

PUBLIC MEETING MINUTES
February 4, 2010
Novato Arts Center at Hamilton Field
Novato, CA
10:00 am

MEMBERS PRESENT:

Doug Bosco, (Public Member), Chair
Ann Notthoff (Public Member), Vice Chair
Jack Baylis (Public Member)
Marisa Moret (Public Member)
Jack Ainsworth (Designated Representative, Coastal Commission)
Bryan Cash (Designated Representative, Resources Agency)
Karen Finn (Designated Representative, Department of Finance)

OVERSIGHT LEGISLATORS PRESENT:

There were no oversight legislators present

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General
Glenn Alex, Staff Counsel

1. ROLL CALL

All present, except Mr. Baylis, who arrived later in the meeting.

2. APPROVAL OF MINUTES

Moved and seconded, the minutes of the December 3, 2009 teleconference meeting were approved without change by a 6-0 vote.

3. CONSENT

A. SANTA ANA RIVER PARKWAY

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Resolution and Findings:

“The State Coastal Conservancy hereby amends its December 13, 2007 authorization for funding to implement coastal access along the Santa Ana River Parkway in San Bernardino County by replacing under #3, the phrase “a four mile coastal access trail segment that extends from the Waterman Avenue to Alabama Street in the City of Redlands” with the phrase “coastal access trail segments along Reaches 3 and 4 of the Santa Ana River, as more particularly described in the attached Exhibit 2 to the accompanying staff recommendation.”

B. ELKHORN SLOUGH WATERSHED

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$75,000 (seventy-five thousand dollars) to the Elkhorn Slough Foundation (ESF) to develop and implement a systematic program for establishing the baseline conditions, ecological history and boundaries of conservation easements secured by acceptance of Offers to Dedicate Conservation Easements (OTDs) that were required by coastal development permits, and for monitoring and managing all of the Foundation’s conservation easements.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code, regarding the enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on June 4, 2009.
3. ESF is a private nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code with purposes consistent with Division 21 of the Public Resources Code.”

C. MOAT CREEK BEACH

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed ten thousand dollars (\$10,000) to Moat Creek Managing Agency to operate and maintain public access improvements at Moat Creek Beach and along the Moat Creek segment of the California Coastal Trail in Mendocino County, subject to the condition that prior to the disbursement of funds, Moat Creek Managing Agency shall submit for the written approval of the Conservancy’s Executive Officer a work program, budget,

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names of any contractors it intends to employ for the project, and plans for signs acknowledging Conservancy funding.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on June 4, 2009.
3. Moat Creek Managing Agency is a private nonprofit organization, existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Service Code and its purposes are consistent with Division 21 of the Public Resources Code.
4. The proposed project serves greater than local needs.”

Moved and seconded. Consent items were approved by a vote of 6-0.

4. EXECUTIVE OFFICER’S REPORT

The Executive Officer’s report was presented in an order that varied from the agenda. (Mr. Schuchat also introduced Jeannette MacMillan, the Conservancy’s new attorney attending her first board meeting.)

- c. Legislative Report - No report was given regarding pending legislation; however, Mr. Schuchat mentioned a water bond act that will appear, and a state parks initiative that may appear, on the November 2010 ballot. The latter would provide some support for the Ocean Protection Council.
- d. Ocean Protection Council Report - Mr. Schuchat noted that the OPC will next meet on March 3, and will discuss, among other topics, sustainable seafood.
- b. Hamilton Air Force Base – Conservancy project manager Tom Gandesbery gave a presentation on the history of Hamilton Wetland Restoration Project in Marin County, followed by his staff recommendation (see below).

(Conservancy member Jack Baylis arrived at the meeting.)

Item 4(a) was delayed until later in the meeting.

5. HAMILTON WETLAND RESTORATION PROJECT

Tom Gandesbery of the State Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Brenda Goeden, Bay Conservation and Development Commission.

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Resolution:

“The State Coastal Conservancy hereby authorizes the Executive Officer to amend the Project Cooperation Agreement with the U.S. Army Corps of Engineers for the Hamilton Wetland Restoration Project to include restoration of the Bel Marin Keys Unit V property and authorizes the disbursement of an additional amount not to exceed two million five hundred thousand dollars (\$2,500,000) for implementation of the Hamilton Wetlands Restoration Project, provided that to the extent bond funds become available for this purpose, the bond funds shall be used instead of non-bond funds.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on June 4, 2009.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding restoration and enhancement of natural habitats in the San Francisco Bay Area and public access improvements to and around the Bay, and with Chapter 6 of Division 21, concerning the enhancement of coastal and bay resources.”

Moved and seconded, with an additional direction to staff to use bond funds if available, rather than funds from the Habitat Conservation Fund. Approved by a vote of 7-0.

Executive Officer’s Report, continued:

4(a). Lechuza Beach Management Plan update given by Mary Small.

Public Comment:

Judy Tomas, Biologist, MRCA; Laurel Kelly, Landscape Architect; Walt Young, Ranger, MRCA; Jule Johnson, Ranger; Allan Abshez, Esq., of Greenburg Traurig, representing MEHOA; Rick Davis, MEHOA member and homeowner.

10. CLOSED SESSION

At 12:20 p.m., pursuant to Government Code Section 11126(e), the Conservancy convened in closed session to confer with counsel regarding: Lechuza Beach in Malibu.

At 12:55 p.m., the Conservancy reconvened in open session and received additional public comment regarding Lechuza Beach. (Mr. Baylis left the meeting before further public comment provided.)

Norm Haynie, Homeowner; Patrick Veesart, Coastal Commission; Jenny Price, Writer.

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6. DEPUTY ATTORNEY GENERAL REPORT

No report was given.

7. CONSERVANCY MEMBER COMMENTS

No board member comments were given.

8. PUBLIC COMMENT

No public comment was given.

9. CLOSED SESSION:

At 1:30 p.m., pursuant to Government Code Section 11126(e), the Conservancy met in closed session to confer with counsel regarding:

Pace v California State Coastal Conservancy, Los Angeles Superior Court Case No. BC408190.

Ackerberg v. California Coastal Commission, Los Angeles Superior Court Case No. BS122006, and related litigation, including *Access for All v. Ackerberg*, Los Angeles Superior Court Case No. BC405058.

The Conservancy returned to open session at 1:55 p.m.

11. ADJOURNMENT

The meeting was adjourned at 1:55 p.m.