example of the kind of cooperative effort that can be achieved at both public and private levels. The project has tremendous implications on California and is very visionary. She recognized the outstanding work of the Department and Board staff in their cooperation with State Lands staff on this accomplishment. She further urged the Board to approve the proposal.

IT WAS MOVED BY MS. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE NAPA MARSH WILDLIFE AREA, SALT POND UNIT, NAPA, SOLANO AND SONOMA COUNTIES, AS PROPOSED; ALLOCATE A TOTAL OF \$1,775,000.00; \$1,250,000.00 TOWARD THE ACQUISITION OF THE PROPERTY, \$500,000.00 FOR USE BY THE DEPARTMENT FOR RESTORATION AND DEVELOPMENT OF THE MANAGEMENT PLAN, AND \$25,000.00 FOR PROCESSING COSTS. THE TOTAL ALLOCATION IS RECOMMENDED FROM THE FUNDS AND IN THE AMOUNT AS FOLLOWS:

CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 (P-70)

1) SECTION 5907 (c)(1)(A-1)	\$1,046,490.69
2) SECTION 5907 (c)(11)	689,699.31
3) SECTION 5907 (c)(10)	<u>38,810.00</u>
TOTAL	\$7,775,000.00

IT WAS FURTHER RECOMMENDED THAT THE BOARD AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED, INCLUDING THE AUTHORIZATION TO ENTER INTO THE MOU BETWEEN THE FUNDING PARTIES, ACCEPT THE GRANT OF FUNDS FROM THE NATIONAL COASTAL WETLANDS GRANT FOR DIRECT REIMBURSEMENT TO THE SHELL TRUSTEES FUND AND ACCEPT THE GRANT FROM THE STATE COASTAL CONSERVANCY, TO BE APPLIED TOWARD THIS PURCHASE AS DESCRIBED.

MOTION CARRIED.

17. Cortina Ridge Wildlife Area, Colusa County \$710,250.00

This proposal was to consider the acquisition of 2,267± acres of land located in Colusa County for the protection and restoration of habitat for Tule elk as a cooperative project with the Rocky Mountain Elk Foundation.

MR. SCHMIDT REPORTED THAT THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND WOULD NOT BE CONSIDERED.

18. Atascadero Creek Ecological Reserve, Sonoma County \$240,000.00

Mr. Schmidt reported that this was a proposal to consider the acquisition of 44± acres of land in Sonoma County, located approximately ½ mile south of the unincorporated community of Graton, and about 15 miles westerly of Santa Rosa. Mr. Giordano explained the proposal. Access is from State Highway 116 northwesterly to Green Valley Road, where the property fronts Green Valley Road at its crossing of Green Valley Creek. The surrounding lands are mainly rural in nature (orchards, vineyards, etc.) with residential development beginning to encroach.

The main features of the subject are Green Valley and Atascadero Creeks, a lake of about eight surface acres in size and its accompanying riparian habitat. Atascadero and Green Valley Creeks are a well formed riparian waterway system that spreads out in a relatively flat basin forming a mix of seasonal and permanent wetlands with riparian woodland as the dominant historic overstory. Biologically, the area is a critical part of the wetland ecosystem of the Atascadero Creek and marsh basin, and a sensitive biotic production area of the Russian River watershed. The majority of the area is wetland habitat, which is used by large numbers of local and migratory avian, and terrestrial and aquatic species.

This wetland property received heavy use by shore and wading birds and other water related species. Seasonal migrations of passerine birds fill the riparian canopies and many raptorial species are local nesters. Deer, raccoons, squirrels, rabbits, hares, mink, skunks, foxes and other mammals are present and depend upon the maintenance of this habitat for survival.

Waterfowl are abundant with a high number of species represented during wintering periods, in this portion of the Pacific flyway, when water is ponded. Mallards, cinnamon teal and wood ducks are the primary spring nesting species. Migratory species include shore birds, water birds, doves, bandtailed pigeons, robins and raptors. Many of these species are also local nesters because of the mild Mediterranean climate. Downstream fisheries are supported by biotic production in the wetlands which also provide cover and shade. Terrestrial mammals such as deer are becoming more dependant on these habitats as lands are being converted to alternate uses. The lake area was historic marsh which presently provides for waterfowl and other water bird use and

biotic diversity during the summer and other usually dry periods.

The property contains critical habitat type for rare, threatened or endangered species, including the endangered Sebastopol meadowfoam, while the marsh and riparian units are critical for water quality, and the endangered freshwater shrimp found in the basin. Endangered peregrine falcons visit the site from local areas after the nesting season and forage along the marsh and riparian waterways on their way to the coast. They feed on the birds which are produced or supported by these critical wetland habitats.

The proposed use of the subject property is as an ecological reserve, and as such, public use would be minimal. Management by the Department of Fish and Game may include reintroduction of extirpated species and will certainly include the restoration and preservation of existing habitat.

The owner has agreed to sell the subject property at the approved fair market value of \$220,000. Processing costs are estimated at \$20,000 which includes the cost of the appraisal, title, survey, escrow and Department of General Services review charges. 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 \$240,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund of 1988 [P-70, Section 5907 (c)(10)], not (c)(11) as shown in the agenda; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt noted there were no known opposition or support letters regarding this project and recommended approval.

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

IT WAS MOVED BY MS. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE ACQUISITION OF THE ATASCADERO CREEK ECOLOGICAL RESERVE, SONOMA COUNTY, AS PROPOSED; ALLOCATE \$240,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND OF 1988 [P-70, SECTION 5907 (c)(10)]; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

19. Upper Sacramento River Wildlife Area, River Mile 147-R,
Colusa County \$185,000.00

Mr. Schmidt reported that this proposal was to consider the acquisition of a fee interest in a $124\pm$ acre portion of a $205\pm$ acre parcel, and a $81\pm$ acre conservation easement over the balance of the parcel. Ms. Lipphardt explained the proposed project. The subject property is located on the west bank of the Sacramento River, approximately two miles north of the town of Colusa, and can be reached via Brown Road off State Highway 45.

The Department of Fish and Game's (DFG) other Sacramento River ownerships in Colusa County include a conservation easement over a $76.20\pm$ acre property located approximately four miles north of the subject, a newly acquired $23\pm$ acre conservation easement just across the river and downstream of the subject, and a total of $725\pm$ acres of land located on the Sacramento River in various locations north and south of the subject. Of the $725\pm$ acres purchased by WCB for DFG, $609\pm$ acres were in riparian habitat when purchased and are currently managed to preserve the riparian character of those lands. Approximately 114 acres of this total were planted in orchards and/or row crops and the Department anticipates most of these areas will gradually be restored, or allowed to revert naturally, to riparian habitat. Twelve acres of the total orchard property is presently under lease and continues to be farmed as is the $23\pm$ conservation easement area. A walnut orchard on a $40\pm$ acre parcel has been removed and the root stumps have been sprayed. This area will be allowed to restore on its own with no planting. The balance of the orchards and farmed areas, some $38\pm$ acres, are newly acquired. The Department is currently in the process of developing a new management plan for all of the Sacramento River wildlife areas which will also address management of farmed lands. The remaining 2 acres of the $725\pm$ acres is a rural homesite that lies outside the levee on Highway 45, and has been identified by staff as a potential property for sale as a land disposal.

The $124\pm$ acre portion of the subject area consists of riparian habitat as well as a sand and gravel bar area. The riparian growth includes oaks, cottonwoods, willows and a dense undergrowth of other riparian plant species. These natural communities are known as the Great Valley Oak/Mixed Riparian Forests, a habitat that supports more than 200 species of birds and 42 species of mammals and is considered by the Department of Fish and Game to be very productive terrestrial ecosystem. Threatened and endangered species dependent upon the riparian habitat located on this property include the Valley elderberry longhorn beetle, bald eagle, American peregrine falcon, Swainson's hawk, Western 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, 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 habitat of the early 1800's remain today.

Public ownership of this habitat will prevent further loss by preserving the existing conditions.

The subject 81± acre conservation easement consists of a 35± acre prune orchard, a 22± acre open field area, currently planted in beans, 7± acres of riparian habitat and a 13± acre lake woodland area. Under the easement, the landowners have agreed to not develop the land further and to restrict the use of the land to agricultural activities. The easement also provides for the landowner, working with the Department of Fish and Game, to develop a restoration and management plan for the farmed and lake woodland areas for eventual riparian restoration and/or enhancement. Agricultural use by the landowner can continue at the landowner's option. The intent of the easement is to work with the landowner to enhance the riparian character of the site. Some farmed areas, such as orchards, can provide habitat for yellow-billed cuckoos and therefore have wildlife value even as they are farmed. Acquisition of the easement will prevent further development of the site and restrict such currently allowable uses as grazing, hunting and recreational use.

The landowners have agreed to sell the property at the approved fair market value of \$119,600 for the 124± acres and \$55,650 for the 81± acre conservation easement, or a total of \$175,250, subject to a survey to confirm the precise acreage in each area. Processing costs are estimated to be \$9,750, 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 consideration 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 a total of \$185,000.00; \$108,153.23 from the Habitat Conservation Fund/P-117, (Upper Sacramento River Basin) and \$76,846.77 from the Wildlife Restoration Fund; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt stated that several people had indicated they wanted to address the Board. Mr. Schmidt called the first person.

Ms. Jane Kagehiro, adjacent property owner, submitted to the Board several petitions against the sale of the property from the residents of Colusa County. Ms. Kagehiro expressed her concern that her father would not have wanted this sale and that she was not aware until mid April that the property had been sold to a partnership, which consisted of several family members. She has given the partnership an offer to purchase the property which far exceeds the State's offer in present and potential value. Ms. Kagehiro opposes this sale and has hopes of purchasing the property herself. Her further concerns regarding this purchase are related to the restrictions that she feels this

acquisition would impose on agricultural practices on adjacent lands, as far as herbicides, pesticides, fertilizers and water rights are concerned. In addition, she feels the State is purchasing wilderness areas, which are virtually unusable land, at high prices (local farmers could not sell the land for the price the State is paying, it would be at a much lower price), is taking acreage off tax rolls wherein both the County and State suffers a loss, is creating a problem by taking the irrigated farm land and returning it to its natural riparian state which also removes incoming generating properties from the market, and is allowing unrestricted increases in the wildlife populations near farm land as well as near occupied dwellings.

Mr. Schmidt called the next speaker, Fred Braden. Mr. Braden withdrew his request to speak.

Mrs. Wilbur Halsey, an adjacent landowner, was the next speaker. She stated that: (1) she was very concerned that the spraying and use of herbicides might be forbidden, (2) there would be an increase in public access, traffic and dust on the roadway, (3) a diesel engine well is located within 25 feet of proposed parcel and she is afraid she will have to stop using her well due to pollution or some other reason, (4) the property was suppose to stay in the family. Furthermore she asked if riparian water rights would go with the land and if Jane Halsey would have access to these water rights. Mrs. Halsey also asked if there was any land trade/exchange between the State and Mr. Warren Halsey.

In answer to some of Ms. Kagehiro's and Mrs. Halsey's concerns, Ms. Lipphardt explained that access would be for administrative use only and not for public use. The only public access, to the beach, would be from the river. The parcel was being purchased for the habitat values and not public use. The only way the State could sell the parcel would be to go back to the Legislature for approval (because of funding source used for the purchase), but a sale is very unlikely. Ms. Lipphardt and Mr. Schmidt both stated that Mr. Warren Halsey did not receive any land from the State in a trade. Ms. Lipphardt stated the owner was retaining a portion of the property (State only acquiring easement rights) which means it will stay on the tax rolls, and the Department will pay in-lieu fees for the portion the State is acquiring, so the County will have the benefit of some fees.

Furthermore, Ms. Pat Perkins, Wildlife Management Supervisor, Department of Fish and Game, reported that the State owns other property along the Sacramento River and has neighbors on those parcels. The Department does not restrict any legal activity (use of pesticides, fertilizers etc.), nor does the State require any buffers or impact water rights.

Mr. Warren Halsey, partner of company that owns the subject property, stated the previous questions raised were honest, legitimate, and heartfelt questions that were all explainable. He stated he tried to put together a unique easement which would allow a plan to continue and maximize farming uses and benefits without losing the riparian

value. The farming community and the county assessor are not losing. In perpetuity, the wildlife aspects are going to be managed. He added this was a good project and was very enthusiastic about it. Mr. Halsey stated he was not considering the offer by Ms. Kagehiro. This proposal has been in the works for five years and commended Ms. Lipphardt for her willingness and availability over that period of time.

Mr. Schmidt reported this item was on the Board's agenda approximately two years ago and was withdrawn to address family issues. He added, that if the Board approved the item, that Board staff would be willing to give Mr. Halsey a chance to consider the offer before proceeding towards closure.

Mr. Boren 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 UPPER SACRAMENTO RIVER WILDLIFE AREA, RIVER MILE 147-R, COLUSA COUNTY, AS PROPOSED; ALLOCATE A TOTAL OF \$185,000.00, \$108,153.23 FROM THE HABITAT CONSERVATION FUND/P-117 (UPPER SACRAMENTO RIVER BASIN), AND \$76,846.77 FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

20. Santa Clara River Enhancement and Management
Plan, Los Angeles and Ventura Counties \$100,000.00

Mr. Schmidt reported this was a cost-sharing proposal to fund a biological resources assessment for the Santa Clara River in Los Angeles and Ventura counties. Mr. Scott Clemons described the proposal. This assessment is a key element in a large interagency effort to develop an enhancement and management plan for the Santa Clara River, the largest river system in southern California, and one of the last major rivers in the region that remains in a relatively natural state. Ventura County Flood Control District will coordinate the development of the biological resources assessment with the advice and cooperation of the Department of Fish and Game and the U.S. Fish and Wildlife Service. The goals of this assessment are to provide a better understanding of the historical and current distribution of natural habitat along the river, and to identify the potential distribution of natural habitat (i.e., what habitat can be restored?).

The Santa Clara River is nearly 100 miles in length, and has a watershed of approximately 1,200 square miles. It originates on the northern slope of the San Gabriel Mountains in Los Angeles County, traverses the length of Ventura County, and flows into the Pacific Ocean with major tributaries including the Sespe, Piru, San Francisquito, Castaic, Hopper and Santa Paula creeks.

This river system provides actual and potentially restorable habitat for several State and Federally listed species, including the least Bell's vireo, unarmored threespine stickleback, California least tern, western snowy plover, bank swallow, and salt marsh bird's beak. Many sensitive species of special concern (birds, fish, and reptiles) call the Santa Clara River corridor their home. In addition, the nearly extinct local run of steelhead trout make their way upriver each year to Sespe Creek, a recently designated Federal Wild and Scenic River.

The Santa Clara River Enhancement and Management Plan is being developed under the guidance of a multi-agency Project Steering Committee to help all of the "stakeholders" gain a clearer understanding of river dynamics and to identify opportunities for cooperation in managing one of Southern California's last natural rivers. These "stakeholders" represent federal, state, and local government, private landholders, the aggregate industry, flood control, water resources, agriculture, recreation, and biology.

During the first phase of this project, the participants have identified the conflicts - and thus, opportunities for cooperation - for the thirteen individual reaches of the river. A sampling of the most pronounced conflicts between river interests include: a significant amount of agricultural land is threatened by flooding; the presence of high-quality sources of aggregate; habitat for the least Bell's vireo and other endangered and threatened species; the possibility of encroachment by urban growth; increasing demands by recreational users for access to river property; the importance of nearby groundwater basins as primary water supplies for the two cities; and groundwater degradation caused

by the runoff of nitrites from farms.

The pace of development in the Santa Clara River Valley is accelerating and action to preserve the intact ecosystem of the river must be initiated now if success is to be achieved. No other river system of its size in the region retains the Santa Clara's natural qualities and high potential for restoration. For example, the Santa Ana River's peers, the Los Angeles, Santa Ana and San Gabriel, are concrete box channels for much of their length, with little, if any, wildlife values. The proposed biological resources assessment will provide the technical information needed to support protection and restoration activities to be undertaken as part of the overall enhancement and management plan approach.

Development of the biological resources assessment will address the following issues:

- o Distribution of the existing vegetation types associated with the river
- o Assessment of the fish and wildlife habitat associated with the vegetation
- o Identification of the critical problems affecting fish populations and their management
- o Location and distribution of existing fish and wildlife habitat features (migration or travel corridors, barriers to migration, etc.)
- o Locations of federal and state listed and candidate species and "species of concern"
- o Population size and habitat requirements for those species
- o The extent of exotic plant and wildlife species in the river corridor and recommendations for eradication or control
- o Historical extent of riparian vegetation along the river corridor
- o Identification and prioritization of areas suitable for riparian and wetland restoration and enhancement
- o Identification of areas of concern and possible conflicts
- o Recommendations for resolving concerns and conflicts

This project will include field studies, preparation of thematic maps, and a report summarizing the above information. This information will be digitized for entry into a Geographic Information System and for integration into the Enhancement and Management Plan. The information gained will be valuable for future restoration projects for riparian habitat serving numerous fish and wildlife species.

Funding proposed to date for the Management and Enhancement Plan reflects the cooperative efforts of the following contributors:

State Coastal Conservancy	\$200,000
U.S. Environmental Protection Agency	\$ 20,000
City of Santa Clarita	\$ 10,000

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Ventura County Flood Control		\$ 50,000
	(In-kind)	\$ 75,000
Los Angeles County Public Works		\$ 50,000
	(In-kind)	\$ 75,000
U.S. Fish and Wildlife Service	(In-kind)	\$ 10,000

Additional in-kind pledges from other organizations is anticipated. The total cost of this plan is expected to be \$550,000. The proposed biological resources assessment will be funded by this \$100,000 grant, if approved. Matching in-kind support for the grant will be provided by the Ventura County Flood Control District and the U.S. Fish and Wildlife Service.

Mr. Schmidt reported letters of support had been received from the U.S. Fish and Wildlife Service, Friends of Santa Clara River, California Coastal Conservancy, Assemblyman Jack O'Connell, City of Santa Clarita, Newhall Land and Cattle Company, County of Los Angeles and National Park Service.

Staff recommended that the Board approve funding for the Santa Clara River Enhancement and Management Plan as proposed; allocate \$100,000.00 from the Habitat Conservation Fund/P-117 (ELPF), as authorized for use by the California Riparian Habitat Conservation Program; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Ms. Parker indicated that to spend \$100,000 to enter into a partnership with a number of other entities for a project such as this would be money that would be very well spent.

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

IT WAS MOVED BY MS. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE BIOLOGICAL RESOURCES ASSESSMENT FUNDING FOR THE SANTA CLARA RIVER ENHANCEMENT AND MANAGEMENT PLAN, LOS ANGELES AND VENTURA COUNTIES, AS PROPOSED; ALLOCATE \$100,000.00 FROM THE HABITAT CONSERVATION FUND/P-117 (ELPF), AS AUTHORIZED FOR USE BY THE CALIFORNIA RIPARIAN HABITAT CONSERVATION PROGRAM; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

21. Honcut Creek Wildlife Area, Butte County \$239,380.00

Mr. Schmidt reported that this proposal was to consider the acquisition of conservation easement rights over $295 \pm$ acres of seasonal wetlands, related riparian habitat and agricultural lands for the preservation and enhancement of existing habitat and wildlife corridors. The proposed acreage, being a portion of a larger ownership, is located approximately 15 miles north of Marysville. Mr. Giordano explained the proposal. It is accessed from Lower Honcut Creek Road which runs easterly from State Highway 70 in Butte County. The subject property lies between north and south Honcut Creeks, the latter which is the Yuba-Butte County line. It is comprised of a valley oak woodland/riparian habitat, which runs along both creek areas and the area between the creeks which is currently being farmed for rice production or used as set-a-side.

A mature Great valley and valley oak riparian forest is the dominate habitat in areas of native vegetation along the creeks. Honcut and South Honcut Creeks are small channels with intermittent flows, depending on the time of year and amount of rainfall. In dry years, the creeks cease to flow, however, small pools of water may still be found even in summer months.

The woodland/riparian habitat contains $66 \pm$ acres while the area containing the rice farming operation and set-a-side land consists of $229 \pm$ acres. The farmed acreage is used as a private duck club during waterfowl season, providing seasonal wetlands for many water-related birds.

The property's varied habitat types hosts many wildlife species including deer, wild turkey, California quail, dove, duck, rabbit, fox and coyote. The woodlands seasonally support the endangered Bald eagle, and the endangered willow flycatcher. Although its use of the area is not documented, it is likely that Swainson's hawk, state threatened, nests in the forest and forages in adjacent open land. Occasional feeding, roosting and loafing visits, primarily in winter, by the Peregrine falcon, state and federal endangered, can be expected. The Valley elderberry longhorn beetle, federal threatened, may occur along Honcut Creek as its host plant, the elderberry, is present. The Western pond turtle is found in Honcut Creek and although no Giant garter snakes have been found recently, old records of Giant garter snake, state threatened, occurrences existed along the creeks.

In addition to those species listed above, Cooper's hawk, sharp-shinned hawk, golden eagle, ferruginous hawk, northern harrier, osprey, merlin, prairie falcon, long-eared owl, purple martin, yellow warbler and yellow-breasted chat are seasonal users of the Honcut Creek area. Townsend's bit-eared bat, California mastiff bat and American badger may also occur in the area.

There are three types of conservation easements, each containing specific terms related to the areas of concern, being proposed to insure preservation of this area. They include an easement for the protection and preservation of the riparian habitat $66 \pm$ acres, an

easement to eliminate farming and allow natural vegetation to regenerate over 86± acres and an easement to continue to allow farming while restricting crops to those which are beneficial to wildlife over the remaining 143± acres.

The easements provide that no further development may take place which would be harmful to wildlife. The owners have reserved their full right to hunt the property along with all other compatible recreation activities. There will be no public use allowed under the terms of the proposed easements. The owner has reserved out an area around the existing home site and an area for one additional residence.

The owner has agreed to sell the subject easements to the State and at the total approved fair market value of \$215,520.00. Processing costs are estimated to be \$23,860 which includes the cost of appraisal, survey, title, escrow and Department of General Services review charges. 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 the easements as proposed; allocate \$239,380.00 from the Habitat Conservation Fund (P-117), as made available to the Inland Wetlands Conservation Program; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Giordano noted that the property owner was present should there be any questions.

Mr. Boren 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 EASEMENT RIGHTS AT THE HONCUT CREEK WILDLIFE AREA, BUTTE COUNTY, AS PROPOSED; ALLOCATE \$239,380.00 FROM THE HABITAT CONSERVATION FUND/ P-117, AS MADE AVAILABLE TO THE INLAND WETLANDS CONSERVATION PROGRAM; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

Mr. Boren commented that he was impressed with the project but emphasized the importance of a good accounting and auditing system of easements.

Mr. Schmidt reported that the Natural Heritage Division, Department of Fish and Game, would be putting together a format to monitor all Department properties on an annual basis including easements, leases, etc.

22. Wetland Conservation Easement Program (Department of Fish and Game) \$455,900.00

Mr. Schmidt indicated that this proposal was to fund the acquisition of two conservation easements which are a little more restrictive than the easements previously considered. This is a Department of Fish and Game program designed to protect wetlands with specific management responsibilities being placed on the owners. Mr. Schmidt noted that two separate items contained in Item 22, one in Stanislaus County and the other is adjacent to the parcel just discussed in Butte County. Mr. Giordano explained the Butte County proposal first (Item B), and then the Stanislaus County proposal (Item A).

In the fall of 1991, the Department of Fish and Game (DFG) initiated a program of purchasing permanent conservation easements, which contain specific private management requirements on Central Valley wetlands. The program is intended to ensure the preservation and enhancement of existing and restored marshes critical to the welfare of waterfowl wintering in California with a long-term goal of placing at least 75,000 acres of wetland habitat under permanent easements.

Guided in part by the Implementation Plan formulated by the Central Valley Habitat Joint Venture, the Department selects parcels qualifying for this program from among a host of properties offered by their owners. The easement purchase price is derived from a formal appraisal, as approved by the Department of General Services. Due to the continuing operation and management requirements being placed on the owners, the easement values, depending on the agricultural potential of the property have ranged between 20 percent and 70 percent of fee value. Of course, the benefit to the State is the protection of wetland habitat in perpetuity with future operation and maintenance costs being absorbed by the underlying fee owners.

The terms and conditions of the easement agreement permit full and exclusive use of the property by the landowner except those uses which would result in the loss of wetland habitat or the degradation of the property's waterfowl habitat values. In addition, the DFG, in cooperation with the landowner, has developed a marsh management plan for each property to be encumbered by the easement. The plan is intended to assure the development and maintenance of high quality waterfowl habitat throughout the property with each participant being responsible, at their cost, for the maintenance and water supply for their property. Although the program is aimed primarily at preserving natural marsh habitat, some portions of the property may be devoted to unharvested grain crops or "food plots". It should also be pointed out that the program is structured to allow for the acquisition of easements on those properties which are not currently wetlands, but where conversion to wetland habitat is in progress or imminent.

The term of the easement, which does not provide for public access, extends in perpetuity and the easement runs with the land regardless of changes in ownership. Should waterfowl hunting be prohibited by State or Federal mandate for a period of three

consecutive years, the landowner may initiate a process which could result in the termination of the easement and reimbursement of the State's costs of purchasing the easement. Additionally, should the grantor desire to sell the encumbered property, the State has reserved the first right of refusal to buy at fair market value.

Under the provisions of this program, the DFG has identified a number of areas for acquisition consideration. WCB staff has been conducting the negotiations for this program and are presenting the following two proposals for Board consideration.

A. San Joaquin Wetland Farms, Expansion #1, Stanislaus County \$293,000.00

This was a proposal to acquire a conservation easement over 481.39± acres of land which is the remaining portion of the original easement acquisition the Board approved at its May 12, 1992, meeting. The property is located in western Stanislaus County near the community of Grayson, lying east of I-5 and west of the City of Modesto. The entire ownership consists of historical wetlands and riparian habitats. The subject land is used for hunting and as a wetlands and riparian preserve. The marsh management plan will eliminate all potential commercial farming and grazing and provide for the management of this acreage as optimum wetlands and riparian habitats together with the original 93± acre easement acquisition.

B. Victor Ranch (Honcut Creek), Butte County \$162,900.00

This was a proposal to acquire a conservation easement over 106± acres located in Butte County, approximately 15 miles north of Marysville. It is accessed southerly off Lower Honcut Road which runs easterly from State Highway 70. The subject land has been used for farming and as a duck club. North Honcut Creek runs along the subject. It also lies adjacent to and northerly of the proposed Honcut Creek Wildlife Area, item #21 of this agenda. The proposed marsh management plan will eliminate all commercial farming or other agricultural uses and provide for the majority of the property to be maintained in permanent and seasonal wetlands.

The owners of each of the above properties have agreed to sell at the Department of General Services' approved appraised fair market value which totals \$443,094. It is estimated that an additional \$12,806 will be needed for appraisal, escrow and Department of General Services review costs. The acquisitions are exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition for wildlife conservation purposes.

Mr. Giordano indicated that Mr. Glenn Rollins, Department's coordinator for the wetland easement program, and Mr. Neal Nelson, property owner for Item A, were present should there be any questions.

He also pointed out that a letter had been received from the Turlock Mosquito Abatement District expressing some concerns regarding the mosquito control requirements but did not oppose the acquisition.

Staff recommended that the Board approve the two proposed easement acquisitions as one item, as proposed; allocate a total of \$455,900.00 from the Habitat Conservation Fund/P-117, as made available to the Inland Wetlands Conservation Program; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Art Dykzenl, dairy farmer adjacent to property in Stanislaus County, discussed the makeup of the river, how the project would adversely affect the flows of the river and how it would create mosquitos and health hazards. He then requested a delay to address concerns.

Mr. Schmidt reported that this project does not affect the river in any way nor does it affect or change the flows. Mr. Giordano added that the easement was structured in such a way as to not demand the owner to create new and/or additional wetlands, to grow more trees, to impede flood volumes, but was an easement in which the land would be left in a natural state. Additionally, the river itself is not being affected, the old channel belongs to the State of California and we are not buying easements over property that already belongs to the State. The easement requires leaving the property in a natural state and whatever needs to be done to adhere to this, local laws and ordinances have to be complied with.

Mr. Boren inquired if the property had been used as a receptacle for siltation and/or irrigation runoff. Mr. Glenn Rollins, Department of Fish and Game, responded that the owner had been working cooperatively with a number of agencies to capture the waste water from adjacent agricultural fields causing siltation in the old river channel. The owner has a cost share program in effect which he will create (this is not part of the easement) a 5 to 10 acre siltation basin which will capture the runoff water from the agricultural fields. This would actually improve the siltation aspects of the old channel. Mr. Rollins further stated this section of the old river is absolutely pristine, the most gorgeous piece of property in the San Joaquin Valley. The property owner is a premiere wetland manager in the San Joaquin Valley. The owner has cut channels through the property creating better drainage in the area, thereby better water control, and hence mosquito control, than in the past as was indicated by the Mosquito Abatement District's letter. Mr. Rollins stated that everyone was concerned about mosquitos and that the Department will work cooperatively with the District and are certainly not going to do anything on that property which is going to encourage mosquitos.

Mr. Rollins further indicated that the purchase of this permanent easement is part of the Central Valley Habitat Joint Venture Program to help meet the goals of preservation, restoration and enhancement. The management plan for the property that is developed for this easement is very flexible, managing the existing ponds in their present state.

MOTION CARRIED.

23. Suisun Marsh Restoration and Enhancement, Solano County \$300,000.00

Mr. Schmidt reported that this was a proposal to authorize a \$300,000 grant to the Suisun Resource Conservation District (SRCD) for the restoration and enhancement of privately owned wetlands in the Suisun Marsh. The proposal provides that these funds be matched, dollar for dollar, resulting in \$600,000 worth of wetland improvements on private lands. Consistent with the Central Valley Habitat Joint Venture plan, this project is designed to assist in meeting the objective of enhancing wetland habitat on 291,555 acres of public and private lands. Ms. Marilyn Cundiff-Gee explained the project.

The Suisun Marsh consists of approximately 85,000 acres and is the largest contiguous estuarine marsh in the lower forty-eight states. Bays and sloughs comprise approximately 30,000 acres and marsh and upland areas comprise the rest. Within the Suisun Marsh, approximately 40,000 acres are privately owned with 158 individually managed properties, and the remainder is owned and managed by the Department of Fish and Game (DFG).

The Suisun Marsh comprises almost 12 percent of the remaining natural wetlands in California. Salt marshes, tidal flats, seasonal ponds and uplands provide critical habitat for more than 227 species of birds and 43 species of mammals, thousands of shore birds, dozens of songbird species, and seven state or federally listed species. In addition, this area is particularly important for wintering and nesting habitat for waterfowl of the Pacific Flyway and is one of three significant wintering areas in the world for tule geese. It is also home to a free roaming herd of tule elk.

The importance of the Suisun Marsh has been well documented by state and federal wildlife agencies and is protected by the Marsh Preservation Act of 1974, which ensures that existing wetland uses will be perpetuated. In addition, the Act required the preparation of a fish and wildlife protection plan which is designed to preserve the integrity of the marsh ecosystem and assure a continued wildlife use of the area.

Recognizing the importance of public/private partnership in preserving the Suisun Marsh, the SRCD, in conjunction with the Department of Fish and Game and the Soil Conservation Service prepared individual management plans for private wetland owners. These management plans, certified by the San Francisco Bay Conservation and Development Commission, identify specific management practices and techniques necessary to preserve and maintain the delicate balance and integrity of the Suisun Marsh.

While management plans have been developed for each individual wetland parcel in the Suisun Marsh, restoring and enhancing the wetlands is a very time consuming and costly proposition. This proposal is designed to provide an incentive for the landowners to work on wetland restoration and enhancement projects that have been put aside due to lack of funds.

Specifically, the grant funds proposed herein will be matched by the individual landowners, who in turn, will sign a long-term partnership agreement (for 25 years) committing to manage and maintain the capital improvement for wetland enhancement purposes. Pre and post site inspections will be completed as a cooperative effort between the SRCD, DFG and Wildlife Conservation Board staff.

Capital improvements being completed on individual areas will include such activities as improving interior and exterior levees, installing culverts and gates and improving water control and conveyance systems. In addition, the funds will be used to provide additional nesting islands and upland habitat for nesting waterfowl. All landowners will be required to follow the design specifications specified in the SRCD Local Protection Program.

For the past several years, the State has worked cooperatively with the SRCD to provide incentive payments designed to restore, enhance and protect the Suisun Marsh. This proposal is designed to further facilitate this partnership and secondly, demonstrate to other Resource Conservation Districts throughout the Central Valley that public/private partnership can achieve resource protection efforts that otherwise may not be accomplished.

In addition, it is important to recognize that the \$300,000 state investment will be leveraged to attract an additional \$300,000. Leveraging limited state resources and facilitating partnerships with the private sector reflects a true conservation effort that not only makes environmental sense but economic sense as well. Moreover, this project further highlights effectiveness of public/private partnerships as called for in Governor's Wilson's Comprehensive Wetland Policy.

Mr. Schmidt reported that the importance of this overall wetland complex was recognized back in 1974, with the passage of the Marsh Preservation Act of 1974, which was carried at that time by Assemblyman Fazio. Partnership projects like this are very valuable in carrying out the Inland Wetlands Conservation Program as well as the Central Valley Habitat Joint Venture in establishing further wetlands.

Staff recommended that the Board approve the Suisun Marsh Restoration and Enhancement grant request to the Suisun Resource Conservation District as proposed; allocate \$300,000.00 from the Habitat Conservation Fund (P-117), as designated for the Inland Wetlands Conservation Program; 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 Suisun Conservation Fund and the California Waterfowl Association and that Mr. Lee Lehman, Suisun Resource Conservation District, was present should there be any questions. He then introduced Senator Mike Thompson, who joined the meeting at this time.

Senator Thompson stated this was an outstanding investment for the future of waterfowl in California and supported the project.

Ms. Parker applauded the cooperation efforts to develop this partnership project involving local/private interests for marsh restoration and enhancement which the State is financially unable to do at this point in time.

IT WAS MOVED BY MS. PARKER THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE GRANT REQUEST FOR THE SUISUN MARSH RESTORATION AND ENHANCEMENT, SOLANO COUNTY, AS PROPOSED; ALLOCATE \$300,000.00 FROM THE HABITAT CONSERVATION FUND/P-117, AS DESIGNATED FOR THE INLAND WETLANDS CONSERVATION PROGRAM; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

24. Los Banos Wildlife Area Wetland Restoration, Merced County \$350,000.00

Mr. Schmidt reported that this was a proposal to authorize a \$350,000 grant to Ducks Unlimited (DU) for the restoration and enhancement of 302± acres of wetlands and upland habitat on the Los Banos Wildlife Area. This particular parcel was acquired pursuant to Board action several years ago. Ms. Cundiff-Gee described the proposal. Consistent with the Central Valley Habitat Joint Venture Plan, this project is designed to assist in meeting the objective of enhancing wetland habitat on 291,555 acres of public and private lands.

The Los Banos Wildlife Area is located about four miles north of the City of Los Banos and is immediately adjacent to the North Grassland Wildlife Management Area and is one mile south of the San Luis National Wildlife Refuge. This project is designed to implement a mosaic of diverse habitat critical for wintering goose and sandhill crane populations. In addition, the project is designed to highlight the benefits associated with rotational cattle grazing practices and the importance of cereal grain crops for migrating and nesting waterfowl.

A diversity of plant communities is critical to the nutritional and habitat requirements for migrating waterfowl and other wetland dependent species. As such, this project will restore 145± acres of pasture/wet meadow habitat and 52± acres of semi-permanent wetlands. In addition, 72± acres of permanent wetlands will be enhanced and to complete the picture, 33± acres of land will be planted to cereal crops. This mosaic of diverse habitat will provide quality habitat for wintering waterfowl, nesting areas and brood ponds for breeding waterfowl and other resident wetland related wildlife.

To accomplish the desired restoration and enhancement objectives, a water distribution and delivery system is needed. Currently, the Department of Fish and Game (DFG) has the right to divert water from Salt Slough, however, absent a water distribution system, the Department has been unable to adequately supply water to the area, thus resulting in habitat that is of little or no value to migrating waterfowl and other wetland dependent species. To serve the 302± acre complex, approximately 12,000 linear feet of PVC pipeline is proposed to be installed, along with associated irrigation valves, gates and pressure releases. Water will be pumped to maintain the desired water levels for the seasonal and permanent wetlands from a low lift pump which already exists on the property.

In addition to the water delivery system, this proposed project will include the installation of approximately three miles of fencing. As previously mentioned, cattle will be grazed on parts of this complex. By using rotational grazing practices as a management tool, cattle will maintain grasses at a level and nutritional condition beneficial to wintering geese such as Aleutian Canada geese, lesser snow geese and the Pacific white-fronted geese. The cattle will be removed during the late winter thereby allowing for the regeneration of quality grasses to grow to sufficient heights for spring nesting cover.

To assure grazing practices are complimentary to the overall goals and objectives of the project, the DFG staff will prepare a grazing management plan which will become a part of the grazing lease and will prescribe the terms and conditions upon which the area must be grazed. In addition, the plan will include an overall description of the project, including an explanation of the relationship between rotational cattle grazing practices and wetland management techniques. The plan will describe when the cattle will be rotated and why it is necessary to rotate cattle to achieve the specific habitat conditions.

Including the management plan as a supplement to the grazing lease will serve two purposes. One, it will clearly articulate the Department's expectations and requirements to any potential lessee. Secondly, it will serve as an informational tool on how cattle grazing can be implemented in a manner that is complimentary to specific habitat and wildlife needs. It is further purposed that the Board administer the lease under the Inland Wetlands Conservation Program and that the lease revenues be deposited in the Inland Wetlands Conservation Fund.

Cost estimates for this proposed project were prepared by DU staff and reviewed by WCB and DFG staff and are summarized as follows:

Equipment Mobilization & Site Preparation	\$ 8,900
Grading	28,814
Water Delivery System	223,306
Road Gravel	18,655
Fencing	4,000
Ditch Excavation	<u>25,000</u>
SUBTOTAL	\$308,675
Engineering (7%)	21,607
Project Administration/Construction (10%)	33,028
TOTAL	\$363,310

Constructing the water delivery system will cost a total of \$363,310. Recognizing the importance of partnerships and the value this project will have toward meeting the CVHJV goal, DU has agreed to contribute \$13,310 toward the completion of this project.

Staff recommended that the Board approve the Los Banos Wildlife Area Wetland Restoration grant request to Ducks Unlimited, Inc., as proposed; allocate \$350,000.00 from the Habitat Conservation Fund (P-117), as designated for the Inland Wetlands Conservation Program; 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 California Waterfowl Association and Mr. John Beam, Department of Fish Game, was present should there be any questions.

In response to Ms. Parker's question regarding potential rental rates, Mr. John Beam reported that based on local ranchers in the area, the grazing value would be between \$25 and \$50 per year/per acre. The overall estimate of initial revenues would be a minimum of \$6,000/year.

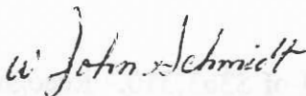
Mr. Boren asked if there were any questions or concerns, and since there was no further discussion, the following action was taken.

IT WAS MOVED BY MR. GIBBONS THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE WETLAND RESTORATION AT THE LOS BANOS WILDLIFE AREA, MERCED COUNTY, AS PROPOSED; ALLOCATE \$350,000.00 FROM THE HABITAT CONSERVATION FUND/P-117, AS DESIGNATED FOR THE INLAND WETLANDS CONSERVATION PROGRAM; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

There being no further business to consider, the meeting was adjourned at 11:30 a.m. by Chairperson Boren.

Respectfully submitted,



W. John Schmidt
Executive Director

PROGRAM STATEMENT

At the close of the meeting on May 5, 1994, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$339,039,813.78. 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	\$ 16,008,271.06
B. Fish Habitat Preservation, Development & Improvement	20,237,781.13
1. Reservoir Construction or Improvement	\$ 3,063,613.05
2. Stream Clearance and Improvement	14,236,579.89
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	35,454,953.42
1. Coastal and Bay	\$ 2,973,174.92
2. River and Aqueduct Access	7,884,119.31
3. Lake and Reservoir Access	6,605,043.45
4. Piers	17,992,615.74
D. Game Farm Projects	146,894.49
E. Wildlife Habitat Acq., Development & Improvement Projects	257,434,233.76
1. Wildlife Areas (General)	\$154,940,989.48
2. Miscellaneous Wildlife Habitat Dev.	4,601,230.70
3. Wildlife Areas/EcoReserves, (Threatened, Endangered or Unique Habitat)	96,365,766.58
4. Land Conservation Area	1,247.00
5. Inland Wetlands Conser. Grants & Easements	1,425,000.00
6. Riparian Habitat Conser. Grants & Easements	100,000.00
F. Hunting Access Projects	533,743.57
G. Miscellaneous Projects (including leases)	8,103,725.30
H. Special Project Allocations	457,095.42
I. Miscellaneous Public Access Projects	657,615.63
J. Sales and/or exchanges	<u>5,500.00</u>
Total Allocated to Projects	\$339,039,813.78

Minutes of Meeting, August 11, 1994
Wildlife Conservation Board

Mr. Schmidt reported that Item #11, Grizzly Island Wildlife Area, Garibaldi Unit, Solano County, had been withdrawn from the agenda at this time with hopes of bringing it back to a future Board meeting.

* 2. Approval of Minutes (CONSENT CALENDAR)

Approval of minutes of the May 5, 1994, meeting of the Wildlife Conservation Board was recommended, subject to the following amendment:

Item #10, Eel River Wildlife Area, Expansion #4, Humboldt County, funding approval; last paragraph, page 25 of the Minutes show \$43,400.00 was allocated from the Wildlife Restoration Fund, when in fact the Board actually approved \$37,400.00 from the Wildlife Restoration Fund and \$6,000.00 from the Habitat Conservation Fund (Aquatic/Riparian).

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MR. GIBBONS THAT THE MINUTES OF THE MAY 5, 1994, MEETING OF THE WILDLIFE CONSERVATION BOARD BE APPROVED, SUBJECT TO THE FOLLOWING AMENDMENT: ITEM #10, EEL RIVER WILDLIFE AREA, EXPANSION #4, HUMBOLDT COUNTY, FUNDING APPROVAL; LAST PARAGRAPH, PAGE 25 OF THE MINUTES SHOW \$43,400.00 WAS ALLOCATED FROM THE WILDLIFE RESTORATION FUND, WHEN IN FACT THE BOARD ACTUALLY APPROVED \$37,400.00 FROM THE WILDLIFE RESTORATION FUND AND \$6,000.00 FROM THE HABITAT CONSERVATION FUND (AQUATIC/RIPARIAN).

MOTION CARRIED.