

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, February 8, 1996

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MINUTES, MEETING OF FEBRUARY 8, 1996

Pursuant to the call of Board Member C. F. Raysbrook, the Wildlife Conservation Board met in Room 4202 of the State Capitol, Sacramento, California on February 8, 1996. The meeting was called to order at 10:05 a.m. Introductions were made at this time.

1. Roll Call - Election of Chairman

It was noted by Mr. Raysbrook that the usual practice of the Wildlife Conservation Board in naming a chairperson has been to elect the President of the Fish and Game Commission to serve in that capacity. Mr. Raysbrook asked for nominations. Ms. Cummins then nominated Douglas McGeoghegan as chairperson of the Wildlife Conservation Board.

IT WAS MOVED BY MR. RAYSBROOK THAT MR. MCGEOGHEGAN, PRESIDENT OF THE FISH AND GAME COMMISSION, BE NAMED CHAIRPERSON OF THE WILDLIFE CONSERVATION BOARD.

MOTION CARRIED.

Present: WILDLIFE CONSERVATION BOARD MEMBERS

Douglas McGeoghegan, Chairperson
President, Fish and Game Commission
Diane Cummins, Deputy Director,
Vice, Russell Gould, Member
Director, Department of Finance
C.F. Raysbrook, Member
Interim Director, Department of Fish and Game

Others Present: Lorraine Buchanan, Hayward Historical Society
Donna McCarty, Hayward Historical Society
Don Goette, Hayward Historical Society
Alice Sullivan, Hayward Historical Society
Lourie Larson, Hayward Historical Society
Eugene Hirtle, Hayward Historical Society
E.L. Humphrey, Hayward Historical Society
Richard Warren, Hayward Historical Society
Bob Foster, Hayward Historical Society
Zoe Foster, Hayward Historical Society
Raymond Foster, Hayward Historical Society
Joseph Vecchio, Hayward Historical Society
Mac "D" Vecchio, Hayward Historical Society
Ellis Goode, Hayward Historical Society
Barbara Trobee, Hayward Historical Society
Robert Sorensen, Eden United Church
Robert Peterson, Eden United Church
Marie Grubbe, Ohlone National Audubon Society
Dick Sheridan, Hayward Area Shoreline Planning Agency
Frank & Janice Delfino, Hayward Area Shoreline Planning Agency
John Smith, Oliver Trust
Cynthia Birmingham, Oliver Trust
Neal Fishman, State Coastal Conservancy
Ron Bachman, U.S. Fish and Wildlife Service
Jim Well, Ducks Unlimited
Holly Andree, Ducks Unlimited
Paul Shepherd, Cargill Salt
Jill Singleton, Cargill Salt
Lou Garcia, City of San Jose
Terry Wilburn, Sacramento
John Glick, CWC Ranch
Michael Quantamli, CWC Ranch
Kim Davis, Colusa
John Hansen, Integrity in Natural Resources
Mike McCoy, U.C. Davis
Marc Holmes, Save San Francisco Bay Association
Bob Doyle, East Bay Regional Parks District
Walt Hoyer, Metropolitan Water District of Southern California
J. Rod McGinnis, Sacramento Safari Club
Carolyn Carey, Modoc County/Land Use Committee
Bill Gaines, California Waterfowl Association
Corey Brown, Trust for Public Land
Jesus Armas, City of Hayward/City Manager
Sylvia Ehreuthal, City of Hayward
Doug Eberhardt II, Citizen
Gary Kramer, Sacramento National Wildlife Refuge

Others Present: Bob Treanor, California Fish and Game Commission
 Melissa Henson, Resources Agency
 Shelia Massey, California Cattlemen's Association
 John Gamper, California Farm Bureau Federation
 John Weber, Oakland
 Lou Garcia, City of San Jose/Dept. of Environmental Services
 Les Heringer, Landowner

Mr. Schmidt welcomed Senator Jack O'Connell who joined the meeting at this time.

2. Funding Status as of February 8, 1996 (Informational only)

(a) 1995-96 Wildlife Restoration Fund Capital Outlay Budget

Governor's Budget - Land Acquisitions	\$390,000.00
Less Previous Board Allocations	- 2,500.00
Unallocated Balance	\$387,500.00

Governor's Budget - Minor Projects	\$900,000.00
Less Previous Board Allocations	- 16,800.00
Unallocated Balance	\$883,200.00

(b) 1994-95 Wildlife Restoration Fund Capital Outlay Budget

Governor's Budget - Land Acquisitions	\$750,000.00
Less Previous Board Allocations	-206,802.70
Unallocated Balance	\$543,197.30

Governor's Budget - Minor Projects	\$749,000.00
Less Previous Board Allocations	-749,000.00
Unallocated Balance	\$ -0-

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

Added to Governor's Budget by Ch. 1241	\$572,000.00
Less Previous Board Allocations	-362,283.00
Unallocated Balance	\$209,717.00

(d) 1995-96 Fish and Wildlife Habitat Enhancement Fund Capital Outlay Budget

Reappropriation of 1989/90 and 1992/93 - Stream Projects	\$ 84,369.63
Plus Recoveries from Previous Board Allocations	+20,166.28
Unallocated Balance	\$104,535.91

(e) 1995-96 Wildlife and Natural Areas Conservation Fund Capital Outlay Budget

Reappropriation of 1992/93	\$2,000,000.00
Less Previous Board Allocations	-2,000,000.00
Plus Recoveries from Previous Board Allocations	+ 28,490.35
Unallocated Balance	\$ 28,490.35

(f) 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 Allocation	-64,952,366.40
Less State Administrative Costs	- 1,219,500.00
Less Reverted Funds	-11,528,799.69
Plus Reappropriated Funds	11,528,799.69
Less Amount Reserved for HCF	- 1,800,000.00
Unallocated Balance	\$13,328,133.60

(g) 1995-96 Habitat Conservation Fund Capital Outlay Budget

Governor's Budget	\$7,354,000.00
Less Previous Board Allocations	- 520,000.00
Unallocated Balance	\$6,834,000.00

(h) 1994-95 Habitat Conservation Fund Capital Outlay Budget

Governor's Budget	\$8,703,000.00
Less Previous Board Allocations	-5,367,893.31
Unallocated Balance	\$3,335,106.69

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

Governor's Budget	\$9,844,000.00
Less Previous Board Allocations	-9,323,584.47
Unallocated Balance	\$ 520,415.53

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

Reappropriation of 1992/93	\$ 56,005.36
Less Previous Board Allocations	- 0-
Unallocated Balance	\$ 56,005.36

RECAP OF FUND BALANCES

<u>Wildlife Restoration Fund</u>	\$1,813,897.30
<u>Environmental License Plate Fund</u>	\$209,717.00
<u>1984 Fish & Wildlife Habitat Enhancement Fund</u>	\$104,535.91
<u>Wildlife & Natural Areas Conservation Fund</u>	\$ 28,490.35
<u>Ca. Wildlife, Coastal & Park Land Conservation Fund of 1988</u>	\$13,328,133.60
<u>Habitat Conservation Fund</u>	\$10,745,527.58

*** 3. CONSENT CALENDAR (Items #4-13)**

Mr. Schmidt reported that the Consent Calendar consisted of Item Numbers 4-13. He then gave the audience and/or Board Members the opportunity to request that an item be removed from the consent calendar. Hearing no requests for removal of any items, he then recommended a vote on the Consent Calendar as proposed in the individual agenda explanations, including funding as noted therein.

Mr. McGeoghegan 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. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES CONSENT CALENDAR ITEM NUMBERS 4-13 AS PROPOSED IN THE INDIVIDUAL AGENDA EXPLANATIONS, INCLUDING FUNDING AS NOTED THEREIN.

MOTION CARRIED.

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

Approval of the minutes of the November 9, 1995, 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. CUMMINS THAT THE MINUTES OF THE WILDLIFE CONSERVATION BOARD MEETING OF NOVEMBER 9, 1995, BE APPROVED AS WRITTEN.

MOTION CARRIED.

* 5. Recovery of Funds (CONSENT CALENDAR)

The following 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 and that the projects be closed.

- \$-0- to the Wildlife Restoration Fund,
- \$55,457.73 to the Fish and Wildlife Habitat Enhancement Fund,
- \$2,102.84 to the Habitat Conservation Fund,
- \$28,102.45 to the Ca. Wildlife, Coastal and Park Land Conservation Fund,
- \$2,903.00 to the Inland Wetlands Conservation Fund.

WILDLIFE RESTORATION FUND

Riparian Habitat Inventory and Assessment Project

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

Riparian Habitat Inventory and Assessment Project (Augmentation)

Allocation	\$50,000.00
Expended	-50,000.00
Balance for Recovery	\$ -0-

Total Wildlife Restoration Fund Recoveries \$-0-

FISH & WILDLIFE HABITAT ENHANCEMENT FUND

Bear Creek Habitat Enhancement, Humboldt County

Allocation	\$21,000.00
Expended	-20,979.00
Balance for Recovery	\$ 21.00

Blue Waterhole Creek Habitat Enhancement, Mendocino County

Allocation	\$16,100.00
Expended	-16,020.00
Balance for Recovery	\$ 80.00

Cottonwood Creek Habitat Enhancement #4, Mono County

Allocation	\$22,800.00
Expended	<u>-13,084.45</u>
Balance for Recovery	\$ 9,715.55

Johnson Creek Habitat Enhancement, Mendocino County

Allocation	\$22,200.00
Expended	<u>-22,193.00</u>
Balance for Recovery	\$ 7.00

Lee Vining Creek Habitat Enhancement, Mono County

Allocation	\$9,900.00
Expended	<u>- 1,596.90</u>
Balance for Recovery	\$8,303.10

North Fork Elk River Habitat Enhancement, Humboldt County

Allocation	\$46,102.00
Expended	<u>-46,102.00</u>
Balance for Recovery	\$ -0-

Perazzo Creek Habitat Enhancement #2, Sierra County

Allocation	\$9,700.00
Expended	<u>-9,700.00</u>
Balance for Recovery	\$ -0-

Pescadero Creek Habitat Enhancement, San Mateo County

Allocation	\$138,100.00
Expended	<u>-103,632.29</u>
Balance for Recovery	\$ 34,467.71

Redwood Creek Habitat Enhancement, Mendocino County

Allocation	\$27,100.00
Expended	<u>-27,100.00</u>
Balance for Recovery	\$ -0-

Salmon River Habitat Enhancement, Siskiyou County

Allocation	\$16,400.00
Expended	-14,886.88
Balance for Recovery	\$ 1,513.12

Sultan Creek Habitat Enhancement, Del Norte County

Allocation	\$19,750.00
Expended	-18,399.75
Balance for Recovery	\$ 1,350.25

Total Fish and Wildlife Habitat Enhancement

Fund Recoveries \$55,457.73

HABITAT CONSERVATION FUND

Butte Creek House Ecological Reserve Restoration, Butte County

Allocation	\$ 4,200.00
Expended	-4,194.29
Balance for Recovery	\$ 5.71

Coon Hollow Wildlife Area Restoration, Butte County

Allocation	\$7,700.00
Expended	-7,699.29
Balance for Recovery	\$.71

Mud Slough North Drainage Project, Merced County

Allocation	\$34,000.00
Expended	-34,000.00
Balance for Recovery	\$ -0-

Mud Slough Wildlife Area, Merced County

Allocation	\$1,113,827.18
Expended	-1,113,827.18
Balance for Recovery	\$ -0-

Suisun Marsh Restoration and Enhancement, Solano County

Allocation	\$300,000.00
Expended	<u>-299,792.58</u>
Balance for Recovery	\$ 207.42

Swall Meadows Wildlife Area, Expansion #1, Mono County

Allocation	\$3,000.00
Expended	<u>-1,111.00</u>
Balance for Recovery	\$1,889.00

Total Habitat Conservation Fund Recoveries \$2,102.84

CA. WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND

Mud Slough Wildlife Area, Merced County

Allocation	\$86,172.82
Expended	<u>-73,365.51</u>
Balance for Recovery	\$12,807.31

Laguna de Santa Rosa Wildlife Area, Expansions #6 and #7, Sonoma County

Allocation	\$88,000.00
Expended	<u>-82,087.36</u>
Balance for Recovery	\$ 5,912.64

Petaluma Marsh Wildlife Area (Rush Creek), Expansion #3, Marin County

Allocation	\$3,000.00
Expended	<u>- 630.00</u>
Balance for Recovery	\$2,370.00

San Joaquin River Riparian Habitat, Expansion #4 (Camp Pashayan),
 Fresno County

Allocation	\$259,500.00
Expended	<u>-252,487.50</u>
Balance for Recovery	\$ 7,012.50

**Total California Wildlife, Coastal and Park Land Conservation
 Fund Recoveries \$28,102.45**

INLAND WETLANDS CONSERVATION FUND

**Wetland Conservation Easement Program (Department
of Fish and Game)**

Mom's Farm, Butte County

Allocation	\$521,200.00
Expended	<u>-518,297.00</u>
Balance for Recovery	\$ 2,903.00

Total Inland Wetlands Conservation Fund \$2,903.00

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD RECOVER FUNDS FOR THE ABOVE LISTED PROJECTS AND CLOSE THE PROJECT ACCOUNTS. RECOVERY TOTALS INCLUDE \$ -0- TO THE WILDLIFE RESTORATION FUND, \$55,457.73 TO THE FISH AND WILDLIFE HABITAT ENHANCEMENT FUND, \$2,102.84 TO THE HABITAT CONSERVATION FUND, \$28,102.45 TO THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND AND \$2,903.00 TO THE INLAND WETLANDS CONSERVATION FUND.

MOTION CARRIED.

* 6. Salmon, Steelhead & Resident Fish Habitat Enhancement Projects \$98,763.00
(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 seven (7) 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. In 1994, 76,000 fish were recorded in the Klamath River Basin. 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 seven (7) proposed habitat enhancement projects is briefly provided below:

A. Coyote Creek Habitat Enhancement, Santa Clara County \$15,800.00

This was a proposed cooperative steelhead trout enhancement project between the Department of Fish and Game and the County of Santa Clara, Parks and Recreation Department. Exotic vegetation, mainly *Arundo*, now clogs Coyote Creek, blocking upstream migration and choking spawning and nursery habitat for steelhead. It is proposed that this vegetation will be cleared and removed by hand labor provided by the Santa Clara County James Boy's Ranch and inmate crews. Subsequent sprouting will be sprayed with an approved herbicide in an effort to achieve complete eradication. It is anticipated that this project will restore the Coyote Creek migrational corridor for steelhead. Project administration will be handled by the County of Santa Clara, Parks and Recreation Department, under the direction of the Department of Fish and Game.

B. East Fork Broken Kettle Creek Habitat Enhancement,
Del Norte County \$21,773.00

This Department of Fish and Game proposed project consists of constructing 10 stream enhancement structures on East Fork Broken Kettle Creek, a tributary to Elk Creek, for the enhancement of the steelhead trout and salmon fishery. All work will be done on Simpson Timber Company land and will consist of developing habitat by anchoring logs and root wads 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 and overwinter refuge habitat conditions for juvenile salmonids. The project will be completed by the California Conservation Corps crews from the Del Norte Center, under direction of the Department of Fish & Game.

C. Forsythe Creek Habitat Enhancement, Mendocino County \$11,645.00

This was a proposed cooperative project between the Department of Fish and Game and New Growth Forestry to strengthen and rebuild approximately 150 feet of river bank on the south side of Forsythe Creek. If the existing unstable bank continues to fail, thousands of yards of soil will be deposited in Forsythe Creek and eventually the Russian River. All work will consist of stabilizing the bank by anchoring logs and root wads along the river to prevent erosion and to provide woody cover. The additional woody cover will also provide better summer rearing conditions for juvenile salmonids. This project will be administered by New Growth Forestry, under the direction of the Department of Fish and Game.

D. Gulch TN12 Habitat Enhancement, Mendocino County \$ 8,500.00

This was a proposed cooperative project between the Department of Fish and Game and the Center for Education and Manpower Resources, Inc., a private-nonprofit organization, for the enhancement of coho salmon and steelhead trout in Gulch TN12, a tributary to Ten Mile River. A culvert in the creek, as it passes under a logging road, has been identified as a barrier to fish migration. Large boulders are proposed to be placed at the downstream entrance of the culvert to form an enlarged pool, thus allowing the fish the ability to jump into the culvert and continue their migration upstream. The project will be administered by the Center for Education and Manpower Resources, Inc., under the direction of the Department of Fish and Game.

E. Jordan Creek Habitat Enhancement #2, Del Norte County \$ 4,767.00

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 the steelhead and cutthroat trout fishery in Jordan Creek, a tributary to Lake Earl. Reaches of the creek contain good riparian cover and second growth redwoods, but spawning opportunities are somewhat limited. This project will provide rearing and adult escape cover as well as enhance spawning opportunities through the construction of 10 log structures in selected spots along the stream. Woody structures, in the form of multiple digger logs and weirs, will also be installed for rearing and overwintering refuge habitat. This project will be administered by Rural Human Services, Inc., under the direction of the Department of Fish and Game.

F. Mettick Creek Habitat Enhancement, Mendocino County \$28,160.00

This was a proposed cooperative project between the Department of Fish and Game and the Center for Education and Manpower Resources, Inc., a private-nonprofit organization, for the enhancement of coho salmon and steelhead trout. Mettick Creek, a tributary to Big River, has had a past history of good salmon and steelhead production. However, several log barriers are preventing fish from reaching spawning habitat in the upper reaches and smaller tributaries. In addition to removing the barrier, selected logs in or adjacent to the stream will be anchored to prevent movement and the formation of future barriers. These structures will also provide pool habitat and cover for downstream migrants. Approximately three additional miles of upstream habitat will be made available for spawning when this project is completed. This project will be administered by the Center for Education and Manpower Resources, Inc., under direction of the Department of Fish and Game.

G. String Creek Habitat Enhancement, Mendocino County \$ 7,900.00

This was a proposed cooperative project between the Department of Fish and Game and the Mendocino County Resource Conservation District, a public entity interested in the enhancement of chinook salmon and steelhead trout in the Eel River drainage. String Creek, a portion of this drainage, has had a history of good salmon and steelhead production. However, pool habitat and riparian vegetation are lacking. It is proposed that several rock vortex weirs will be constructed to improve a number of the pools and increase the retention of spawning gravel. These structures will also provide pool habitat and cover for downstream migrants. Riparian vegetation will be planted and exclusionary fencing will be incorporated to improve the fishery habitat along the creek. The project will be administered by the Mendocino County Resource Conservation District, under the direction of the Department of Fish and Game.

Administrative contract costs to process the contracts for the listed projects was estimated at \$218.00.

Staff recommended that the Board approve these seven (7) salmon, steelhead and resident fish projects as one item as proposed; allocate \$98,763.00 from the 1984 Fish and Wildlife Habitat Enhancement Fund (P-19), which includes \$218.00 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. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE SEVEN SALMON, STEELHEAD AND RESIDENT FISH HABITAT ENHANCEMENT PROJECTS AS ONE ITEM AS PROPOSED; ALLOCATE A TOTAL OF \$98,763.00 FROM THE 1984 FISH AND WILDLIFE HABITAT ENHANCEMENT FUND (P-19), WHICH INCLUDES \$218.00 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. Escondido Creek Ecological Reserve, Exchange of Easements, San Diego County (CONSENT CALENDAR)

\$ -0-

This proposal was to consider exchanging easements with the owner of land adjoining the Escondido Creek Ecological Reserve and the San Elijo Lagoon Ecological Reserve, in western San Diego County. The Department of Fish and Game (DFG) currently has an access easement over the undeveloped subject property which is used to access both the reserves. It consists of an unimproved dirt road through the middle of the private property. The landowner desires to improve the property with a residence, stable and horse arena and has asked to relocate the state easement to the southwesterly boundary of their property where it will not interfere with the planned improvements. DFG's relocated access will provide similar access as does the existing easement, which also runs from Manchester Avenue to the Ecological Reserves.

DFG staff has reviewed the location of the proposed easement and finds it to be suitable for the Department's needs and has therefore recommended the relocation to accommodate the landowner. It is proposed that the Board authorize the grant of the existing easement to the landowner and accept the replacement easement from the landowner.

The project is exempt from CEQA under Section 15301, Class 1 (c) as a minor alteration of existing facilities and a Notice of Exemption has been filed. The landowner has agreed to pay all processing costs associated with the transaction, which consists of preparation of an easement description and Department of General Services review costs.

Staff recommended that the Board approve and authorize staff to proceed with the exchange of easements as proposed; 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. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE EXCHANGE OF EASEMENTS AS PROPOSED AT THE ESCONDIDO CREEK ECOLOGICAL RESERVE; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

* 8. Steelhead Beach Fishing Access, Expansion #1, Sonoma County \$50,000.00
(CONSENT CALENDAR)

This proposal was to consider the acquisition of 9.3± acres of land located along the Russian River, adjacent to the Department of Fish and Game's Steelhead Beach Fishing Access site, for expansion and improvement of public access and for additional protection of riparian habitat. The subject property is located along River Road, just northerly of the community of Forestville. Access is achieved via Highway 101, then westerly on River Road approximately 10 miles to the subject property.

This area has been very popular with steelhead and salmon fishermen for years. However, because there is extremely limited public access to the general area, access for the general public has been difficult, limited to trespassers and those with boats that are able to reach this stretch of river.

The westerly portion of the subject property extends from River Road to the Russian River, while the easterly end forms a relatively narrow strip of land between River Road and Mark West Creek. It is generally level along the road, sloping moderately to the river, with a gravel access road from River Road to a sandy beach. The entire length of the property, along the road, is heavily covered with brush and trees, including a number of redwood trees, providing a valuable riparian habitat for a variety of birds and small mammals. While the primary purpose of this proposal is to provide improved public access, protection of this riparian habitat is also of critical importance.

The Board initiated its acquisition of this project in 1993, with the purchase of the adjacent 38 acres. It is contemplated that the State will enter into a long-term agreement with Sonoma County to provide for the development, operation and maintenance of access facilities that are sensitive to the unique river environment and blend well with the natural landscape character of the site. Since the first acquisition, staff from the Department and the Board have been working closely with County staff to develop a conceptual site plan which proposes to include a small boat launch area with associated parking, a nature trail, interpretive areas, day use picnicking areas, some camping and restroom facilities. It is proposed that Sonoma County will absorb the cost of the facilities not normally funded by the Board. Revegetation and habitat enhancement throughout the property is also proposed.

The Department has recommended acquisition of the subject property, which would be incorporated into and managed by the County in conjunction with the Steelhead Beach Fishing Access project and proposed recreation facilities. Potential claims to the property by the State Lands Commission have been considered with respect to valuation and the proposed uses of the property and were found to be consistent with the Department's purposes. The acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition of land to preserve access to public lands and waters for wildlife conservation purposes.

The owner has agreed to sell the subject property for the approved appraised fair market value of \$46,000. In addition to the purchase price, it is estimated that an additional allocation of \$4,000 will be required to cover the costs of escrow, Department of General Services review and related acquisition expenses.

Staff recommended that the Board approve this acquisition as proposed; allocate \$50,000.00 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. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE ACQUISITION OF THE STEELHEAD BEACH FISHING ACCESS, EXPANSION #1, SONOMA COUNTY, AS PROPOSED; ALLOCATE \$50,000.00 FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

* 9. San Joaquin River Riparian Habitat, Expansion #5, Madera County \$5,000.00
(CONSENT CALENDAR)

This proposal was for the authorization to enter into a grant agreement which would entitle the Board to receive grant funds for the purchase of 22 ± acres of land along the San Joaquin River in southern Madera County and to assign the rights to these grant funds to the San Joaquin River Conservancy to carry out the purchase.

The particular property under consideration is located on the north side of the river, immediately upstream from the Highway 41 bridge. The river, at this location, forms the boundary between Madera County on the north and Fresno County on the south. Access from Highway 41 is by a paved, 40 foot wide easement. A portion of the property currently includes an office and related improvements and is used as a pool equipment supply company.

To date, the Board has completed five acquisitions for the San Joaquin River Riparian Habitat Program for a total of 816 ± acres, all lying between Friant Dam and downstream to Highway 99. In one of the prior acquisitions (Rank Island), major grants of Transportation Enhancement Activities (TEA) funds and Environmental Enhancement and Mitigation Program (EEMP) funds were approved for WCB use in purchasing the property. Also provided in the Rank Island TEA & EEMP grants were funds to purchase the subject 22 ± acres.

As outlined in the grant applications, the property would be restricted to open-space preservation, recreation, habitat protection and related uses consistent with the proposed San Joaquin River Parkway Plan. With the existing office building on site, the property is also ideally suited to use as an office for the Conservancy, along with interpretive and recreational facilities. At its meeting of December 7, 1995, the Conservancy Board approved and authorized acceptance of the acquisition of the site, using the funds provided in the grants.

The property also contains excellent riparian habitat and about 2500 feet of frontage on the San Joaquin River. Under an agreement with the Department of Fish and Game (DFG), Caltrans is currently enhancing this habitat by removal of exotic plant species and planting of native shrubs and trees. The Conservancy, as part of this transaction, would assume the management of the property subject to the terms of the DFG/Caltrans agreement and subject to the terms of the TEA and EEMP grants.

The cost of purchasing the property, including escrow, title insurance, Department of General Services administrative costs and related expenses are estimated to be \$5,000. The Conservancy is not funded to bear these costs, therefore WCB staff recommends that the Board allocate these funds consistent with the mandate of Proposition 70 of 1988, more specifically, Section 5907 (c)(5) of the Act, which provides funding for acquisition of riparian habitat and associated uplands in this reach of the San Joaquin River.

The acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an

acquisition of land for wildlife conservation purposes and to preserve access to public waters. Board staff has filed the appropriate CEQA documentation on behalf of the Conservancy.

The Conservancy would acquire the property for \$585,000, the fair market value as approved by the Department of General Services. This appraisal took into consideration any potential claims of the State to ownership of any interests in the river and riverfront portions of the land. The purchase was negotiated between the Trust for Public Land, the San Joaquin River Parkway and Conservation Trust, the Conservancy and the private landowners. The Conservancy's action will be implemented formally by the State Public Works Board pursuant to the Property Acquisition Law of California.

Staff recommended that the Board approve the acceptance and assignment of the TEA and EEMP grant funds to the Conservancy's escrow at the appropriate time (likely March of 1996), as proposed; allocate \$5,000.00 from the California Wildlife, Coastal and Park Land Conservation Fund (P-70), Section 5907 (c)(5); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

A letter of support was received from the San Joaquin River Parkway and Conservation Trust.

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE ACCEPTANCE AND ASSIGNMENT OF THE TRANSPORTATION ENHANCEMENT ACTIVITIES AND ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM GRANT FUNDS TO THE SAN JOAQUIN RIVER CONSERVANCY FOR THE ACQUISITION OF SAN JOAQUIN RIVER RIPARIAN HABITAT, EXPANSION #5, MADERA COUNTY, AS PROPOSED; ALLOCATE \$5,000.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND (P-70), SECTION 5907 (c)(5); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

*10. Riparian Habitat Inventory & Assessment-Phase 2, Augmentation \$200,000.00
(CONSENT CALENDAR)

This proposal was to consider funding, as budgeted in the 1995/96 state budget, for an augmentation for the Riparian Habitat Inventory and Assessment Project, an important element of the California Rivers Assessment (CARA). Funding for this phase of the project, in the amount of \$150,000.00, was originally approved at the May 4, 1995, Wildlife Conservation Board meeting. An Interagency Agreement was subsequently executed with the University of California at Davis in July 1995, for them to continue to provide technical support for the project.

This proposal is to continue with this ongoing project of assessing the current amount and status of the state's remaining riparian resources through a comprehensive, cooperative effort to gather and analyze riparian-related data into a centralized location, provide a standardized evaluation system with the ability to overlay resource information, and to provide information about the significance of riparian resources on a statewide basis. The project has developed a state-of-the art Geographic Information System (GIS) which will make significant information available for interested parties via the Internet. The project will continue to generate riparian data and maps to allow staff, and the public, to more effectively prioritize actions to protect, restore, and enhance riparian habitat in California.

The first phase of the project, which was approved by the Board at the August 23, 1993, meeting, assembled riparian-related electronic data into an Aggregated Information Methodology model for thirteen river basins, analyzed the results of a statewide survey sent to over 1000 river professionals (Professional Judgement Assessment), which sought responses concerning habitat conditions on 157 major streams, and developed a rapid technique for assessing riparian habitat distribution from aerial photographs (11 major streams completed). This information was assembled into an administrative report for the Resources Agency and the Environmental Protection Agency. A smaller public version will be produced early this year by the National Park Service, one of the major cooperating agencies involved in the CARA project. Phase 2, as approved by the Board on May 4, 1995, is expanding the riparian database portion of the Aggregated Information Methodology model by adding electronic data from up to twenty-seven additional river basins, and will expand the riparian corridor aerial riparian vegetation inventory with data from an additional 40 rivers.

The CARA Coordinating Committee has determined that additional work during this phase is necessary to make good progress toward completing the statewide assessment within the next two to three years. Therefore, the proposed funding augmentation would be used to expand the scope of Phase 2 to accomplish the following tasks:

1. Expand the riparian inventory and assessment element of the Aggregated Information Methodology by a minimum of 80 additional river basins, or to a total of 120 of the 160 river basins in California.

2. Expand the riparian corridor vegetation survey, using existing aerial photographs, to cover 40 additional rivers, for a total of 91 major rivers.
3. Finalize the development of a user friendly decision support system using the California Riparian Habitat Inventory and Assessment Project data which would allow users the opportunity to identify potential riparian conservation and restoration opportunities.
4. Redistribute the Professional Judgement Assessment survey to gather riparian habitat condition responses for rivers which were not covered in the first phase.

UC Davis has agreed to perform these additional tasks under the current Interagency Agreement, as amended, conditioned on Board funding approval. They will continue to coordinate with other participating agencies and institutions, under the direction of Board staff and the CARA Coordinating Committee. They have also provided your staff with a proposed amended budget for this work which has been reviewed and approved by staff.

The estimated completion date for this phase, as amended, is June 30, 1997. At the end of this period, the Riparian Habitat Inventory and Assessment Project will be nearly complete, with information from 120 river basins and a large database of additional riparian data from the professional judgement survey and other existing information. Staff anticipates that the entire project can be completed within one additional year following the completion of Phase 2, as amended.

Staff is using the information developed to date to assist in understanding where important riparian conservation efforts can and should be focused. Within the next few months staff will be working closely with the UC Davis CARA personnel to use the riparian data in the CARA GIS to identify high priority habitat restoration projects which may be recommended for Board funding at a future meeting.

As in the past, this cooperative project will continue to receive funding from other sources. UC Davis is contributing \$56,380.00 as in-kind services, toward Phase 2, including support for the Internet "connection". Because of the high visibility of the CARA project and the value placed on it by others, the project has attracted funding to the UC Davis Information Center (location of the CARA GIS) from several related but compatible efforts noted as follows: \$32,000 grant from the State Water Resources Control Board to support the state Watershed Project Inventory project, a \$50,000 grant from Environmental Protection Agency (EPA), Region 9, to support the designation of impaired water bodies (using the same base hydrologic layer as the CARA project), and a \$202,000 grant from EPA, Region 9, to develop water quality information from the Colorado River/New River systems as part of the National Free Trade Agreement (NAFTA) process. Data from these projects will be evaluated and, where appropriate, integrated into the Riparian Habitat Inventory and Assessment project GIS.

Considering the importance of this riparian habitat inventory to ongoing and future efforts to protect California's ever decreasing riparian habitat, staff recommended that the Board

approve the augmentation of funding for the Riparian Habitat Inventory and Assessment-Phase 2, as proposed; allocate \$200,000.00 from the Habitat Conservation Fund/P-117 (ELPF/WRF - Support); 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. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE FUNDING AUGMENTATION FOR THE RIPARIAN HABITAT INVENTORY AND ASSESSMENT-PHASE 2, AS PROPOSED; ALLOCATE \$200,000.00 FROM THE HABITAT CONSERVATION FUND/P-117 (ELPF/WRF-SUPPORT); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

- *11. Honcut Creek Wildlife Conservation Area, Expansion #2,
Butte and Yuba Counties (CONSENT CALENDAR) \$95,000.00

This proposal was to consider the acquisition of conservation easements over 384± acres of land in cooperation with the Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service. Also included in this overall project is some wetland restoration to be completed on lands being acquired by NRCS. The subject land lies adjacent to previous Honcut Creek purchases, which are all located southerly of Lower Honcut Road, east of State Highway 70, and about 15 miles north of Marysville. The purpose of the acquisition is for the preservation and enhancement of the existing seasonal wetlands, riparian habitat and agricultural lands and to enhance these habitats and the wildlife corridor. The acquisition of these easements will be an expansion of the existing 656± acre wildlife conservation area which was also acquired in easement purchases.

This project involves approximately 384 acres, of which 35± acres lie in Yuba County, with the remaining 349± acres being located in Butte County. However, the properties are adjacent to each other and are owned by the same entities. The Yuba County property consists of approximately 25 acres of agricultural land and 10± acres of riparian habitat while the Butte County acreage consists of 265± acres of agricultural land and 84± acres of riparian habitat.

As previously stated, the NRCS is a partner in the acquisition of this easement area. The Board's portion of this proposal is to fund the easement purchase of 25± acres of land in Yuba County and 160± acres on the Butte County side. Additionally, the proposed partnership requires a 25 percent WCB participation in the acquisition of the remaining 199± acres along with the proposed habitat improvements. Therefore, some WCB funds may also be used in the restoration effort. These acreages consist mainly of agricultural land which will be limited, in perpetuity, to the farming of cereal and grain crops with the

Grantor retaining all recreational rights. The remaining Butte County area will be encumbered with a NRCS easement, which is very similar to the state's easement and will eliminate all commercial farming, future noncompatible development rights and will require ponds and water structures to be installed and maintained. Generally, the riparian easements will protect the existing habitat while allowing the Grantor to use the land for recreational purposes (hunting), while the agricultural easement is designed to protect the economic viability of the farm ground and allow for the continued farming of crops that are beneficial to wildlife. The easements provide that no further development may take place which would be harmful to wildlife and are structured so that the preservation of riparian and seasonal wetlands can be economical and compatible with agricultural practices.

The NRCS will contribute up to 75 percent of all costs involved in the acquisition and development of the partnership easements. The State and the NRCS will take title to their respective easements on those specific areas encumbered by each type of easement. Purchase of these easements is dependent upon each party being able to complete their purchases. It should be noted that at the time of this writing the State's survey had not been completed and the exact number of acres may vary slightly.

The Honcut Creek Wildlife Conservation Area is an area that is rich in wildlife species including deer, wild turkey, California quail, dove, numerous species of resident and migrating waterfowl, rabbit, fox and coyote. The woodlands support the endangered bald eagle, and the endangered willow flycatcher. In addition, Cooper's hawk, sharp-shinned hawk, golden eagle, ferruginous hawk, northern harrier, osprey, merlin and prairie falcon are seasonal users of this area. The richness of wildlife species can, in part, be attributed to the mosaic of habitat types found on the subject area. The mixture of riparian and open space, coupled with the productive rice ground, provides habitat conducive to and supportive of biological and cultural diversity. The acquisition of the subject easements should protect this mosaic of habitats in perpetuity. Furthermore, this project will demonstrate that critical wildlife resources can be protected without impacting local economies and farming interests critical to this area. Public use of the subject area will not be provided under the terms of these easements.

The owners have agreed to sell the subject easements to both the State and the NRCS at the total approved fair market value. The State's shared percentage is estimated to be \$85,000 for the easements and developments costs. Processing costs are estimated at \$10,000 which includes the cost of appraisal, title, escrow, survey 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 project as proposed; allocate a total of \$95,000.00 from the Habitat Conservation Fund/P-117 (P-99/Inland Wetlands Conservation Program); 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. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE ACQUISITION OF CONSERVATION EASEMENTS, IN COOPERATION WITH THE NATURAL RESOURCES CONSERVATION SERVICE, AT THE HONCUT CREEK WILDLIFE CONSERVATION AREA, EXPANSION #2, BUTTE AND YUBA COUNTIES, AS PROPOSED; ALLOCATE \$95,000.00 FROM THE HABITAT CONSERVATION FUND/P-117 (P-99/INLAND WETLANDS CONSERVATION PROGRAM); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

*12. Pickel Meadow Wildlife Area Restoration, Mono County \$50,000.00
(CONSENT CALENDAR)

This riparian habitat restoration proposal was to consider an allocation of \$50,000, to the Department of Fish and Game for materials and labor to control or exclude cattle, restore streambed damage caused by erosion, and provide improved public access to the Pickel Meadow Wildlife Area, an area acquired pursuant to action of the Board in 1989. This project will enable protection and recovery of approximately 8.4 miles of stream channel and riparian habitat on the wildlife area and adjoining public lands.

The Pickel Meadow Wildlife Area consists of five separate parcels of land totaling 991 acres, located approximately 15 miles northwest of Bridgeport and 10 miles south of Walker, in Mono County. The area contains two management units, Pickel Meadow (which is drained by the West Walker River), and Little Walker River. A major military training installation, the U.S. Marine Corps Mountain Warfare Training Center, is located near the Pickel Meadow unit along the West Walker River. The surrounding lands are a mixture of private ownerships and Toiyabe National Forest lands.

The wildlife area, and the adjacent national forest and private lands, supports a wide variety of fish and wildlife resources. Waters within the area support a large number of aquatic species, including brown, rainbow, and brook trout, mountain whitefish, tui chub, dace, Piute sculpin, Lahontan redbside, and many aquatic invertebrates. Upland and riparian habitats in the area are used by mule deer for spring and fall migration and fawning, as well as for nongame mammals, land birds and waterfowl which include bald eagles and wolverines that have been sighted within the area.

Cattle grazing under the federal grazing allotment system has been the primary land use in the Pickel Meadow area for many years, with the State's property providing the majority of forage available in the allotment area. The Department of Fish and Game has allowed the previous owner's lessee to continue grazing, in exchange for continued use of Junction Reservoir and access to Kirman Lake. Junction Reservoir supports the sole brood

stock for the kamloops strain of rainbow trout, while Kirman Lake is a popular fishery for trophy brook trout. The proposed project will assure the continued use of these lakes and will allow better control over livestock distribution, and promote riparian habitat restoration and protection.

This proposed project is the core of a cooperative arrangement between three adjacent landowners: Department of Fish and Game (DFG), Toiyabe National Forest, and the Settlemeyer/Bentley Partnership (a private cattle ranch). Portions of these ownerships comprise the federal Junction cattle allotment. Within the allotment, the State of California (DFG) owns approximately 3 of 9 total miles of the West Walker River, and 1.5 of 3 total miles of the Little Walker River. The Department identified the need to restore riparian habitat and revise grazing management approaches in its 1990 Interim Management Plan for Pickel Meadow and the Little Walker River. In 1994, the Toiyabe National Forest conducted an Environmental Assessment for the Junction Allotment Management Plan and identified a wide variety of actions to correct erosion and restore fish and wildlife habitat productivity through improved grazing management. This proposal follows the recommendations found in both of these documents. The "partners" identified above agree that coordinated resource management through participation in the federal grazing allotment will enable protection and recovery of riparian areas throughout the allotment area using a combination of permanent rest, periodic rest, and range utilization standards.

Specifically, work proposed to be accomplished through this proposal will consist of the construction of four and one quarter miles of new fencing, constructed to DFG standards for deer passage; modification of key sections of existing fence to meet those standards, installation of six head cut erosion control structures using native rock; construction of ten "pedestrian gates" through the fence (pedestrian access only - excludes vehicles and cattle passage); reconstruction of six irrigation water control structures located on DFG property including installation of fish screening; and the planting of 200± cottonwood seedlings in the riparian zone along the West Walker River. The DFG has filed a Negative Declaration for the overall project, and will perform most of the project work, with the exception of the new fence construction which will be done under contract. They estimate the entire project can be completed within calendar year 1996.

Cost estimates for this proposed project, which have been prepared by DFG and reviewed by your staff, are as follows:

<u>Description</u>	<u>Estimated Cost</u>
Install Electric Fence (2.25 ± miles)	\$14,065
Install Barbed Wire (2 ± miles)	15,840
Modify or Remove Fence (2.5 ± miles)	7,245
Install Pedestrian Gates (10)	3,000
Head cut Rock Revetment (6 sites)	1,320
Plant Cottonwood Seedlings (200 ±)	6,000
Install Water Diversion Screens (6)	12,000

Contingencies 2,095

Total Estimated Cost: \$61,565

It is anticipated that Department personnel and volunteers will provide labor for all, or major portions, of the following actions:

Modify or Remove Fence:	\$ 7,245
Head cut Revetment:	\$ 1,320
Plant Cottonwood Trees:	<u>\$ 3,000</u>
Total contribution:	\$11,565
Net cost to WCB:	\$50,000

Approval of this funding was being recommended by staff contingent upon final review and approval of all CEQA requirements. No significant delays are anticipated in this approval.

Staff recommended that the Board approve the allocation of funds to the Department of Fish and Game for the Pickel Meadow Wildlife Area Restoration Project, as proposed; allocate a total of \$50,000.00 from the Habitat Conservation Fund/P-117 (ELPF) to be applied towards the purchase of materials and payment for specified labor charges; 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. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE PICKEL MEADOW WILDLIFE AREA RESTORATION PROJECT, MONO COUNTY, AS PROPOSED; ALLOCATE \$50,000.00 FROM THE HABITAT CONSERVATION FUND/P-117 (ELPF) TO BE APPLIED TOWARDS THE PURCHASE OF MATERIALS AND PAYMENT FOR SPECIFIED LABOR CHARGES; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

*13. Sequan Peak Ecological Reserve, Expansion # 1, San Diego County \$10,000.00
(CONSENT CALENDAR)

This proposal was to consider the acquisition of 125 ± acres of land containing southern mixed chaparral vegetation located approximately two miles northeast of the community of Jamul in southwestern San Diego County. The unimproved property is situated between Sloan Canyon Road on the north and Lawson Valley Road to the south, roughly halfway between Interstate Highway 8 and State Route 94. Lawson Valley Road provides access to the property from the south. The subject is near the extreme western edge of the Cleveland National Forest, immediately adjacent to the recently Board acquired 593 ± acre Sequan Peak Ecological Reserve and approximately three miles east of the Department of Fish & Game's McGinty Mountain Ecological Reserve, which was acquired by the Board in 1989. It lies immediately south of the Department's Sweetwater River Ecological Reserve, acquired by the Board in 1992, and access to the property could also be provided through the Sweetwater Reserve.

The proposed acquisition area is included within a 1,555 ± acre section identified by the Department of Fish & Game as a Significant Natural Area (SNA). The Department nominated the area for acquisition in its Sequan Peak Conceptual Area Acquisition Plan. Sequan Peak is a 2,801 foot-tall conical-shaped mountain with an approximate six mile radius. The proposed 125 ± acre acquisition area includes lands on the west side of the peak that run north to the Sweetwater River Ecological Reserve. The primary purpose of this acquisition would be habitat preservation for 42 species of rare, threatened, endangered or special concern status plants and animals. In particular, the Sequan Peak SNA contains the best example habitat for two plant species, the state-listed endangered *Dehesa nolina* and the state-listed rare Gander's butterweed. Additionally, the property is used as foraging territory by a number of raptors and birds of prey, including peregrine falcons, a state and federally-listed endangered species, Cooper's hawks, golden eagles, prairie falcons, turkey vultures and the common barn owl. The Sequan Peak lands are part of a large, important wildlife corridor linking McGinty Mountain, to the west, with the Cleveland National Forest, to the east. As noted, this corridor includes the Sweetwater Reserve, which adjoins the subject on the north. Protection of the corridor would allow continued use by a number of large and small mammals that inhabit the area, including mountain lions, mule deer, coyotes, bobcats, squirrels and rabbits. The property supports several species of rare lizards as well, including the orange-throated whiptail, western whiptail and the San Diego horned lizard.

Lands on Sequan Peak are rated of "highest biological value" under the Habitat Evaluation Model developed for San Diego County's Multiple Species Conservation Plan. The subject acquisition would complement the Department's bioregional planning efforts and the County's open space preserve plans for Southern California Coastal Sage Scrub in southwestern San Diego County, presently being developed under the Natural Communities Conservation Planning Act (NCCP). The property would be managed in conjunction with the management of the Department's Sequan Peak and Sweetwater River Ecological Reserves. The acquisition is exempt from CEQA under Class 13 of categorical exemptions as an acquisition of land for wildlife conservation purposes.

The landowner has agreed to sell the subject property for the appraised fair market value of \$412,500, or \$3,300 per acre for the 125 ± acre property. The Department of Fish and Game has applied for an Environmental Enhancement and Mitigation Grant from the Department of Transportation which, if approved, would provide up to \$415,000 in funds for the acquisition and for processing costs. Additional funding necessary to cover costs which include appraisal fee, escrow and title expenses, state administrative review and related costs are estimated to be \$10,000; the total funding allocation being requested.

Staff recommended that the Board approve the proposed acquisition and acceptance of the proposed grant, conditioned on approval of the Environmental Enhancement and Mitigation Grant for at least \$412,500, as proposed; allocate \$10,000.00 from the Habitat Conservation Fund (NCCP); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

A letter of support was received from the Ogden Environmental and Energy Services.

AS ONE OF THE CONSENT ITEMS HEARD AT THE BEGINNING OF THE MEETING, IT WAS MOVED BY MS. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE ACQUISITION OF THE SEQUAN PEAK ECOLOGICAL RESERVE, EXPANSION #1, SAN DIEGO COUNTY, CONDITIONED ON THE APPROVAL OF THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION GRANT FOR AT LEAST \$412,500.00, AS PROPOSED; ALLOCATE \$10,000.00 FROM THE HABITAT CONSERVATION FUND (NCCP); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

14. McGinty Mountain Ecological Reserve, Expansion #2,
Willow Glen Unit, San Diego County \$361,750.00

Mr. Schmidt indicated that this proposal was to consider the acquisition of 199.3± acres of land situated within the Sweetwater River floodplain and the lower northwestern foothills of McGinty Mountain. Ms. Georgia Lipphardt described the project and its location. The property is located on the southeast side of Willow Glen Drive at Hillsdale Road in the unincorporated portion of San Diego County, immediately northeast of the Rancho San Diego Golf Course and about two miles west of the McGinty Mountain Ecological Reserve. McGinty Mountain ER contains over 1,000 acres of native habitat lands managed jointly by The Nature Conservancy, the Department of Fish and Game, The Environmental Trust and the County of San Diego's Department of Parks and Recreation. If acquired, the subject would become part of the existing reserve and be managed in conjunction with the goals of the existing reserve. Other DFG owned and managed properties in the area include the 495± acre Sweetwater River Ecological Reserve and the recently acquired 593± acre Sequan Peak Ecological Reserve, both located about five miles easterly of the subject property.

Properties within the McGinty Mountain area contain a natural mosaic of ecologically important native southern California habitat types, including riparian woodlands, oak woodlands, coastal sage scrub, chaparral, and native grasslands. These habitats support populations of the state and federally listed endangered least Bell's Vireo, the federally listed threatened coastal California gnatcatcher, and numerous species of special concern, including Cooper's hawk, sharp-shinned hawk, northern harrier, and the orange-throated whiptail lizard. In addition, these habitats support numerous plant species recognized as sensitive by the California Native Plant Society, such as Campo clarkia, Palmer's goldenbush, felt-leaved monardella and Engelmann oak.

The subject property's elevations range from 400 feet at the Sweetwater River to 900 feet in the foothills portion of the site. The foothills portions of the property, which are steep and are bisected by a number of small canyons that drain into the adjacent river, are relatively undisturbed and support primarily coastal sage scrub habitat. The western portion of the site is located within a flood zone. The Sweetwater River floodplain appears to have been used in the past for agricultural activities. However, native riparian trees, as well as nonnatives, now dominate this part of the property. Lands to the south and east are undeveloped and support high quality stands of coastal sage scrub. Located to the north, along Willow Glen Road are several small ownerships which contain several older ranch-type homes and support limited agricultural and equestrian use.

The primary purpose of this acquisition would be habitat preservation and restoration of riparian habitat along the Sweetwater River. At least 80 acres of the property lie within the floodplain of the Sweetwater River and have been used for agriculture. While these areas currently support scattered clumps of Fremont cottonwood and individuals of western sycamore and coast live oak, these degraded areas have a high potential for riparian restoration. Even in its current condition, the sandy banks and floodplains immediately adjacent to the Sweetwater River support an interesting assemblage of low,

herbaceous, perennial plants adapted to these sandy soils, including at least three species of evening-primrose, three species of everlasting and three species of deerweed.

Additionally, acquisition of these lands will contribute to the multiple habitat regional preserve system under the Natural Community Conservation Planning Program (NCCP). The Department's NCCP Program has identified this property as among the highest priorities for acquisition from those properties desired under the NCCP Program, based upon its biological value and the existing threat of development in the area. The acquisition is exempt from CEQA under Class 13 of categorical exemptions as an acquisition of land for wildlife conservation purposes.

The property was owned by the Resolution Trust Corporation, which planned to dispose of the property for development before the end of 1995. To prevent its sale to development interests, the Trust for Public Land (TPL) acquired the property in December, 1995, from the Resolution Trust Corporation for potential transfer to the State. In addition, the DFG has entered into an agreement with the San Diego Gas and Electric Company (SDGE) to provide a portion of the funds needed to purchase the property in exchange for receiving mitigation credits for an unrelated development project.

The appraised fair market value of \$1,230,000 has been approved by the Department of General Services. However, TPL has agreed to sell the subject project for \$646,750, with San Diego Gas & Electric Company contributing \$290,000 and the State contributing \$356,750. The end result is the State will acquire property worth \$1,230,000 for a \$356,750 investment. In addition to the State's share of \$356,750, it is estimated that an allocation of \$5,000 will be required to cover the costs of escrow, title insurance and Department of General Services review costs.

Staff recommended that the Board approve this acquisition as proposed; allocate \$361,750.00 from the California Wildlife, Coastal and Park Land Conservation Fund (P-70), Section 5907(c)(3) for expenditure on riparian habitat that drains into the Pacific Ocean; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was noted that Mr. Ron Rempel, from the Natural Community Conservation Planning Program, was present should there be any questions.

Mr. McGeoghegan 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. RAYSBROOK THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE ACQUISITION OF THE MCGINTY MOUNTAIN ECOLOGICAL RESERVE, EXPANSION #2, WILLOW GLEN UNIT, SAN DIEGO COUNTY, AS PROPOSED; ALLOCATE \$361,750.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND (P-70), SECTION 5907 (c)(3) FOR EXPENDITURE ON RIPARIAN HABITAT THAT DRAINS INTO THE PACIFIC OCEAN; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

Mr. Schmidt indicated that Senator Johnston, who was not yet present, had requested that Item #22 (Cosumnes River Preserve Visitor Center) be taken out of order and considered when he was present because he wanted to speak regarding the item.

15. San Francisco Bay Wildlife Area, Baumberg Tract, Alameda County \$6,923,324.00

Mr. Schmidt reported that this proposal was to consider, in cooperation with the East Bay Regional Park District, the Department of Transportation and the Cities of San Jose, Fremont and Milpitas, the acquisition and restoration of 835 ± acres of abandoned salt ponds and adjacent uplands located south of the San Mateo Bridge and adjacent to Mt. Eden Creek in South San Francisco Bay. Mr. Schmidt indicated this proposal was the Department of Fish and Game's second highest priority in the South Bay, with the first priority being Bair Island across the water and a parcel that was not available for sale at this time. Ms. Lipphardt explained the proposed project. The subject property, known as the Baumberg Tract, is just north of the northeasterly boundary of the San Francisco Bay National Wildlife Refuge.

When California was admitted to the Union in 1850, the San Francisco Bay was surrounded by approximately 860 square miles of marshes and hundreds of square miles of mud flats which provided excellent habitat for waterfowl, shore birds and many other wildlife species. Over the years, various human activities have caused major changes in the Bay. Loss and degradation of freshwater wetlands, salt marshes, mudflats and other bay habitats have negatively impacted fish and wildlife using the bay. Residential and commercial development have also had a significant impact on the area. As urbanization continues, associated services and facilities such as transportation routes, utilities and solid waste and wastewater disposal facilities continue to impact the Bay's wetland values. As a result, there is a critical need to preserve and restore wetlands as possible to maintain the overall viability of this important environment.

The San Francisco Bay region, with its vast wetland environment, has been designated by the Department of Fish & Game (DFG) as an Area of Special Biological Importance. The area provides varied habitat for many plant species that support wintering and migrating waterfowl, as well as shore birds and mammals. In diked marsh areas, American and snowy egrets, great blue herons, black-necked stilts, American avocets and western and least sandpipers rest and prey on invertebrates in the shallow water and exposed mud flats. In addition, diked wetlands provide habitat for the salt-marsh harvest mouse, an endangered species on the state and federal lists, and the western snowy plover, a federally threatened species. When submerged, these diked areas can also support wintering ducks.

In addition to the above, tidal marsh habitat in and around the San Francisco Bay and Delta acts as a significant nursery habitat for species of anadromous fish that spawn in the many rivers and streams that feed the Bay. Without good nursery habitat, recruitment success for young fishes spawned in and upstream of the San Francisco Bay and Delta system can be significantly reduced. Those tidal marshes are also habitat for the state and federally-listed endangered California clapper rail and the state-listed threatened black rail.

The Baumberg Tract is comprised of diked inactive salt ponds and as such does not receive tidal action. During the dry periods of the year, the area is sparsely vegetated with pickleweed and other salt tolerant vegetation, typical habitat for the snowy plover. During the wet periods of the year, seasonal rains cause ponding on the site. The resultant

hatching of brine shrimp creates habitat for shorebirds and waterfowl. The elimination of regular tidal exchange and an increase in human activity near the site have reduced wildlife use from historic levels; however, the area still provides significant wetland habitat.

If acquired, the Department plans to restore 500-600 acres of the 835± acre Baumberg Tract to tidal influence by improving the external and internal levee system and the necessary structures to control tidal action. The remaining 200-300 acres would be enhanced for their seasonal wetland values and as nesting habitat for the snowy plover. The restoration of tidal influence on the property would create tidal marsh habitat for the salt-marsh harvest mouse and the California clapper rail. In addition, enhancing these seasonal wetlands would increase habitat for the western snowy plover, shore birds and waterfowl. The overall restoration would also benefit estuarine fisheries. The remaining 35± acres consists of vegetated uplands (levees). The restoration will be handled by the DFG in conjunction with the goals of the National Wildlife Refuge, to preserve, enhance and protect wetland habitats. Restoration of the 800± acres could result in a significant contribution to Bay Area wetlands by increasing the tidal marsh habitat in the Bay by approximately 10 percent.

The Baumberg Tract is located within the City of Hayward, with the adjoining lands to the north and east already developed for commercial, industrial and residential uses. The property is one of few large undeveloped tracts in the City. The majority of the property, the inactive salt ponds, were proposed for development as a combination race track and business/commercial project in the mid-1980's. However, regulatory and environmental constraints kept this project from proceeding. The subject property has more recently been proposed for inclusion in a Specific Planning area for the City of Hayward; an effort which is due to be completed in January, 1997 and would undoubtedly consider some level of development on the site. The landowner is participating in this planning study in the event the property is not acquired by the State. Given the prevailing regulatory climate, development on at least a portion of the site cannot be ruled out at some time in the future if it remains in private ownership.

The proposed acquisition and restoration would be a major contribution to the completion of the San Francisco Bay National Wildlife Refuge. The site has been identified as a potential site for inclusion in the refuge by the Department of the Interior, U.S. Fish and Wildlife Service, in its "Final Environmental Assessment--Potential Additions to the San Francisco Bay National Wildlife Refuge" and in the "Concept Plan for Waterfowl Protection for San Francisco Bay." It has also been identified as essential habitat in the "Recovery Plan for the California Clapper Rail and Salt-Marsh Harvest Mouse."

The landowners have agreed to sell the Baumberg Tract for the approved fair market value of \$12,430,000. It is estimated that an allocation of \$40,000 will be required to cover the costs of the appraisal, escrow and title insurance, Department of General Services review and related acquisition expenses. Restoration costs have been estimated by the DFG to be an additional \$1,500,000. The total amount needed to acquire and restore the site, including estimated closing costs is \$13,970,000.

The East Bay Regional Park District has indicated an interest in contributing toward the acquisition costs of the proposal. In addition, the Cities of San Jose, Fremont and Milpitas are willing to contribute toward the acquisition and restoration to satisfy mitigation requirements of two other offsite projects. The City of San Jose needs to mitigate for a fresh water discharge project and the Cities of Fremont and Milpitas need to mitigate for a Department of Transportation highway project. The Wildlife Conservation Board has also applied for a National Coastal Wetlands Conservation Grant in the sum of \$500,000. Should the grant be approved, the \$500,000 would be applied toward the restoration costs on the site. Staff would propose the Board contribute the balance of the funds necessary to make up the purchase and restoration in the sum of \$6,923,324. All of the parties' contributions are contingent upon receiving approvals from their respective boards and/or governing bodies.

A breakdown of the proposed contributions follows:

East Bay Regional Park District	\$ 900,000
City of San Jose	\$ 5,863,550
City of Fremont & Milpitas	\$ 283,126
Wildlife Conservation Board	<u>\$ 6,923,324</u>
Total	\$13,970,000

The California Wildlife, Coastal and Park Land Conservation Fund of 1988 (Proposition 70) allocated funds to the WCB specifically for acquisition or restoration of property within the San Francisco Bay Area, a portion being specifically designated for use south of the San Mateo Bridge. Should the grant application for \$500,000 be successful, WCB's share would be reduced by the amount of the grant award, as a project reimbursement, and those funds could be made available for other future South San Francisco Bay acquisitions or restorations.

Staff recommended that the Board approve this acquisition and restoration project, contingent upon obtaining all the necessary funding as proposed; allocate a total of \$6,923,324.00 [\$5,123,324.00 from the California Wildlife, Coastal and Park Land Conservation Fund/P-70, Section 5907 (c)(1)(A) and \$1,800,000.00 from the Habitat Conservation Fund/P-117]; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Schmidt indicated that it was required by law to have an appraisal made which must then be reviewed and approved by the Department of General Services. It is that approved value, which by law, must be offered. This was the procedure followed on this and all projects. Mr. Schmidt thanked the funding cooperators of this project and indicated his appreciation for their contribution and support.

Senator Mike Thompson and Ruth Coleman, who joined the meeting at this time, were introduced.

Mr. Schmidt indicated that seven personal letters had been received, including one from Holly Rogers which addressed a petition of 6,770 signatures supporting the protection of open space lands in the Hayward area. This letter was followed by a phone call in support from Evelyn Cormier which also referred to the petition. In addition, letters of support were received from Assemblyman Cortese, Noreen Hulteen, Ronald Hulteen a Hayward City Council Member, California Waterfowl Association, Ducks Unlimited, Central Valley Habitat Joint Venture, San Francisco Bay Conservation and Development Commission, Hayward Area Shoreline Planning Agency, Dr. Howard Cogswell-Professor at Hayward State, State Coastal Conservancy, Save the San Francisco Bay Association, Trust for Public Land, Ridge Land Conservancy and a letter and telephone call from Professor Sherman Lewis-Hayward State indicating his support. Letters in opposition of the proposal were received from the Hayward Area Historical Society, Mr. John Hansen representing Integrity in Natural Resources, and Ms. Cynthia Birmingham, an attorney. The Citizens Committee to Complete the Refuge wrote concerning the appraised value and the need to protect the lands from development. Copies of all the above mentioned letters were provided to the Board Members prior to the meeting.

Mr. McGeoghegan asked if there were any questions or concerns from the Legislative Advisory Committee. Assemblyman Hauser expressed a desire to listen to the witnesses and their positions and also indicated that all of the members had received information from Mr. Schmidt plus a chance to read the staff material, and many of the letters.

Chairperson McGeoghegan indicated that 17 people had indicated they wanted to speak and that in the interest of time, some kind of format would need to be established. He indicated that point persons should be selected to represent a group and if several persons in a group could give their proxy to a point person to save time it would be very much appreciated. He also requested that they avoid any duplication of comments. It was then noted that the speakers would be limited to two minutes each.

The first speaker, Ms. Cynthia Birmingham, representing the Oliver Trust beneficiaries: Hayward Area Historical Society and Eden Church, stated they do not oppose habitat preservation and agreed that a good portion of the Baumberg Tract should, in fact, be preserved. The concern was with the upland 100-200 acres of the proposed 835 acre acquisition that could be developable. The Trust asked that the 100-200 developable acres and the acreage to mitigate it be left out of this proposed purchase. She felt that if this 100-200 acres were allowed to be developed, it was assumed a significant portion of the remainder would be available for preservation with the expenditure of no public funds via the process of habitat mitigation. Ms. Birmingham learned, by speaking to staff, that it was not the policy of the WCB to confer with the County or City in which a property targeted for acquisition was located until after the funding was in hand, and indicated funding was in hand November 1995. This WCB policy was of major concern to her and she wondered when Hayward would ever get included in the process. The issue of the appraised value of the property was another concern because the price per acre indicates that some of the area is uplands and buildable. She referenced two letters from public agencies, which are in the WCB files, indicating that none of the Baumberg-Cargill acreage is buildable and based on these letters the City was advised none of the acreage

was buildable for the specific plan. She believes WCB is either paying too much for the property, or a good portion of it is developable and should be part of the specific plan. The Trust opposes the sale, would like to complete the specific plan process before WCB goes forward with this proposed purpose, and asked for the City of Hayward to be included in the negotiation process.

Ms. Zoe Foster, President of Hayward Area Historical Society representing 900 members, asked that the Board reconsider the offer to purchase the Baumberg Tract, or at least all of it. They feel that the City of Hayward and the property owners (Oliver Trust and Weber) should have been informed of the possible sale before so much time and money was spent on the studies done for the specific plan. Ms. Foster stated they would need to start all over with the planning, which according to the City of Hayward should be completed by January 1997. They believe if some of the Baumberg Tract could be saved for development (100-200 acres), then maybe they could continue with the process that was started three years ago. They want some of the bay lands saved for the natural habitat that now exists there and feel that the plan submitted by the City and the Oliver Plan could include a sports park which would be nearest the open space, golf course, industry and housing. She added that Hayward, to improve its status, could use a place where people could live, work, and relax and hoped that the Board would reconsider this purchase.

Mr. Richard Warren, member of the Hayward Area Historical Society, commented that Cargill agreed to participate in the Hayward specific plan and knew when they contributed \$300,000 for the study, that it would be matched dollar for dollar with money by the charities. Cargill also knew when they submitted its development plan, that specific plan funds were going to be spent evaluating the 300 acres of proposed development, while they negotiated with WCB to sell the same land for habitat preservation. Mr. Warren indicated that the Board was not a rubber stamp body, that they are here to look at the acquisitions brought before them, to look at the price and make the overall determination of whether it is the right and fair thing to do with the public funds. Mr. Warren believes that purchasing this entire property for habitat preservation is not the fair thing to do. He stated he did not suppose Cargill did anything illegal, and did not suppose the Trust has any recourse in the courts, yet felt what Cargill did was not right. He stated that the Board was the only group with the power to set the record straight and asked that the Board please use that power.

Mr. Donald Goette, member of the Hayward Area Historical Society, stated his concerns were with 1) the price being paid to Cargill, 2) the fact that negotiations were underway with Cargill, and 3) the Department of Fish and Game being notified about the Hayward Specific Plan and being invited to participate. Mr. Goette was concerned that WCB representatives met with staff of San Jose, Milpitas and Fremont to discuss a purchase but did not inform or include the Hayward City staff. He was also concerned about a WCB representative telling the Oliver development team that on-site mitigation as a golf course was not acceptable or encouraged by the Department of Fish and Game. He asked the Board to please put a stop to the purchase. Senator Thompson commented that Mr. Goette was supportive of the development on the Oliver sites, and that this purchase of the Cargill property wouldn't preclude you from developing the Oliver site, but would merely reduce

the mitigation associated with infrastructure costs. Mr. Goette indicated that he was supportive of the development but was concerned that the Board has usurped the purpose of any Hayward Specific Plan.

Mr. McGeoghegan introduced and welcomed Senator Patrick Johnston, who joined the meeting at this time. Senator Johnston had limited available time and asked to hear Item #22. Mr. McGeoghegan indicated that with everyone's indulgence we were going to proceed to Item #22, Cosumnes River Preserve Visitor Center (Reconstruction), Sacramento County, so that the Senator might have an opportunity to speak on the item and then return to Item #15 which was presently being discussed. Item #22 was heard now but shown in chronological order in these minutes.

Returned to discussion on Item #15.

Mr. Eugene Hirtle, Director of the Hayward Area Historical Society Museum, stated that he had been involved with this project since its inception. He indicated that he was very interested in wildlife preservation and thinks the Board does a good job 99 percent of the time. Mr. Hirtle said that if the Cargill sale is made, it would render the adjacent property very difficult to develop. Development would not be as economically feasible (cost of accesses would be prohibitive) and the sale severely restricts what can be done with the adjacent property. He was concerned with the way the negotiations were done. The fact that the Hayward Area Historical Society was not apprised of Cargill negotiating before entering an agreement with them has caused them to put money up for studies which are virtually useless at this point. He was also concerned about local rule and what a State purchase means for local rule. He asked the Board to postpone purchasing the property until their studies could be completed and a determination could be made on what portions of the land are reasonable to develop and what portions are significant to the environment and should be preserved. It was their plan to preserve portions of that property for wildlife. Senator Thompson commented that it sounded like Mr. Hirtle might have a legitimate gripe with Cargill, if they in fact strung the Historical Society along and caused them to spend money that wouldn't have otherwise been spent, and that they have no real concerns with the Board.

Ms. Donna McCarty, Hayward Historical Society, stated that Hayward has wanted to do something with the shoreline and was interested in developing a portion of the subject property. Ms. McCarty stated they want to go with some wetlands and with a little industry to help the town out and asked the Board to reconsider and look into it a little deeper before making a decision.

Mr. John Pappas, Mayor Emeritus-City of Hayward, stated that it should be noted that we are all environmentalist. He said he is a progressive person advocating reasonable development that provides revenues necessary to provide those very vital services for all of the citizens. He seriously and respectfully disagreed with the manner of outside agencies, other governmental entities who move in, ignore and put on the shelf a very vital uncompleted study (the specific plan for that area). He stated it appears that the right hand doesn't know what the left hand is doing and that no one really seems to care about the

basic ethics and morality of what is going on. He said it is very important to carefully consider the long-range plans of the City. He gave a final suggestion of having San Jose create a habitat preserve in the middle of San Jose's industrial area instead of Hayward's industrial area. He stated the way the Board was proceeding is unfortunate and unfair and asked the Board to please not go forward with this acquisition.

Mr. Jack Smith, attorney for Oliver Trust, Eden Church and Hayward Historical Society, stated that if Hayward had spoken first they would have asked for a delay of the purchase so they could complete their specific plan. The Oliver Salt and the Cargill properties are part of the specific plan which is now under study and about two-thirds finished. Some of the Cargill property would be industrial, which would allow the Trust property to have mixed uses and other uses than industrial. If the industrial portion is not available the City is in a very unfortunate position as to how they are going to complete the specific plan on their remaining 400 acres. Mr. Smith stated he was concerned about not enough notice of purchase. He stated the Board knew the specific plan was being conducted and could have said, "Don't do it, we are going to buy it," but it didn't. Mr. Smith asked for a delay in the Board's decision to allow the specific plan to be completed to see if any of Cargill's property is industrial. Mr. Smith added that he thought the property was industrial and, on page 30 of the agenda, it stated "given the prevailing regulatory climate, development on at least part of the site cannot be ruled out at some time in the future if it remains in private ownership." He stated it was only fair that the City of Hayward complete what it started. He was unhappy that the City of Hayward was not included in the discussions about acquiring this property, but Milpitas, Fremont and San Jose were. He stated it was the City of Hayward's property and they have a right to be included. The Board may have a right to buy it, have a right to use it as desired, but it should be used in conjunction with the City and with its plans. He said because the Board represents the State of California, it does not have the right to come into Hayward and use their property without having told them it is going to use it and without working with them as to the way it is used.

Mr. McGeoghegan noted that there were some people in the audience who supported this project and would like to recognize one of them now. He then noted that Mr. Marc Holmes, representing Save San Francisco Bay Association, had been given the proxies of the California Waterfowl Association and Ducks Unlimited.

Mr. Marc Holmes, representing Save San Francisco Bay Association, indicated the importance of the ecological significance of the property and that 90 percent of San Francisco Bay wetlands have been lost. This property was identified in several joint state and federal planning documents, as the top priority acquisition. This property is former tidal wetland, diked and disconnected hydrologically from San Francisco Bay. Regarding legal implications, he noted that the Board was proceeding in a right and fair fashion contrary to previous testimony heard today. The Board has no right whatsoever to go to the City, in fact, they are prohibited from going to the City. These are confidential negotiations between the property owner and the Board for the public of California. If the property owner wished to approach the City and talk about the future plans of that site, it was perfectly within their authority to do that. Mr. Holmes commented on the

representation by the previous speaker, that this was Hayward's property, where in fact the property is Cargill Salt's. The Board is not a land use planning agency, and has no obligation and is forbidden from entering into land use planning negotiations with the City of Hayward or any other land use agency. In summary, the existing wetlands in San Francisco Bay, not only are not abundant, they are severely depleted. To suggest that Hayward has done its part is wrong. There are certain locations ecologically where these restorations must occur. From the San Mateo Bridge on the east side around to the western end of the San Mateo Bridge at Redwood City are where the historical tidal marshes of San Francisco Bay are. There are no other opportunities to restore them. This would be the single largest acquisition and restoration project to have occurred since 1972 when the refuge was established by law. Mr. Holmes added that he could not impress enough upon the Board the significance of this acquisition and the tragedy that would occur if the Board decided not to go forward with this purchase today. He urged support and asked for prompt action.

Mr. Jesus Armas, City Manager for City of Hayward, offered a couple of comments for the City of Hayward. He stated he was neither in support nor opposition to the purchase. The City has taken one important goal the State has established for everyone, the notion of comprehensive planning, and has embarked on a very careful evaluation of potential uses and activity in the area. The City Council's approved position is to defer final action until that planning process is completed. They asked that the process be allowed to unfold, to be completed so all understand completely the ramifications before us. The second major point from the City's perspective was that they believe there are some inconsistent messages being conveyed regarding the methodology relative to the appraisal. On the one hand an argument was put forward that full restoration is the only avenue, on the other that some development presumably was possible, resulting in a higher appraised value. The City expects the planning effort to be completed by the end of this calendar year and respectfully requested deferral until that process is completed.

Mr. Paul Shepherd, Land Manager for Cargill Salt, stated that he was available to answer any questions but wished to speak to certain misrepresentations brought up today. He stated it was suggested that Cargill proceeded without advising either the City of Hayward or the Oliver Trust attorneys that they were negotiating for the sale of the property. Mr. Shepherd explained at the time the venture was started, they advised both parties that Cargill might very well be selling the property. This information apparently did not go to everybody involved, but to the key participants and their representatives of those agencies. Mr. Shepherd suggested that the plan continue, saw no reason why the special area plan could not continue and why the State could not cooperate with the City and take into consideration what the City's needs and objectives are. He stated he believed the use of the property was extremely controversial.

Mr. McGeoghegan introduced Mr. Gavin Payne, representing Senator Jack O'Connell, who joined the meeting at this time.

Mr. Raysbrook noted that Mr. Shepherd indicated the City of Hayward was fully aware of the fact that negotiations for sale were taking place and that had been his impression

also. Mr. Raysbrook stated that the Department's intention and interest in acquiring the property was not a secret and the potential for sale was certainly there. He wondered if someone could date when it should have been clear the City was aware of the possible purchase.

Mr. Shepherd responded that he couldn't give a date but related it in terms of events. The City was anxious for Cargill to participate and contribute \$300,000 for the study, which has been done. He stated further that Cargill is willing to leave these funds for the City's use at its discretion. He stated it was during the time when they were discussing with the City and with the other landowners who the consultants might be and how the study might be conducted, that they advised them that Cargill was in the process of negotiating to sell the entire property. That might indeed have happened when the process was underway.

Mr. Schmidt added that the WCB met with Cargill in January 1995 and Cargill indicated at that time that they had conversations with the City about the possible sale. In addition, the Board staff held a meeting on potential South Bay acquisitions for some environmental groups in February 1995 and included the Hayward Shoreline Planning Agency, of which the City of Hayward is a member. He added that it was indicated at that time that the Board was interested in acquiring the subject property; however, no appraisal was done and only preliminary contacts for this and other properties had been made. To our knowledge, the City was aware as early as January and February 1995 that WCB was to commence negotiations for the purchase of the property.

Mr. Lou Garcia, Department of Environmental Services for the City of San Jose, was the next speaker. San Jose is a co-owner of the San Jose/Santa Clara Water Pollution Control Plant which is operated for seven cities, and unincorporated areas as well, in Santa Clara County serving an area of over one million people. He explained the City's role in this proposal. First, he stated the City would never impose itself in the planning process of any city, no more than they would like other cities to do that to them. Secondly, they have not been involved in any negotiations with Cargill, but only with the staff of the WCB. Basically, they are involved as a funding partner, a deep pocket if you will. They run a tertiary treatment plant, the only one on the bay. The effluent from the plant is so pure that between 1970 and 1989, they converted 170 acres of salt marsh into brackish marsh. Because of the endangered species act and the fact that the California clapper rail and salt-marsh harvest mouse are both listed, when they applied for their NPDS permit to operate the plant, they were placed under certain restrictions. They were required to do three major activities: (1) recycle 21 million gallons of part-effluent by November 1997, (2) recycle an additional 25 million gallons of effluent by year 2000, and (3) to conserve 15 million gallons of water to reduce the flows to plant by end of 1996. In addition, in order to restore the marsh that was converted, the San Francisco Bay Regional Water Control Board imposed a mitigation requirement of 240 acres of salt marsh that was suitable for habitat for the clapper rail and harvest mouse. That provision was appealed and changed from 240 to 380 acres. That mitigation must be located south of the San Mateo Bridge as part of the San Francisco Bay National Wildlife Refuge expansion. When the refuge boundaries were expanded, an assessment was done and 24,500 acres were identified as potential properties suitable to add to the refuge. Mr. Garcia stated it sounds

like there is a lot of property out there that the City could use, but about 4,000 acres are already owned by the private sector and another 16,000 acres, or over 65 percent of the land, is owned by Cargill, who until this acquisition proposal had not been willing to sell portions their land. All the environmental groups and resource agencies have identified Bair Island, in Redwood City, and the Baumberg Tract, in Hayward, as the two top parcels for acquisition. In September 1995, WCB staff came to the City to indicate that they had reached a conceptual agreement with Cargill and would they be interested in participating in the acquisition as part of their mitigation requirement. Since the City had already failed to meet the deadlines to acquire the 380 acres by June 30, 1994, and have it restored by June 30, 1995, we indicated that we would be willing to participate. Mr. Garcia did want to make it clear that the City of San Jose would prefer to purchase lands that are adjacent to or are closer to San Jose if they were available, and that they are concerned about costs and have no intention of paying higher costs than would be warranted by appraisals. Mr. Garcia stated they don't believe that the arguments that have been made about the costs being "out of line" are correct. He feels when you look at inflation and all of the other intricacies that go into this, that they don't think that the price is out of line given that fair market value would be established. Mr. Garcia stated they are willing to move forward to participate. They are under pressure because they have already failed to meet their deadlines and will be continuing to look for additional property if it is available. The City's approval is still conditioned upon the tributary agencies and their City Council approving the sale. If property is found before this property is purchased that meets the needs of all the resource agencies and will get them into compliance with the State Board order, they we will go forward with that as well.

Mr. McGeoghegan asked for an idea of when that pivotal date may occur. Mr. Garcia responded that the dilemma is that Bair Island parcel is not for sale and the only other potential seller of property in the number of acres that would meet the City's requirements is Cargill. So, if Cargill is unwilling to sell anything except this parcel, the City really has no where else to go. The Water Board has not taken any enforcement action for their failure to meet the requirements. The City has provided the funds in their capital improvement program and are authorized to participate in any sales that might be available. The City's pursuing another smaller parcel for acquisition from another public agency that could occur but is less than 50 acres.

Mr. McGeoghegan asked for an estimation at what point would the City no longer be interested in participating in this transaction, either by virtue of funds not being available or upon finding another piece of suitable property.

Mr. Garcia responded that if he walked out the door and the owners of Bair Island (or a parcel that would meet all the requirements) told him they would be willing to sell their property to the City, this deal would be off as he walks out the door; but he felt that was not likely to happen as there are no willing sellers of parcels in the vicinity in the number of acres needed and the kind of habitat values required by the mitigation requirements.

Mr. Dick Sheridan spoke next representing the Hayward Area Shoreline Planning Agency (HASPA). He is on the Board of Trustees of HASPA by virtue of an elected office that

he holds with the Hayward Area Recreation and Park District, which is one of the five member agencies of the Joint Powers Agreement. The five entities are the City of Hayward (Council member or Mayor has historically been the member), the Director of East Bay Regional Park District, a Board member from the Hayward Unified School District, a Board member from the San Lorenzo Unified School District, and the Hayward Area Recreation and Park District. The Joint Powers Agreement has been in effect since the early 1970's and was established to conduct planning and advise as to use of the Hayward shoreline. Mr. Sheridan quoted from the "Hayward Shoreline Environmental and Enhancement Program" which was done at the request of HASPA and put together by Wetlands Research Associates under contract with HASPA. This document has been available for everyone to refer to for advice on the shoreline. The property north of Highway 92, some 1,800 acres that have been set aside for educational, historical, environmental and ecological use, has all been acquired and protected under the HASPA plans since the early 1970's. The Joint Powers' jurisdiction goes down to the creek and is westerly of the Southern Pacific Tracks and includes the subject property in their area of interest. Mr. Sheridan read from the document, which includes site by site analysis that HASPA had accomplished to relate to the entire shoreline according to its habitat values and possible future uses. "It is difficult to predict what will happen with this property that has already been the subject of much interest." Mr. Sheridan stated he was sure the Board realized the Baumberg Tract has had a long history of being studied and desired. "Further discussions about the future of the property should include not only new studies of the geological, hydrological and ecological aspects of the various parts of the property but draw upon the extensive studies sponsored by the shore lands corporation in the mid late 1800's. Ideally, it would be appropriate to have the property become part of the San Francisco Bay Wildlife Refuge and include all wetland area ponds and as much of the upland areas as is feasible." Mr. Sheridan thanked the Board.

The next speaker was Mr. Bob Doyle, representing the East Bay Regional Park District (EBRPD) which is a two-county special district (all of Alameda and Contra Costa County with approximately 80,000 acres of public lands in the East Bay). Mr. Doyle stated the EBRPD's Board directed staff to enter into a MOU with the WCB to participate up to \$900,000 and that the agreement needed to be completed sometime by May 1996, at the latest. The Board supports this acquisition, and is part of the Hayward Area Planning Agency, which has shown this to be a priority for public land and restoration for many years. It is consistent with that plan. The Fish and Wildlife Refuge plan shows Cargill as a priority for the Bay Refuge, it is consistent with that plan. Mr. Doyle said the Board greatly respects the efforts of the Historical Society and of their efforts to preserve history and do what they need to do for their community, but there have been many years of controversy over this property before the participation of the Wildlife Conservation Board related to development. He said it has been said several times today that from 100-200 acres may be developable on this property. What hasn't been clearly stated so far is those 100-200 acres of upland are also essential for wildlife habitat and to restore the very property that is desirable more than the goal of just acquiring it. Part of the restoration plan includes taking some of that upland and creating new wetland and enhancing that. What is greatly underplayed is the importance of having an upland buffer against industrial sites. Mr. Doyle stated that they have reviewed the appraisal, you have a willing seller,

a willing buyer and the funding package put together, and encouraged the Board and staff to consider a plan that also includes some amount of public participation relating to public access, viewing of wildlife, so the public can see a return of their investment, not only in wildlife habitat but also in actual use of that site to some degree. He stated their Board favors recreation and golf courses but they do not think this is the site to do that. They believe that the Oliver Trust has adjacent property that can still be developed.

Mr. John Weber, one of three property owners who has participated with the City in the specific plan, spoke next. His property contains 80 acres and he contributed \$54,000 for this study along with Cargill and the Oliver Trust. He stated he was not aware of WCB's intentions to purchase the property. Mr. Weber made an observation that the 100-200 acres that the City is talking about basically runs along the freeway, the San Mateo Bridge and the rest of the industrial property that was previously Cargill's property. He questioned that there might be a way to exchange another 200 acres until it's determined whether the property is industrial or not? Mr. Weber asked for the Board to postpone a decision.

Ms. Marie Grubbe, Ohlone National Audubon Society, stated they support the acquisition of the Baumberg Tract, and want the protection and conservation of this wildlife area.

Mr. Neal Fishman, State Coastal Conservancy, stated they were not a party to this acquisition but have been involved in the Hayward area for many years, both in the acquisition and restoration of property here and in the rest of San Francisco Bay. They partner with the Wildlife Conservation Board on many projects, both on the coast and in the Bay. They are in support of this acquisition as this is a very rare opportunity to acquire attractive property this large along San Francisco Bay of this significance. Mr. Fishman stated that there is a willing seller, funding is available now, the upland area is restorable to wetland and as such, they would support moving forward with this purchase.

Mr. John Hansen, Integrity in Natural Resources, stated he did not wish to speak to whether this was an appropriate acquisition or not for the habitat and wildlife but only to whether the public was getting value for its dollar. He stated there is no such thing as wetland value, any more than there is freeway value. He said appraisals must be based on a private economic value. He stated the value of \$15,000/acre was not supported by private economic purposes. Specifically, he recommended a new appraisal be done showing that it does meet these standards. He stated using public land acquisitions as comparables results in the public sector driving the price of the acquisition. He stated he did not think the public was getting value for their dollar.

Assemblyman Dan Hauser stated that before the Board takes action, speaking for at least most of the Legislative Advisory Board, that this project was in the best interest of the State of California and has been fully reviewed and would certainly recommend approval of this project as submitted.

Mr. Bill Gaines, California Waterfowl Association, stated that he yielded his CWA time

to Mr. Marc Holmes, but Mr. Holmes did not state that the Central Valley Habitat Joint Venture was also in strong support of this purchase.

Mr. McGeoghegan asked if there were any questions or comments from the Board.

Mr. McGeoghegan noted that the Department of Fish and Game in the 1990's, because of various budget constraints and demographics, was continually looking at the way they do business regarding acquisitions and how they handle property and various kinds of uses. He asked if it would be fair to suggest that were the Department and Wildlife Conservation Board, thus the State of California, to acquire this property, that variations of use or even eventual partition or separating various kinds of portions of this land once ownership is vested in the State are not precluded by any statute? Or basically, keeping WCB's mission statement in mind of course, state acquisition does not preclude the eventual disposition or even reallocation or varied use of this property.

Mr. Raysbrook responded that was a correct statement. He stated that there will be a restoration plan developed and indicated that there has been a genuine willingness to work with the City of Hayward and suggested that if there were appropriate mitigation offered, that selling or exchanging part of the property was not precluded. However, the Department's biological assessment that the whole property is necessary for a complete restoration plan must be kept in mind.

It was clarified that all of the participating contributors still have to meet and approve funding, but are awaiting the Board's approval. If the property were acquired the whole fee title would be vested in the State of California.

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

In a preface to the motion, Mr. Raysbrook noted that intentions here were consistent with the Governor's Wetlands Policy and Federal Wetlands acquisition policies. He added that he was also very sensitive to the fact that this represents a real confluence or even a clash of many issues and concerns and among them are basic property rights issues, land use planning responsibilities of local government, public trust doctrine, power on resource trustee duties, the statutory mandates related to conservation, use of public funds, habitat loss and habitat restoration potential for one of the most unique ecological areas in the whole of the United States, if not the world. He stated we have science, laws and emotions surrounding the Baumberg Tract Acquisition.

IT WAS MOVED BY MR. RAYSBROOK THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE ACQUISITION AND RESTORATION OF THE SAN FRANCISCO BAY WILDLIFE AREA, BAUMBERG TRACT, ALAMEDA COUNTY, IN COOPERATION WITH THE EAST BAY REGIONAL PARK DISTRICT, THE DEPARTMENT OF TRANSPORTATION AND THE CITIES OF SAN JOSE, FREMONT AND MILPITAS AND CONTINGENT UPON OBTAINING THEIR NECESSARY FUNDING ALLOCATIONS, AS PROPOSED; ALLOCATE A TOTAL OF \$6,923,324.00 [\$5,123,324.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND/P-70, SECTION 5907 (c)(1)(A) AND \$1,800,000.00 FROM THE HABITAT CONSERVATION FUND/P-117]; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

Mr. McGeoghegan thanked everyone and indicated that a very productive discussion was heard on this proposal. He added that he hoped that some issues discussed, regarding the Department of Fish and Game and Wildlife Conservation Board in the 1990's, will help to encourage people that it may be worthwhile to continue to become involved in these processes.

A five-minute recess was held at this time.

16. Clover Swale Conservation Easement, Modoc County \$175,000.00

Mr. Schmidt reported that this proposal was to consider the acquisition of conservation easements over two separate parcels of land, totaling 1,226± acres, within Modoc County. The subject properties are located approximately ten miles west of Alturas, and about seven miles east of Canby, on the north side of Highway 299. Entrance to the properties may be gained from County Road 68. Ms. Debbie Townsend explained the project.

The southern portion of the parcels, which lie adjacent to each other, consists of relatively flat cultivated grasslands, elevating northward to steep slopes and finally to level, higher grassy areas. The northwest portion of the subject properties descends into Salisbury Creek Canyon. Elevations range from approximately 4,400 feet at the southern end to approximately 5,000 feet toward the north.

The primary purpose of these conservation easement acquisitions is to permanently protect the subject lands from being subdivided and developed, effectively protecting critical winter habitat for mule deer from the Devil Garden/Interstate and Warner Mountain deer herds. Protection is also critical for pronghorn antelope from the Likely Tables Pronghorn Antelope Herd which use the area for summer and winter habitat as well as for a migration route. In addition, the area also provides habitat and foraging areas for a wide variety of other wildlife species including the Swainson's hawk (state-threatened species), the bald eagle (state and federally-endangered species) and numerous other bird and mammal species.

Clover Swale, located along the Alturas-Canby Rim, includes several habitats containing a wide variety of elements, with juniper being the predominate habitat type. In addition to upland habitat types, several permanent wetland spring sites and seeps are located on the properties. Approximately one mile of Essex Creek, an intermittent stream, crosses the northern portions of both of the properties.

Both parcels are used for livestock grazing operations, and one has expanded agricultural uses including cultivated crops. Improvements include a residence, several outbuildings, four irrigation wells, a series of maintenance access roads and exterior and interior fencing. Generally, the owners will continue to use the properties for the present uses. However, the conservation easements provide that there shall be no activities, actions or other uses detrimental to water conservation, erosion control, soil conservation or fish and wildlife habitat preservation.

The immediate areas surrounding the proposed acquisition have been under constant pressure of subdivision and some are undergoing development. The subject properties were recently divided into six parcels and have the potential for further splitting to even smaller parcels. If not acquired, one of the landowners has indicated a desire to proceed with subdivision of the property.

The landowners have agreed to sell the conservation easements over the subject properties

for the approved appraised fair market value of \$77,100 and \$86,400, respectively, or a total of \$163,500. In addition to the purchase price, it is estimated that an allocation of \$11,500 will be required to cover the costs of escrow, Department of General Services review and related acquisition expenses. The acquisition is categorically exempt from CEQA under Class 13, acquisition of land for the restoration and preservation of wildlife habitat. Monitoring for compliance with terms of the easements would be by the Department, which has highly recommended this proposed acquisition.

It was noted that the terms of the conservation easement are fairly straight forward and will provide no uses that are inconsistent or detrimental to soil conservation, erosion control, water conservation or fish and wildlife habitat preservation. Mr. Schmidt added that the acquisition of conservation easements is one thing the Board was seeking to do more of.

Staff recommended that the Board approve the acquisition of the easements, as proposed; allocate a total of \$175,000.00 from the Habitat Conservation Fund/P-117 (P-99 & ELPF - deer and mountain lion habitat), to cover the purchase price and related costs of acquisition; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Ms. Carolyn Carey, representing Modoc County Board of Supervisors and Secretary to the Modoc County Land Use Committee, complimented the Board on their participation in the recent development of the Memorandum of Understanding between Modoc County and the Department of Fish and Game which has put them on great cooperative footing leading to some major successes in the county. Ms. Carey indicated that she did feel disappointed that they were not allowed further input into the conservation easement discussions and design and requested postponement.

Mr. John Gamper, Director of Taxation and Land Use for the California Farm Bureau Federation, stated he was representing the California Farm Bureau and Modoc County Farm Bureau. The Farm Bureau has been a strong supporter of agricultural conservation easements dating back to late 1980's. They co-sponsored AB 655, Assemblymen Jones, which would have provided \$200 M for conservation easement programs; co-sponsored SB 275, Senator Costa, to create the Agricultural Land Stewardship Program and also supported SB 1280 to provide a tax credit for conservation easement programs. Mr. Gamper was specifically concerned with the subject habitat conservation easements and their potential impact on continuing agricultural operations and on the economic viability of agricultural operations nearby.

Mr. Gamper also made reference to the state having the first right of refusal should the landowner decide to sell his remaining agricultural rights for the appraised value, as determined by the State. He questioned whether the option price was appraised. Mr. Sarro indicated that the option was not valued in the appraisal, but are typically obtained at no cost to the State (as this was). Mr. Gamper further stated that the County of Modoc would be very concerned with the option and whether or not it would have an economic impact in the future.

Mr. Schmidt added that any first right of refusal exercised by the state would have a public hearing. Mr. Gamper asked for postponement to allow negotiations to continue and identify between the ability to continue to use the land for agricultural uses and the restrictions imposed relative to water conservation, erosion control, soil conservation, and wildlife habitat preservation. Mr. Schmidt responded that the main purposes of these kinds of conservation easements are to purchase the development rights, to preclude development that would block the migratory pattern of a particular species. By delaying the purchase now could only increase the value over time and possibly preclude the opportunity to acquire in the future.

Ms. Sheila Massey, California Cattlemen's Association, stated that they very much respected the right of an individual private property owner to do as he sees fit with his property and it was not their intent to interfere with that right. She added that she was present on behalf of members in Modoc County to second the concerns raised by Carolyn Carey in that there had been a spirit of cooperation and with the staff of the Department of Fish and Game and the Wildlife Conservation Board to determine the impact of this conservation easement once they were approved. She asked for postponement so that continuing negotiations could occur.

Mr. John Gamper commented that the County's letter of concern dated February 7, 1996, had not been read into the record. He read for the record "It is the County's position that (1) the WCB staff enter into meaningful discussion with the County's Land Use Committee relative to the conservation easement language and (2) inasmuch as the conservation easement language being modified as late as February 7, which the County has not had an opportunity to review and that the provisions of the mutually agreed to MOU between the County, WCB and Fish and Wildlife, have yet to be met, consideration of the Clover Swale Conservation Easement acquisition should be postponed, and (3) the County cannot lend its support to conservation easement acquisitions that are made under the provisions of the agreement in question." Specific concerns were about the impacts on ongoing agricultural activity, not subdivision and development, but the impacts of the specific language.

Mr. McGeoghegan 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. RAYSBROOK THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE ACQUISITION OF THE CONSERVATION EASEMENTS AT CLOVER SWALE, MODOC COUNTY, AS PROPOSED; ALLOCATE A TOTAL OF \$175,000.00 FROM THE HABITAT CONSERVATION FUND/P-117 (P-99 & ELPF-DEER AND MOUNTAIN LION HABITAT), TO COVER THE PURCHASE PRICE AND RELATED COSTS OF ACQUISITION; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

17. Napa Marsh Wildlife Area, Steamboat Slough, Expansion #4,
Sonoma County \$212,057.00

Mr. Schmidt reported that this proposal was to consider the acquisition of 102± acres of grazing and marsh land for wetland habitat enhancement and preservation as part of the Department of Fish and Game's (DFG) ongoing acquisition and restoration efforts in the northern San Francisco Bay area. Ms. Lipphardt described the project. The proposed acquisition, a portion of the landowner's total ownership, is located approximately five miles south of the town of Sonoma and adjacent to DFG's 480± acre Napa Marsh Wildlife Area, Steamboat Slough Unit.

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, formerly used for solar salt production, and open water or marsh lands. The open water, marshes and sloughs provide primary habitats for fish and water birds, including the endangered California clapper rail, and are home to the endangered Salt-marsh harvest mouse. The diked agricultural lands provide seasonal wetland habitats during heavy rain periods. Historically, these wetland habitats were available at the upper reaches of the marsh and in low depressions in the surrounding uplands. In recent years, however, due to development activities, these freshwater and seasonal wetland areas have been greatly reduced. Presently, crops planted in diked areas, such as oat-hay, are harvested in early fall, allowing winter rains to pond in the depressions creating "wetlands" during the winter months when large numbers of waterfowl and shore birds are present in the area. Early migrating waterfowl, primarily pintail, start arriving in late August to early September, when the diked wetland habitats are least available. Acquisition and enhancement of the subject will provide much-needed additional managed wetlands for these early migrations, as well as increased habitat on a year-round basis.

DFG owned or controlled lands in the Napa Marsh complex now total almost 12,000 acres, including over 9,400± acres of salt pond habitat acquired, pursuant to Board action in 1994. The subject property will be managed in conjunction with the adjacent property and the other DFG lands in the Napa Marsh Wildlife Area, for wetland habitat enhancement and preservation.

The subject property is a portion of an overall 275± acre ownership which includes vineyard, hay and grazing lands as well as some existing marsh lands. The owners have agreed to sell a 102± acre portion of the marsh and grazing lands for fair market value,

while retaining the vineyard, farmlands and remaining grazing land. The approved appraised fair market value of the 102± acre portion is \$202,057. Processing costs are estimated to be \$10,000, which includes the appraisal, title and escrow fees and Department of General Services review costs, bringing the total allocation necessary to \$212,057. Potential State claims have been considered and their effect on the fair market values have been taken into consideration in the appraisal. The acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as an acquisition for wildlife conservation purposes.

Mr. Schmidt noted that a letter of support was received from the California Waterfowl Association.

Staff recommended that the Board approve the acquisition of this property as proposed; allocate \$212,057.00 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.

Senator Thompson stated that he was very familiar with the property and what's taken place already regarding restoration of wetlands was fantastic. You can see the tremendous value added from a wildlife and waterfowl perspective and urged support by the Board.

Mr. McGeoghegan 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. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE ACQUISITION OF THE NAPA MARSH WILDLIFE AREA, STEAMBOAT SLOUGH, EXPANSION #4, SONOMA COUNTY, AS PROPOSED; ALLOCATE \$212,057.00 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.

18. M & T/Parrott Pumping Station & Fish Screen, Butte County \$500,000.00

Mr. Schmidt reported that this was a proposal to consider funding toward a cooperative project that will relocate, onto the Sacramento River, and screen the Phelan-Parrott Pumping Station (locally known as the M & T/Parrott Pumping Station), which is currently located on Big Chico Creek. The purpose of this proposal is to increase and protect an important fishery, enhance wetland habitat and provide for more efficient irrigation of agricultural lands. Ms. Marilyn Cundiff-Gee briefly explained the project.

The confluence of Big Chico Creek is located approximately five miles west of Chico, once supported healthy runs of spring, fall and late-fall runs of chinook salmon and steelhead trout. In 1958, it was reported that the spring-run chinook salmon population was estimated at 1,000 adults and steelhead populations were thought to have averaged around 150 returning adults. However, recent estimates indicate that only a remnant of spring-run salmon remain in Big Chico Creek, a low steelhead population now uses the creek, and there is a highly variable spawning population of fall and late-fall run chinook salmon.

In the early 1900's, five large pumps with a combined capacity to divert more than 135 cubic feet per second (cfs) of water were installed on Big Chico Creek to provide critical irrigation water to the M & T Ranch and the Llano Seco Ranch. Since that time, a portion of the Llano Seco Ranch was purchased by the U.S. Fish and Wildlife Service (USFWS), the Wildlife Conservation Board/Department of Fish and Game (DFG) and The Nature Conservancy (TNC) because of the pristine riparian, wetland and upland habitat it contained. Portions of the original Llano Seco Ranch are now managed to support and benefit numerous threatened and endangered species. In addition, the area supports ducks, geese, swans, and hundreds of other wetland dependent species. Also, the Parrott Investment Company is responsible for managing several thousand acres of private wetland easements, on portions of the original ranch that are now under federal easement protection.

Currently, water from the Phelan-Parrott Pumping Station/diversion is available for use at both the Llano Seco Unit of the Sacramento National Wildlife Refuge and the State Llano Seco Unit of the Upper Butte Basin Wildlife Area. In addition, the M & T Ranch and the Parrott Investment Corporation use the existing pump station to irrigate approximately 2,500 acres of highly productive agricultural ground.

When the pumps are in operation, this unscreened diversion actually causes streamflow reversals during critical fish migration periods, resulting in a substantial loss of downstream migrants. Due to the unacceptable losses of winter run salmon, the DFG and USFWS have elected not to exercise their legal right to use the pumping station necessary to flood the wetland and riparian habitat on those portions of the Llano Seco Ranch they own and operate. As a result of the unreliable and limited supply of water, approximately 80 percent of the existing wetlands on Llano Seco are functioning at about 60 percent capacity. Developing a "fish-friendly" alternative by relocating the pumping station will result in providing water for approximately 8,000 acres of wetland habitat which can then

be managed in a more efficient and effective manner.

Cost estimates to relocate and screen the existing pumping station have been prepared and reviewed by staff as follows:

<u>Description</u>	<u>Total</u>
Survey & Geotechnical Work	\$ 60,000
Environmental Documentation & Preliminary Design	128,000
Equipment Pre-Purchase Documents & Contractor Qualification	32,000
Project Management & Contingencies	<u>40,000</u>
Subtotal	\$260,000
Design, Permits and Bidding Services	\$150,000
Construction Management Services	173,000
Project Management & Contingencies	<u>57,000</u>
Subtotal	\$380,000
Pre-Purchase Pumps & Motors	\$350,000
Pre-Purchase Fish Screens	200,000
Project Management & Contingencies	<u>90,000</u>
Subtotal	\$640,000
Fish Screen System	\$200,000
Install Pump Station & Intake	1,240,000
Discharge Pipeline	1,200,000
Outlet Structure	50,000
Project Management & Contingencies	<u>400,000</u>
Subtotal	\$3,090,000
Total Project Cost:	\$4,370,000

Developing a "fish-friendly" pumping alternative benefits not only the fisheries and agricultural interests, but the wetland and waterfowl communities as well. As such, the following proposed partnerships have been developed to leverage available fish, agricultural, waterfowl and wetland funds to complete this project.

FUNDING PARTNERS

U.S. Fish & Wildlife Service/Bureau of Reclamation (CVPIA)	\$2,170,000
CALFED Bay-Delta Category III Program ^{1/}	1,550,000
Wildlife Conservation Board	500,000
Ducks Unlimited, Inc.	150,000
Total:	\$4,370,000

In addition to the financial contributions from each of the proposed funding partners, the owners of the M & T Ranch and the Parrott Investment Company are working with the DFG to develop an agreement whereby critical water supplies to Butte and Big Chico Creeks would be ensured and that future water diversions from the Sacramento River will not have any damaging impact upon the fisheries or wetland habitat. While the provisions of this agreement are currently being negotiated, all parties involved understand and have agreed that actual construction, relocation and screening of the pumping station will not occur until such time as an acceptable agreement is in place, designed to enhance the water supply in Butte Creek.

Ducks Unlimited, Inc. (DU) is serving as the general contract administrator for this project. As administrator, they will be responsible for obtaining all permits and documentation pursuant to the requirements of NEPA and CEQA. As such, all funding partners would award grants or contracts directly to DU. Consistent with the other funding partners, staff proposes, if approved by the Board, to award DU a grant in the amount of \$500,000 toward this \$4.3 million project. A management oversight team comprised of representatives from each of the funding partners and the Department of Fish and Game will oversee the work which is estimated to be completed by December 31, 1996.

This project represents an opportunity for federal, state and private organizations to form a public/private partnership and implement a conjunctive use project that far outweighs the direct beneficiary, i.e. the salmon and steelhead populations that once dominated Big Chico Creek, Butte Creek and the Sacramento River. It represents an opportunity for the public and private sector to address a watershed, and Bay-Delta fisheries, problem that will benefit hundreds of waterfowl and wetland dependent species and, just as important, the economic viability of an agricultural industry that is critical to Butte County and the citizens of California.

^{1/} On December 15, 1994, a historic State/Federal agreement on Bay-Delta environmental protection was signed. The agreement, referred to as the Bay-Delta Accord, reflects a State/Federal commitment to protect the Bay-Delta ecosystem while assuring reliable water supplies for urban, environmental and agricultural purposes. Consistent with the agreement, the Category III program was established. The purpose of this program is to implement projects designed to address nonflow related factors affecting the Bay-Delta ecosystem, such as unscreened water diversions, habitat degradation and pollution.

Senator Thompson asked if the pumps would be screened when they are relocated and why wasn't the private interest benefitting from this move included as a funding partner. Ms. Cundiff-Gee responded that the pumps would be screened upon relocation and added that the landowners were contributing in terms of the water exchanges they're making by not pulling water off of Big Chico Creek and Butte Creek and instead pumping off the Sacramento River. In addition, the landowners would be leaving water in Butte Creek. The water exchange agreement and values associated with the water exchange were currently being negotiated. This agreement will identify the dollar value of water left in the creek and the associated pumping costs. Ms. Cundiff-Gee indicated that Mr. Ryan Brodrick, representing the Department of Fish and Game, Mr. Gary Kramer, representing the U.S. Fish and Wildlife Service, and Mr. Les Heringer, the landowner, were present should there be any questions.

Senator Thompson inquired if there were any private contributions in regard to this expenditure. Mr. Ryan Brodrick, Regional Manager-Department of Fish and Game, stated the actual dollar value had not yet been established. Negotiations are in progress for the agreement, and all but two items have been agreed to that will allow a specific amount of water to remain in Butte Creek and Big Chico Creek. We are reaching an agreement where we will shift a portion of the water right they exercise on Butte Creek for instream beneficial uses and they will move their point of diversion on Big Chico Creek out of Big Chico Creek to the Sacramento River. Negotiations are still underway on how to allow that transfer of water rights with the State Water Resources Control Board. They will still be able to exercise a portion of their waters right in Butte Creek, 40 cfs is the current agreement, and will be able to dedicate for instream flow purposes. Senator Thompson asked if they are under a requirement now to screen the existing pumps. Mr. Brodrick stated they are not required to screen the pumps. This project provides the opportunity on the state and federal lands, as well as private lands under federal wetland easements, to get a reliable source of water that we know is not going to impact fish. This improves the predictability of costs to Llano Seco Unit of Upper Butte Basin Wildlife Area and gets us some water into Butte Creek which is just a real struggle to find. The reason the fish are in trouble is that the water in Butte Creek was over allocated years ago and its tough to get new water. Benefits from this project will result in terms of lower, more predictable costs for water on the wildlife areas and water that not's going to have a negative impact.

Mr. Gary Kramer indicated that there are 4,500-5,000 acres of conservation easements on the Llano Seco ranch, as well as 1,500 acres of wetland habitat for the state that is owned in fee, as well as 1,500 acres that the U.S. Fish and Wildlife Service owns in fee. Land is strictly used for wetland habitat. Because current pumps are unscreened on Big Chico Creek, the U.S. Fish and Wildlife Service and DFG have elected not to take that water because of the possibility of taking salmon from an unscreened pump. From the wetlands standpoint alone, efficiency will increase because all of our water now comes out of Butte Creek which is very expensive because there is so little of it and it doesn't come at the right time of the year, wetlands cannot be properly managed. The project will also prevent the direct take of salmon in Big Chico Creek by moving the pump to the Sacramento River.

Ms. Cundiff-Gee stated the landowner agreement was still being negotiated and that

construction absolutely would not occur until this agreement was finalized and signed by U.S. Fish and Wildlife Service, Department of Fish and Game and the landowners.

Mr. Les Heringer, manager of M & T Ranch, stated work has been in progress for three years on this project with Fish and Game and U.S. Fish and Wildlife Service and there seems to be some question as to the value of the landowners contribution. We are agreeing to leave 40 second feet of water in Butte Creek, increasing pumping costs which in turn equates to what is the value of the spring run salmon in Butte Creek.

Ms. Cummins asked what was the impact of delaying this until you know the agreement was finalized. Ms. Cundiff-Gee responded that there was a very small period of time when construction could take place in the river, which is mid May through June, and the project must be completed by December 31, 1996, to meet the Category III funding deadline. All other funding partners contributions have been approved.

Mr. Schmidt indicated that a letter was received from Mr. John Merz, Sacramento River Preservation Trust, expressing his concern and request that the project be put off in order for him to review the water rights agreement and the completion of the environmental document. Letters of support were received from California Rice Industry Association, The Nature Conservancy, Ducks Unlimited, Central Valley Habitat Joint Venture, California Waterfowl Association, Sacramento Valley Landowners Association, City of Chico, Butte County Board of Supervisor Ed McLaughlin, Butte County Farm Bureau, Chico Area Flyfishers, Northern California Water Association, Greater Chico Chamber of Commerce, Mayor McGinnis-City of Chico, Tom Fiscus-Chico Real Estate Appraiser, Chico Economic Planning Corporation, and the Deer Creek Watershed Conservancy.

Staff recommended that the Board approve this project as proposed; allocate \$500,000.00 from the Habitat Conservation Fund/P-117 (P-99) as designated for the Inland Wetlands Conservation Program; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

There was discussion regarding the project going forward at this time without WCB's funding. It was noted that in order to put out a contract, Ducks Unlimited would have to know that the money was available to back the contract before they can put it out. Yes, WCB's funding was critical at this time.

Mr. Ron Bachman, Anadromous Fish Screening Program Project Manager for the U.S. Fish and Wildlife Service, stated that their funding portion had to be matched by everyone else, so whatever was cut back, everyone else would also cut back.

Mr. McGeoghegan 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. RAYSBROOK THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE COOPERATIVE PROJECT TO RELOCATE AND SCREEN THE M & T/PARROTT PUMPING STATION, BUTTE COUNTY, AS PROPOSED; ALLOCATE \$500,000.00 FROM THE HABITAT CONSERVATION FUND/P-117 (P-99) 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.

250,000	Two-lane boat ramp
40,000	(including demolition of existing ramp)
1,200	Restroom
35,000	(including demolition of existing restroom)
2,804	Water system rehabilitation
13,491	Parking lot improvement, including security
2,012	Lighting, walkways, planters & landscaping
	Engineering and Contract Administration
	Contractor Overhead and Profit
	Contingencies
212,500	TOTAL ESTIMATED COST

19. Fox Grove Fishing Access, Stanislaus County \$125,000.00

Mr. Schmidt reported that this proposal was to consider a cooperative project with the Stanislaus County Parks Department to improve the Fox Grove Fishing Access site which is located on the Tuolumne River, approximately 10 miles east of the City of Modesto. This 53 ± acre state-owned site was acquired pursuant to action by the Board in 1965; and originally developed with a single lane boat ramp and support facilities in 1970. Mr. Bob Schulenburg described the project and its location.

In addition to the ramp fishing access, the property's 6,000 ± feet of frontage on the Tuolumne River also provides good shore fishing opportunities for anadromous fish as well as cat fish, largemouth bass and other warmwater species.

Since completion of the project it has been under the management of the County Parks Department under a normal, now expired, long-term operation and maintenance agreement. While this agreement required normal maintenance, it did not require major capital improvements or project upgrades by the County. This project is intended to address needs created by long-term deterioration as well as to enhance the area by providing more access capabilities, better public security and to bring facilities into compliance with the Americans with Disabilities Act (ADA) standards.

The proposal is to expand the existing one lane ramp to two lanes, demolish the existing restroom and construct a new one closer to the ramp which meets standards required by the ADA. In addition, the parking lot will be improved with the installation of security lighting, planters and walkways, providing barrier free access to the ramp and the new restroom. Also, some improvements will be made to the existing water system, enabling its continued use on the project.

Cost estimates for the proposed project have been prepared by the County and reviewed by the Board staff as follows:

Two-lane boat ramp	\$ 20,000
(Including demolition of existing ramp)	
Restroom	40,000
(Including demolition of existing restroom)	
Water system rehabilitation	1,500
Parking lot improvement, including security lighting, walkways, planters & landscaping	32,000
Engineering and Contract Administration	8,994
Contractor Overhead and Profit	13,491
Contingencies	<u>9,015</u>
TOTAL ESTIMATED COST	<u>\$125,000</u>

It is anticipated that the project will qualify for Federal participation under the Sport Fish Restoration Act. After approval by the Board, staff will file the appropriate application with the U.S. Fish and Wildlife Service which, if approved, will provide the Board with a 75 percent reimbursement of all project costs.

The Department of Fish and Game has reviewed the project plans and supports these proposed improvements. The project is exempt under CEQA and the County has filed the appropriate notice as required. The County has agreed to enter into a new 25 year agreement for the operation and maintenance of this project. They will also handle the contract administration for this proposed construction.

Mr. Dewers, representing the County, was present should there be any questions.

Staff recommended that the Board approve this cooperative project as proposed, including the authorization to apply for and receive a Federal grant; allocate \$125,000.00 from the Wildlife Restoration Fund; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. McGeoghegan indicated this was one of those projects, which are not well known to the public, providing sporting opportunities. It was because of the efforts of the Wildlife Conservation Board that these accesses to these recreational spots are possible and recommended the Board approve the project.

IT WAS MOVED BY MS CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE FOX GROVE FISHING ACCESS PROJECT, STANISLAUS COUNTY, IN COOPERATION WITH THE STANISLAUS COUNTY PARKS DEPARTMENT, INCLUDING THE AUTHORIZATION TO APPLY FOR AND RECEIVE REIMBURSEMENT FROM THE SPORT FISH RESTORATION ACT, AS PROPOSED; ALLOCATE \$125,000.00 FROM THE WILDLIFE RESTORATION FUND (DEVELOPMENT); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

20. Honey Lake Wetland Restoration (Jay Dow, Sr. Wetlands),
Lassen County \$172,500.00

Mr. Schmidt reported that this was a proposal for the Board to allocate funds for a grant to Ducks Unlimited, Inc. (DU) for a cooperative project with DU and The University of Nevada for the restoration and enhancement of the Jay Dow, Sr. Wetlands. The Jay Dow, Sr. Wetlands, an entity of the University of Nevada, Reno, is located on a peninsula of land that extends into the southern edge of Honey Lake, near Herlong in Lassen County. The wetlands consist of approximately 1,360 acres of Great Basin desert of which 344 acres have been converted into 13 ponds, containing 84 large islands and numerous small islands. Mr. Schulenburg described the project.

Honey Lake, and the surrounding area, constitutes a major wetland area of the Pacific Flyway. The lake, which is dry during years of drought, and which historically has flooded during seasons of average or heavy snowpack, is a remnant of Pleistocene Lake Lahontan. The peninsula where the Jay Dow, Sr. Wetlands is located, known locally as "The Island," was at one time under water. However, as the lake receded it became a wetland, eventually drying to become the alkali desert of today. The Jay Dow, Sr. Wetlands has become a critical flyway element, providing permanent freshwater wetlands even during severe drought when nearby natural areas become dry.

Although in existence for just four years, the Jay Dow, Sr. Wetlands already is providing breeding sites for more than 1,000 pairs of aquatic birds per season. The wetlands provide nesting habitat for large numbers of gadwall, cinnamon teal, mallard, American avocet, black-necked stilt, Wilson's phalarope, willet and killdeer. The area is also home to what may be the largest California breeding population of Wilson's phalarope and long-billed curlew, and there are good breeding numbers of the threatened western snowy plover. In total, about 140 species of birds have been seen at the Jay Dow, Sr. Wetlands, including 76 species of water birds and 18 species of raptors.

The Jay Dow, Sr. Wetlands complex also includes a relatively small field station dedicated primarily to water bird conservation and research. Research and education activities compatible with the primary goals of the wetlands are encouraged. To assure the continued operation of the project, the University of Nevada has agreed to manage and maintain the area for 20 years to benefit waterfowl and other wetland dependent species.

To provide for more efficient management of this area, thereby increasing the opportunity to create wetland habitat, it is proposed that an estimated 1.6 miles of pipeline be installed to link two wells, each capable of delivering 3,000 gpm to the 13 ponds, as necessary. Irrigation valves will also be installed at seven locations to provide for water delivery from the pipeline, which is intended to be of adequate size to carry the combined flow from the two wells. These improvements will greatly enhance water delivery capabilities, will drastically reduce maintenance time and will result in water conservation by greatly reducing evaporation and absorption. Water conservation will reduce pumping costs while saving water for additional ponds. Existing pumps will also be converted to 3 phases, 400 volt current for maximum electrical efficiency.

Cost estimates for this proposal have been prepared by DU and reviewed and approved by staff as follows:

<u>Description</u>	<u>Estimated Cost</u>
Install 1.6 miles of PVC pipeline	\$127,500
Water Control Structures	25,000
Install 3 phase 440 volt electrical power	70,300
Survey and Design	10,000
Labor	10,000
Planning and Control	15,000
Contingencies	<u>15,000</u>

Total Estimated Project Cost: \$272,800

Proposed Funding:

Ducks Unlimited, Inc.	\$30,000
University of Nevada	\$70,300
Proposed WCB Contribution	<u>\$172,500</u>

Total Proposed Funding: \$272,800

The Department of Fish and Game has reviewed this proposed project and highly recommends it for funding by the Board. Consistent with the provisions of CEQA, the project is exempt from CEQA under Section 15301, Class 1 (I), maintaining fish and wildlife habitat to protect wildlife resources. A Notice of Exemption or other appropriate environmental documentation has been filed.

Mr. Schulenburg noted that Ducks Unlimited and representatives from the Jay Dow Properties were present should there be any questions.

Ms. Morgan, representing Assemblyman Hauser, conveyed the Assemblyman's comments that this was an excellent project and urges and encourages support.

Mr. Schmidt noted that letters of support were received from Butte Sink Waterfowl Association, University of Nevada, California Waterfowl Association, Ducks Unlimited and Senator Thompson.

Staff recommended that the Board approve this project as proposed; allocate \$172,500.00 from the California Wildlife, Coastal and Park Land Conservation Fund (P-70), Section 5907 (c)(1)(B); and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. McGeoghegan 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. RAYSBROOK THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE HONEY LAKE WETLAND RESTORATION (JAY DOW, SR. WETLANDS), LASSEN COUNTY, IN COOPERATION WITH DUCKS UNLIMITED AND THE UNIVERSITY OF NEVADA, AS PROPOSED; ALLOCATE \$172,500.00 FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION FUND (P-70), SECTION 5907 (c)(1)(B); AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

217,500
270,300
500,000
292,800

Proposed WCB Contribution
University of Nevada
Ducks Unlimited, Inc.
Total Proposed Funding:

21. Wetland Conservation Easement Program (Department of Fish and Game), CWC Ranch (Empire Tract), San Joaquin County \$404,000.00

This proposal was to acquire a conservation easement over 261± acres of historic wetlands located in the San Joaquin Delta, on Empire Tract. Empire Tract is located off of Eight Mile Road, approximately eight miles westerly of Interstate 5, between the cities of Lodi and Stockton. While the property is currently used for farming, the proposed acquisition, together with a marsh management plan, will eliminate all commercial farming and other commercial agricultural uses and further provide that the majority of the easement acreage be developed and maintained in permanent and seasonal wetlands. Mr. Frank Giordano explained the project.

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 private 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 for this program from among a host of qualifying properties. The easement purchase price is derived from a formal appraisal, as approved by the Department of General Services. Due to the variations in continuing operation and management requirements being placed on the owners, of various purchases under this program the easement values, depending on the agricultural potential of the property, have ranged from between 20 percent and 75 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 agreements 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 an 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 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 to date has presented 12 easement projects to the Board, all of which have now been acquired. The proposal being considered at this time would, if approved, bring the total number of acres protected to 3,000±.

The owners of the subject property have agreed to sell an easement for the Department of General Services' approved appraised fair market value of \$396,720. It is estimated that an additional \$7,280 will be needed for appraisal, survey, escrow 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.

A letter of support was received from the California Waterfowl Association. Mr. Glenn Rollins, from the Department of Fish and Game, and Mr. John Glick, one of the property owners, were present should there be any questions.

Staff recommended that the Board approve this easement acquisition as proposed; allocate \$404,000.00 from the Inland Wetlands Conservation Fund; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. McGeoghegan 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. CUMMINS THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE CONSERVATION EASEMENT ACQUISITION OF CWC RANCH (EMPIRE TRACT), SAN JOAQUIN COUNTY, AS PROPOSED; ALLOCATE \$404,000.00 FROM THE INLAND WETLANDS CONSERVATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

22. Cosumnes River Preserve Visitor Center (Reconstruction),
Sacramento County \$100,000.00

Mr. Schmidt reported that this proposal was to consider an allocation of \$100,000 toward a cooperative project with the U.S. Bureau of Land Management (BLM), The Nature Conservancy (TNC) and Ducks Unlimited, Inc. (DU) to reconstruct the Visitor Center at the Cosumnes River Preserve, which was destroyed by fire on December 18, 1995.

On May 15, 1991, the Board allocated \$175,000 toward the construction of this facility. BLM, TNC and DU also contributed funds in excess of \$300,000 toward its construction. On January 14, 1993, a ground breaking ceremony was held signaling the beginning of the construction. March 3, 1994, marked the official opening of the visitor facility with a public dedication ceremony. Then on December 18, 1995, an arson suspected fire totally destroyed the building. In addition to the building, the fire also consumed all of its contents which included many valuable wildlife exhibits funded by TNC.

Since the completion of the Visitor Center, it had become a very popular wildlife-oriented visitor attraction to travelers as well as members of the surrounding local communities. In addition, it has provided wildlife education opportunities for many, including the bus loads of school children who have visited the area since its completion.

The Cosumnes River Preserve is a 6,700 acre natural area in south Sacramento County, near the confluence of the Cosumnes and Mokelumne Rivers, just east of Interstate 5. The Cosumnes is the largest free-flowing river in the Central Valley. Because of this, the frequent winter flooding allows for good growth of native riverside vegetation, such as valley oak, wild grape, wild rose, and elder. The preserve contains two important plant communities; the riparian valley oak forest community and the freshwater marsh community. Less than one percent of each community type remains in the State. The preserve is one of California's largest wintering areas for the threatened Greater sandhill crane, as well as providing important migratory and resident bird habitat. During the winter migration, tundra swans, blue winged teal, Canada geese, and numerous duck species may be seen on the preserve. More than 200 species of birds have been sighted there, including nesting Swainson's hawks and wood ducks.

With the first purchase in 1987, the preserve has become a cooperative conservation effort between its various property owner partners, which include BLM, TNC, DU, DFG/WCB and Sacramento County. In addition to protecting the existing natural features, the partners are working to restore the valley oak and wetland habitats. The visitor center has served as the main visitor area, providing parking, picnic tables, restrooms, interpretive displays and brochures, trail head access, a docent center and staff offices. The building is proposed to be reconstructed at the same site which is located off of Franklin Road on a pad above the 100-year flood plain, providing excellent access and visibility. While there are views of the preserve from this center, it is removed from the primary roosting areas to avoid unnecessary disturbance to sensitive species.

At this time, it is proposed that the new center will be reconstructed in accordance with the original plans, thereby saving most architectural costs. In addition, cost savings will be realized from the original costs in that the water system, septic system and parking is still in place. Updated cost estimates were not yet available when this agenda item was prepared. However, a preliminary estimate indicates reconstruction costs will be approximately \$400,000. Some additional security measures are still being considered as part of the reconstruction project.

The balance of the funding to complete the reconstruction is anticipated to be contributed by BLM. TNC anticipates funding the replacement of the exhibits. BLM will also handle administration of the reconstruction project.

At the time of the fire, operation of the center was jointly funded by BLM and TNC. It is anticipated that this arrangement will continue after reconstruction. Management of the entire preserve, which includes the center and lands owned by the various partners, is accomplished through a joint management agreement which includes all participants. This agreement will continue until August 1, 1998 at which time it will continue in five year periods until a party elects to terminate. WCB also has a separate 25 year lease and operating agreement with BLM for the operation of the Visitor Center.

In recognition of the tremendous values, this Visitor Center has provided in both general wildlife recreation as well as wildlife education, staff recommended that the Board approve this Visitor Center reconstruction project as proposed; allocate \$100,000.00 from the Wildlife Restoration Fund (development), to be used toward the reconstruction costs; and authorize staff and the Department to proceed substantially as planned; contingent upon BLM obtaining the remaining funding necessary for the balance of the project.

Senator Johnston urged support of staff's recommendation. He stated that this visitor center has been an opportunity for people travelling up and down the State on Interstate 5, but also in this region, to experience wildlife habitat in a natural state in the largest free-flowing river in this portion of California. In the past, Assemblymember Isenberg, who formerly represented the area, took the leadership at the State level in making sure that our wildlife could have an environment that was protected from the continuing onslaughts of civilization from the south and from the north. This visitor center provides an excellent opportunity for education and access for everyone.

Mr. Schmidt added that what makes this visitor center so attractive was the 6,700 acres of fantastic wildlife habitat surrounding it, including across the street from the facility a wetland restored by the Bureau of Land Management, in cooperation with Ducks Unlimited. He added that reconstruction efforts would be in consultation with the Alcohol, Tobacco and Firearms and the State Fire Marshall to assist in planning to provide recommendations regarding construction materials and security measures.

Mr. McGeoghegan 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. RAYSBROOK THAT THE WILDLIFE CONSERVATION BOARD APPROVES THE RECONSTRUCTION OF THE COSUMNES RIVER PRESERVE VISITOR CENTER, SACRAMENTO COUNTY, IN COOPERATION WITH THE U.S. BUREAU OF LAND MANAGEMENT, THE NATURE CONSERVANCY AND DUCKS UNLIMITED, INC., CONTINGENT UPON BUREAU OF LAND MANAGEMENT OBTAINING THE REMAINING FUNDING NECESSARY FOR THE BALANCE OF THE PROJECT, AS PROPOSED; ALLOCATE \$100,000.00 FROM THE WILDLIFE RESTORATION FUND (DEVELOPMENT), TO BE USED TOWARD THE RECONSTRUCTION COSTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED SUBSTANTIALLY AS PLANNED.

MOTION CARRIED.

23. Resolution Honoring Mr. Frank Boren

The following resolution was submitted for enactment by the Wildlife Conservation Board.

WHEREAS, Mr. Frank Boren's term as Chairman of the Wildlife Conservation Board and President of the Fish and Game Commission expired in January 1996; and

WHEREAS, Mr. Boren, with his always intense interest in the programs of the Wildlife Conservation Board, coupled with his sound judgement and experience as a businessman and his long-time involvement with private conservation organizations, has greatly assisted the Board and its staff in carrying out its duties and responsibilities and has, in doing so, gained the utmost respect of those who have worked with him; and

WHEREAS, Mr. Boren, as Chairman of the Board, has consistently supported the Board's program throughout his tenure, making the preservation, enhancement and restoration of wildlife habitat a true priority, particularly concentrating on wetlands, riparian habitat and California's natural ecological diversity; and

WHEREAS, It is the desire of the Board to gratefully acknowledge his personal efforts and professional contributions to the work of the Board; now therefore, be it

RESOLVED, That we, the members of the Wildlife Conservation Board, the Joint Legislative Advisory Committee, and the Board staff convey to Frank Boren our sincere appreciation for his noteworthy contributions to the Wildlife Conservation Board; and be it further

RESOLVED, That we express our best wishes as he continues in his personal endeavors, which no doubt will include some continuing efforts toward protecting California wildlife resources; and be it further

RESOLVED, That this resolution be made a part of the official minutes of this Board and that a copy of this resolution be furnished to Mr. Boren.

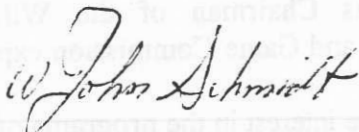
Mr. McGeoghegan commented that although he was not able to observe Mr. Boren conducting his duties on the Board, knowing him on the Fish and Game Commission, all the points listed on the resolution with particular emphasis on Mr. Boren's dedication to preservation and restoration of wildlife habitat was highly appropriate they be recognized and asked the Board for a unanimous motion.

IT WAS ENTHUSIASTICALLY MOVED BY MR. RAYSBROOK THAT THE RESOLUTION HONORING MR. FRANK BOREN'S SERVICE TO THE WILDLIFE CONSERVATION BOARD BE APPROVED AS PRESENTED BY STAFF.

MOTION CARRIED.

There being no further business to consider, the meeting was adjourned at 1:00 p.m. by Chairperson McGeoghegan.

Respectfully submitted,



W. John Schmidt
Executive Director

PROGRAM STATEMENT

At the close of the meeting on February 8, 1996, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$368,938,479.83. 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	\$ 16,006,219.06
B. Fish Habitat Preservation, Development & Improvement	20,845,557.64
1. Reservoir Construction or Improvement	\$ 3,063,613.05
2. Stream Clearance and Improvement	14,663,856.40
3. Stream Flow Maintenance Dams	547,719.86
4. Marine Habitat	646,619.07
5. Fish Screens, Ladders and Weir Projects	1,923,749.26
C. Fishing Access Projects	35,941,865.83
1. Coastal and Bay	\$ 2,973,174.92
2. River and Aqueduct Access	8,381,700.52
3. Lake and Reservoir Access	6,605,043.45
4. Piers	17,981,946.94
D. Game Farm Projects	146,894.49
E. Wildlife Habitat Acq., Development & Improvement	283,707,609.15
1. Wildlife Areas (General)	\$173,302,754.07
2. Miscellaneous Wildlife Habitat Dev.	4,597,265.96
3. Wildlife Areas/Eco Reserves, (Threatened, Endangered or Unique Habitat)	101,370,855.77
4. Land Conservation Area	3,247.00
5. Inland Wetlands Conser. Grants & Easements ...	2,641,213.27
6. Riparian Habitat Conser. Grants & Easements ...	412,773.08
7. Other Wildlife Habitat Grants	1,379,500.00
F. Hunting Access Projects	484,898.57
G. Miscellaneous Projects (including leases)	10,162,229.04
H. Special Project Allocations	870,090.42
I. Miscellaneous Public Access Projects	757,615.63
J. Sales and/or exchanges	<u>15,500.00</u>
 Total Allocated to Projects	 \$368,938,479.83