

DEPARTMENT OF FISH AND GAME

WILDLIFE CONSERVATION BOARD

1807 13TH STREET, SUITE 103
 SACRAMENTO, CALIFORNIA 95814
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State of California
 The Resources Agency
 Department of Fish and Game
WILDLIFE CONSERVATION BOARD
 Minutes
 August 25, 2005

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WILDLIFE CONSERVATION BOARD

August 25, 2005

The Wildlife Conservation Board met at the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California on August 25, 2005. Mr. Jim Kellogg, President of the Fish and Game Commission, called the meeting to order at 10:00 A.M. He introduced the Board members present and then turned over the meeting to Mr. Al Wright.

1. Roll Call

WILDLIFE CONSERVATION BOARD MEMBERS

Jim Kellogg, Chairman
President, Fish and Game Commission
L. Ryan Brodrick, Member
Director, Department of Fish and Game

JOINT LEGISLATIVE INTERIM ADVISORY COMMITTEE

Susan Little,
Vice, Assembly Member Fran Pavley
Sam Magill,
Vice, Assembly Member Lois Wolk

EXECUTIVE DIRECTOR

Al Wright

* Consent Calendar
1/These facilities are accessible to persons with disabilities

Staff Present: Al Wright, Executive Director
John Donnelly, Assistant Executive Director
Dave Means, Assistant Executive Director
Bill Gallup, Senior Land Agent
Debbie Townsend, Senior Land Agent
Linda Drake, Senior Land Agent
Marilyn Cundiff, Public Land Management Specialist
Randy Nelson, Senior Land Agent
Teri Muzik, Senior Land Agent
Ajit Bindra, Associate Budget Analyst
Bonnie Turner, Public Land Management Specialist
Gary Cantrell, Research Analyst
Joe Vondracek, Research Analyst
Peter Perrine, Public Land Management Specialist
Roxanne Woodward, Budget Officer
Scott Clemons, Public Land Management Specialist
Tony Chappelle, Public Land Management Specialist
Jan Beeding, Office Technician
Maureen Rivera, Executive Assistant

Others Present: Mike Walker, Palos Verdes Portuguese Bend Co.
Ralph J. Ortolano, Jr., California Trails Association
Sunshine
Mike Forte, Napa County Flood Control District
Virginia Getz, Ducks Unlimited, Inc.
Greg Green, Ducks Unlimited, Inc.
Kim Allison, Bureau of Land Management
Larry Wyckoff, Department of Fish and Game
Michael Huber, Department of the Navy
Cam Tredennick, The Nature Conservancy
Barbara Dye, Palos Verdes Peninsula Land Conservancy
Joel Rojas, City of Rancho Palos Verdes
Lee Leslie, Leslie Salt
Glenn Nader
Paul Chappell, Department of Fish and Game
Blair Parrott, Central Modoc RCD
Penny Alexander-Kelley
Jim Neukirchner, Smith Ranch
Lyle Foster, Dry Water Ranch
Crawford Tuttle, Resources Agency
Bill Ailor, Palos Verdes Peninsula Land Conservancy
Craig Brown, Palos Verdes Peninsula Land Conservancy
George Wingate
Janet Esposito

John Rantell, Ducks Unlimited, Inc.
Matt Kaminski, Ducks Unlimited, Inc.

At this time Mr. Wright reported that Maureen Rivera, Executive Assistant to the Board, announced she will retire on September 30, 2005. (See Other Business at the end of these minutes.)

2. Funding Status as of August 25, 2005 (Informational)

(a) 2005-06 Wildlife Restoration Fund Capital Outlay Budget

Budget Act - Minor Projects \$500,000.00
Less Previous Board Allocations (0.00)
Unallocated Balance \$500,000.00

(b) 2004-05 Wildlife Restoration Fund Capital Outlay Budget

Budget Act - Minor Projects \$500,000.00
Less Previous Board Allocations (500,000.00)
Unallocated Balance \$0.00

(c) 2005-06 Habitat Conservation Fund Capital Outlay Budget

Budget Act \$20,551,000.00
Less Previous Board Allocations (0.00)
Unallocated Balance \$20,551,000.00

(d) 2004-05 Habitat Conservation Fund Capital Outlay Budget

Budget Act \$20,577,000.00
Less Previous Board Allocations (1,270,900.00)
Unallocated Balance \$19,306,100.00

(e) 2003-04 Habitat Conservation Fund Capital Outlay Budget

Budget Act \$20,620,000.00
Less Previous Board Allocations (5,408,000.00)
Unallocated Balance \$15,212,000.00

- (f) 2000-01 Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund Capital Outlay Budget
- Budget Act (2003-04 Reappropriation)
(San Joaquin River Conservancy Projects) \$14,562,000.00
Less Previous Board Allocations (13,323,958.08)
Unallocated Balance \$1,238,041.92
- (g) 1999-00 Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund Capital Outlay Budget
- Continuously Appropriated
[Sec. 5096.350 (a)(1), (2), (4) & (7)] \$36,100,000.00
Less Previous Board Allocations (25,174,916.46)
Unallocated Balance \$10,925,083.54
- (h) 2005-06 California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund Capital Outlay Budget
- Budget Act (San Joaquin River Conservancy Projects) \$1,545,000.00
Less Previous Board Allocations (0.00)
Unallocated Balance \$1,545,000.00
- (i) 2004-05 California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund Capital Outlay Budget
- Budget Act (San Joaquin River Conservancy Projects) \$11,000,000.00
Less Previous Board Allocations (0.00)
Unallocated Balance \$11,000,000.00
- (j) 2003-04 California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund Capital Outlay Budget
- Budget Act (San Joaquin River Conservancy Projects) \$8,500,000.00
Less Previous Board Allocations (20,000.00)
Unallocated Balance \$8,480,000.00

- (k) 2002-03 California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund Capital Outlay Budget
- Budget Act (2005-06 Reappropriation)
(San Joaquin River Conservancy Projects) \$2,500,000.00
Less Previous Board Allocations (20,000.00)
Unallocated Balance \$2,480,000.00
- Chapter 983, Statutes of 2002 \$4,800,000.00
Less Previous Board Allocations (1,665,180.00)
Unallocated Balance \$3,134,820.00
- Chapter 984, Statutes of 2002 \$19,200,000.00
Less Previous Board Allocations (5,013,000.00)
Unallocated Balance \$14,187,000.00
- (l) 2001-02 California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund Capital Outlay Budget
- Continuously Appropriated (Section 5096.650) \$273,000,000.00
Less Previous Board Allocations (103,407,176.37)
Unallocated Balance \$169,592,823.63
- (m) 2004-05 Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 Capital Outlay Budget (Section 79568)
- Budget Act \$13,250,000.00
Less Previous Board Allocations (12,205,000.00)
Unallocated Balance \$1,045,000.00
- (n) 2003-04 Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 Capital Outlay Budget (Section 79568)
- Budget Act \$32,500,000.00
Less Previous Board Allocations (20,011,970.00)
Unallocated Balance \$12,488,030.00

- (o) 2002-03 Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 Capital Outlay Budget
 - Continuously Appropriated (Sec. 79565 and 79572) \$814,350,000.00
 - Less 03-04 Budget Act Transfer to HCF from Sec. 79565.. (21,000,000.00)
 - Less 04-05 Budget Act Transfer to HCF from Sec. 79565.. (21,000,000.00)
 - Less 05-06 Budget Act Transfer to HCF from Sec. 79565.... (4,000,000.00)
 - Less 05-06 Budget Act Transfer to HCF from Sec. 79572.... (3,100,000.00)
 - Less Previous Board Allocations (589,027,982.70)
 - Unallocated Balance \$176,222,017.30

- (p) 2003-04 Oak Woodlands Conservation Fund Capital Outlay Budget
 - Budget Act (Pursuant to Chapter 588, Statutes of 2001) \$5,000,000.00
 - Less Previous Board Allocations (0.00)
 - Unallocated Balance \$5,000,000.00

RECAP OF FUND BALANCES

Wildlife Restoration Fund (a) and (b)	\$500,000.00
Habitat Conservation Fund (c), (d) and (e)	\$55,069,100.00
Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (f) and (g)	\$12,163,125.46
California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Fund (h), (i), (j), (k) and (l).....	\$210,419,643.63
Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (m), (n) and (o)	\$189,755,047.30
Oak Woodlands Conservation Fund (p)	\$5,000,000.00

RECAP OF NATURAL HERITAGE PRESERVATION TAX CREDIT ACT OF 2000

Natural Heritage Preservation Tax Credit Act of 2000
Chapter 113, Statutes of 2000

Total Tax Credits Available.....	\$100,000,000.00
Less Previously Awarded Tax Credits	(33,241,234.00)
Tax Credits Awarded at August 12, 2004 Meeting	(15,000,000.00)
Chapter 715, Statutes of 2004 Tax Credits Funded by:	
Wildlife Conservation Board(\$6,000,000.00)	
State Coastal Conservancy	(\$6,000,000.00)
Department of Parks and Recreation..	(\$3,000,000.00)
Balance of Tax Credits Available.....	\$51,758,766.00

3. Special Project Planning Account Informational

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

Some appropriations now made to the Board do not include a specific budgeted planning line item appropriation necessary to begin a project without prior Board authorization. Pre-project costs are a necessary expenditure in most all capital outlay projects. The Special Project Planning Account would be used for these costs.

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

Accordingly, a planning account has been set up as follows:

Habitat Conservation Fund..... \$50,000.00

4. Proposed Consent Calendar (Items 5 - 10)

Mr. Wright reported that the Board received a letter of support from the California Waterfowl Association regarding item 10, the Roberts Ranch Wetland Enhancement project.

It was moved by Mr. Ryan Broddrick that the Board approve Consent Calendar items 5 – 10 as proposed in the individual agenda explanations, including the correction to the Recovery of Funds for Triple Creeks Conservation Area, and funding as noted therein. Motion carried.

*5. Approval of Minutes – May 26, 2005

Mr. Wright reported that Mr. Fred Klass of the Department of Finance was not able to attend today's meeting but conveyed to Mr. Wright that he reviewed and approved the May 26, 2005 meeting minutes as prepared.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Ryan Broddrick that the Board approve the minutes of the May 26, 2005 meeting. Motion carried.

*6. Recovery of Funds

The following projects previously authorized by the Board are now completed, and some 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.

\$0.00 to the **General Fund**
\$4,444,248.91 to the **Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund**
\$311,889.68 to the **Habitat Conservation Fund**
\$30,172.00 to the **River Protection Sub account**
\$60,075.00 to the **California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund**
\$83,670.62 to the **Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002**

GENERAL FUND

Big Break Fishing Pier, Contra Costa County

Allocated	\$270.00
Expended	<u>-270.00</u>
Balance for Recovery	\$0.00

Total General Fund **\$0.00**

SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND FUND

Big Break Fishing Pier, Contra Costa County

Allocated	\$500,000.00
Expended	<u>-500,000.00</u>
Balance for Recovery	\$0.00

Project Planning

Allocated	\$4,000.00
Expended	<u>-0.00</u>
Balance for Recovery	\$4,000.00

San Joaquin River, Ball Ranch, Draft Master Development Plan, Fresno County

Allocated	\$160,000.00
Expended	<u>-160,000.00</u>
Balance for Recovery	\$0.00

San Joaquin River, Lost Lake Improvements, Fresno County

Allocated	\$705,135.00
Expended	<u>-555,182.09</u>
Balance for Recovery	\$149,952.91

Triple Creeks Conservation Area, Riverside County

Allocated	\$7,010,000.00
Expended	<u>-2,719,704.00</u>
Balance for Recovery	\$4,290,296.00

**Total Safe Neighborhood Parks, Clean Water,
Clean Air, and Coastal Protection Bond Fund \$4,444,248.91**

The amount being recovered to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Fund is increased for a total recovery of \$4,444,248.91 to accurately reflect the Balance for Recovery for the Triple Creeks Conservation Area project. The change is the result of disencumbering funds on a Grant Agreement with Riverside County.

HABITAT CONSERVATION FUND

Franklin Ridge, Contra Costa County

Allocated	\$205,000.00
Expended	<u>-192,500.00</u>
Balance for Recovery	\$12,500.00

French Valley Conservation Area, Expansion 1, Riverside County

Allocated	\$5,000.00
Expended	<u>-115.00</u>
Balance for Recovery	\$4,885.00

Hallelujah Junction Wildlife Area, Expansion 6, Lassen/Sierra Counties

Allocated	\$1,290,000.00
Expended	<u>-1,275,121.00</u>
Balance for Recovery	\$14,879.00

North Warm Springs Creek Conservation Area, Riverside County

Allocated	\$155,000.00
Expended	<u>-154,348.00</u>
Balance for Recovery	\$652.00

Riparian Habitat Restoration, Pleasant Valley Ecological Reserve,
Fresno County

Allocated	\$49,200.00
Expended	<u>-24,618.60</u>
Balance for Recovery	\$24,581.40

Riparian Habitat Restoration, Santa Rosa Creek, Santa Barbara County

Allocated	\$330,000.00
Expended	<u>-315,281.00</u>
Balance for Recovery	\$14,719.00

San Jacinto Wildlife Area, Expansion 20, Riverside County

Allocated	\$1,339,000.00
Expended	<u>-1,101,969.68</u>
Balance for Recovery	\$237,030.32

Sky Valley Ecological Reserve, Riverside County

Allocated	\$2,862,561.00
Expended	<u>-2,861,042.33</u>
Balance for Recovery	\$1,518.67

Volta Wildlife Area, Expansion 2, Merced County

Allocated	\$220,000.00
Expended	<u>-220,000.00</u>
Balance for Recovery	\$0.00

Wetland Habitat Restoration, Los Banos Wildlife Area, Mud Slough Unit,
Merced County

Allocated	\$110,000.00
Expended	<u>-108,875.71</u>
Balance for Recovery	\$1,124.29

Wildlife Habitat Restoration, Honey Lake Wildlife Area, Lassen County

Allocated	\$443,000.00
Expended	<u>-443,000.00</u>
Balance for Recovery	\$0.00

Total Habitat Conservation Fund **\$311,889.68**

RIVER PROTECTION SUB ACCOUNT

San Dieguito River Valley Corridor, San Diego County

Allocated	\$4,330,000.00
Expended	<u>-4,299,828.00</u>
Balance for Recovery	\$30,172.00

Total River Protection Sub account **\$30,172.00**

**CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD
PARKS, AND COASTAL PROTECTION FUND**

Eastern Blueridge Range, Yolo County

Allocated	\$2,450,000.00
Expended	<u>-2,389,925.00</u>
Balance for Recovery	\$60,075.00

Sky Valley Ecological Reserve, Riverside County

Allocated	\$2,262,439.00
Expended	<u>-2,262,439.00</u>
Balance for Recovery	\$0.00

South Fork Kern River Ecological Reserve (Canebrake Creek Unit,
Expansion 2), Kern County

Allocated	\$1,950,500.00
Expended	<u>-1,950,500.00</u>
Balance for Recovery	\$0.00

**Total California Clean Water, Clean Air, Safe
Neighborhood Parks, and Coastal Protection Fund \$60,075.00**

**WATER SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH
PROTECTION FUND OF 2002**

Eden Landing Ecological Reserve, Initial Stewardship, Alameda County

Allocated	\$2,910,000.00
Expended	<u>-2,910,000.00</u>
Balance for Recovery	\$0.00

Humboldt Bay Wildlife Area, Jacoby Creek/Gannon Slough Unit, Expansion 6,
Humboldt County

Allocated	\$370,000.00
Expended	<u>-368,714.00</u>
Balance for Recovery	\$1,286.00

Lower Colorado River Ecological Reserve, Riverside County

Allocated	\$11,400,000.00
Expended	<u>-11,364,751.38</u>
Balance for Recovery	\$35,248.62

Morro Bay Dunes, Expansion 1, San Luis Obispo County

Allocated	\$175,000.00
Expended	<u>-152,851.00</u>
Balance for Recovery	\$22,149.00

San Dieguito River Valley Corridor, Phase II, San Diego County

Allocated	\$1,295,000.00
Expended	<u>-1,290,419.00</u>
Balance for Recovery	\$4,581.00

Soka University (King Gillette Ranch), Los Angeles County

Allocated	\$5,000,000.00
Expended	<u>-5,000,000.00</u>
Balance for Recovery	\$0.00

Upper Garcia River Watershed, (Longview), Mendocino County

Allocated	\$4,005,000.00
Expended	<u>-4,000,768.00</u>
Balance for Recovery	\$4,232.00

Upper Newport Bay Ecological Reserve, Orange County

Allocated	\$15,000.00
Expended	<u>-3,186.00</u>
Balance for Recovery	\$11,814.00

Upper Newport Bay Ecological Reserve Exchange, Orange County

Allocated	\$5,000.00
Expended	<u>-640.00</u>
Balance for Recovery	\$4,360.00

Total Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 **\$83,670.62**

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Ryan Broddrick that the Board approve the recovery of funds for the projects listed on pages 8 through 13 of these minutes and close the project accounts. Recovery totals include \$0.00 to the General Fund; \$4,444,248.91 to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund; \$311,889.68 to the Habitat Conservation Fund; \$30,172.00 to the River Protection Subaccount; \$60,075.00 to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund; and \$83,670.62 to the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002.

(Recovery total for the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund includes correction for the Triple Creeks Conservation Area.)

Motion carried.

- *7. Eastern Mojave Desert Springs Habitat Restoration, \$43,000.00
San Bernardino County

This proposal was to consider an allocation for a grant to the U.S. Bureau of Land Management (BLM) for a cooperative project to remove nonnative, invasive plants from six desert springs located west of Needles on BLM land in San Bernardino County. Other partners in this project include the Department of Fish and Game (DFG), the California Conservation Corps (CCC), the Student Conservation Association (SCA) and the National Park Service Exotic Plant Management Team.

In the past five years, the Wildlife Conservation Board (WCB) funded two similar projects that were managed by BLM: a tamarisk (*Tamarix* spp.) removal project focused on riparian areas along the Mojave River and Amargosa River, approved August 1999, and a tamarisk removal project at Harper's Well, a site located on a desert wash tributary to San Felipe Creek on the west side of the Salton Sea, approved August 2000. Both of those projects were completed satisfactorily.

The proposed project is a component of a larger, coordinated effort to control tamarisk and other nonnative invasive plants in fifteen watersheds throughout the California deserts, and was developed by the Desert Managers Group (DMG), a partnership of land managers working to provide coordinated, seamless management of natural and cultural resources in the California deserts. The DMG includes representatives from BLM, DFG, the National Park Service and others.

This project involves the control of invasions of tamarisk and giant cane (*Arundo donax*) at isolated springs in the eastern Mojave Desert. The eastern Mojave Desert is an extremely arid environment with isolated springs being the primary water source between the Colorado River and the Salton Sea or Mojave River. The region's severe aridity and the isolation of water sources make the habitat at these springs critical to wildlife survival. Controlling invasions of nonnative plant species and eliminating them from riparian habitats will promote native plant and animal species that depend on these areas. The most deleterious effects of tamarisk on wetlands are site conversion to a tamarisk monoculture, and unnaturally high loss of surface and ground water through the high rate of evapotranspiration ascribed to tamarisk.

Wildlife that depend on the eastern Mojave springs include the federal and State endangered southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell's vireo (*Vireo bellii pusillus*), and a variety of sensitive species, such as neotropical migrant songbirds and desert bighorn sheep (*Ovis canadensis*).

BLM's Needles Field Office proposes to restore these valued habitats within select riparian systems within the eastern Mojave Desert and maintain habitats in their restored condition. Because of the isolated nature of the eastern Mojave springs, there is a high probability that eradication of invasive exotic plants at the springs will be successful. This work fulfills legal, regulatory and policy requirements to protect natural environments and to conserve biological diversity associated with wetland and riparian habitats. Restoring and maintaining spring and riparian habitats will benefit current and future generations of the American public and the citizens of the State of California.

In a period of four years, BLM plans to control tamarisk and giant cane (*Arundo donax*) at six eastern Mojave Desert springs. Work was initiated at Sacramento, Bonanza and Tan-tan Springs in 2003 with follow-up treatments expected to continue annually until 2006. No environmental documentation or restoration work has been initiated at Halloran, No Name or Mountain Springs.

Several techniques are being used to control and remove tamarisk and giant cane from springs at these selected sites. First, tamarisk and giant cane is cut with mechanical and hand tools. In areas where vegetation is dominated by tamarisk, the cut plant material and accumulated tamarisk duff, which is saline and inhibits native plant growth, will be raked away. Immediately following the felling of the plant, the remaining stem or trunk is painted or hand sprayed with an herbicide. Herbicide application is required to completely kill the remaining root system to prevent regrowth from the remaining stump and surface roots. Tamarisk and giant cane branches are stacked in brush piles in predesignated, unvegetated and relatively open places.

Because there is some degree of resprouting from the remaining stumps and root systems of the tamarisk plants, follow-up treatment will be needed to achieve the desired control. Resprouts and newly established plants will be treated by foliar application of herbicide or will be pulled by hand. More mature resprouts and newly established plants that exhibit the presence of juvenile bark will be effectively controlled through basal spraying of the bark.

Follow-up treatment would also be required to effectively control giant cane. The method of treatment for resprouts and pioneer plants would be through a direct foliar application of the herbicide to resprouts and newly established plants.

Monitoring and follow-up treatment will occur for three years after the initial action. After the intensive monitoring/treatment, each site will be monitored and retreated, if necessary, every five years thereafter. All monitoring data will be made available to WCB.

All work will be completed using a variety of labor sources, including BLM employees, volunteers, SCA interns, The National Park Service Exotic Plant Management Team, which is stationed at Lake Mead, and the CCC. Several different sources of labor will likely be used simultaneously to complete the work.

All of the springs are located on public lands administered by the BLM. Due to the remoteness of the eastern Mojave Desert, public land occurs in large contiguous blocks with little intermixed private land. BLM manages the public lands at each project locale as Limited Use or Class L. Limited use lands protect sensitive, natural, scenic, ecological and cultural resource values. Public lands designated as Class L are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished. All sites are open to the public for recreational use.

Bonanza Spring, Halloran Spring, No Name Spring and Mountain Spring are located within a Desert Wildlife Management Area and provide designated critical habitat for multiple species, including the federal and State threatened desert tortoise (*Gopherus Agassizii*). BLM has also developed a primitive campground consisting of campfire rings and picnic tables near Bonanza Spring. A vault toilet could be added to the campground in the future. None of the projects are located in designated wilderness.

Total cost for this project is estimated to be approximately \$160,900.00, with the BLM contributing \$112,500.00, the volunteers contributing in-kind labor worth \$5,400.00, and the rest requested from the WCB. Project costs will be for project management, project design, administration/coordination, labor, materials and project signs.

The DFG has reviewed this proposal and recommends it for funding by the WCB. This project is exempt from CEQA under Section 15304 as it is a minor alteration of land. BLM has agreed to manage and maintain the property for twenty-five years, pursuant to the terms and conditions of the grant agreement.

Staff recommended that the WCB approve this project as proposed; allocate \$43,000.00 from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Prop. 40), Section 5096.650; authorize staff to enter into appropriate agreements necessary to accomplish this project; 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 Mr. Ryan Broddrick that the WCB approve this project as proposed; allocate \$43,000.00 from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Prop. 40), Section 5096.650; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

- *8. San Joaquin River Parkway, Lewis S. Eaton Trail, Friant Road Segment, Augmentation, Fresno County \$140,000.00

This proposal was to consider an augmentation to an existing grant to the City of Fresno to construct public access facilities and plant trees along a three mile segment of the Lewis S. Eaton Trail between Woodward Park and the Coke Hollowell Center for River Studies in the City of Fresno in Fresno County.

The San Joaquin River Parkway is defined in State Legislation as approximately 5,900 acres within a twenty-two mile long stretch between Friant Dam and State Route 99 on the San Joaquin River. The San Joaquin River Conservancy (SJRC) was created in 1992 to preserve and enhance the San Joaquin River's extraordinary biological diversity, protect its valued cultural and natural resources and provide educational and recreational opportunities to the local communities. Part of the SJRC's mission is the creation of the Lewis S. Eaton Trail, a twenty-two mile long trail route spanning the length of the San Joaquin River Parkway. To date, approximately six miles of trail have been constructed between the Coke Hollowell Center to the northeast and Highway 41 to the southwest. About half of the trail is located in the City's Woodward Park and the other half stretches between Woodward Park and the Coke Hollowell Center on both City and County owned land. Another trail segment has been constructed at Riverside Golf Course and will be connected to a planned loop trail at Riverbottom Park.

The new trail improvements will offer Parkway users added sanitation, safety, and convenience by providing a vault restroom facility, drinking fountains and trees along the Friant Road segment of the trail northeast of Woodward Park. This segment is virtually without shade and currently only has one drinking fountain and one portable restroom along its entire 3 mile length. In addition, a gateway entrance feature will be constructed adjacent to the trail in Woodward Park near the American Express Overlook. This feature will include a pavilion staging area, another vault restroom, concrete walkways, fencing and

informational signage, all with a consistent architectural style. All of the structures will have high quality themed exteriors including river rock facades and roof treatments to match the Coke Hallowell Center. The "gateway" is intended to provide an example for and be visually integrated with future Parkway facilities. Benches and picnic tables will also be installed. Preliminary design including final design of the interpretive displays is complete and the project is scheduled for construction this summer.

As the project design has progressed, there have been some unanticipated increases in projected costs. The original budget anticipated that electrical service for the security lighting, restroom and electrical outlets at the pavilion could be provided by connecting to a nearby power source. That proved infeasible and instead, a new point of electrical service at Friant Road is required. Furthermore, costs for structure exteriors and project inspection will be higher than originally anticipated. Finally, an irrigation system will have to be replaced as a result of grading and construction of the entrance features which was not originally anticipated. Offsetting a portion of these cost increases are anticipated decreases in signage, walkway and planting costs. The SJRC, at its April 14, 2005 Board meeting, approved a request asking the Wildlife Conservation Board to allocate additional funds to the City of Fresno for the proposed trail project.

Total cost for this project is estimated to be approximately \$830,000.00. Project costs will be for two vault-type restrooms, two drinking fountains, eight benches, six picnic tables, a pavilion, a gateway entrance structure, irrigation, maps and brochures, interpretive displays and design, signage, trees, tree planting, fencing, concrete walkways, design, engineering, project administration and inspection.

The City of Fresno is in the process of completing the appropriate environmental review and will obtain all permits that may be necessary to complete the proposed work.

Staff recommended that the Board approve the grant augmentation to the City of Fresno as proposed; allocate \$140,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Prop. 12), Section 5096.355; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Ryan Broddrick that the Board approve the grant augmentation to the City of Fresno as proposed; allocate \$140,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Prop. 12), Section 5096.355; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff to proceed substantially as planned.

Motion carried.

- *9. San Joaquin River Parkway, Habitat Restoration and Public Access Plan, Jensen River Ranch, Augmentation, Fresno County \$98,507.00

This proposal was to augment an ongoing cooperative project with the San Joaquin River Conservancy (SJRC) and the California Department of Water Resources (DWR) to complete final construction working drawings and specifications, secure environmental and regulatory compliance, and prepare cost estimate alternatives for SJRC's Jensen River Ranch Habitat Enhancement and Public Access project to be located in the San Joaquin River Parkway (Parkway) approximately one half mile upstream of the Highway 41 bridge in Fresno County.

The Parkway is defined in State Legislation as approximately 5,900 acres within a twenty-two mile long stretch between Friant Dam and State Route 99 on the San Joaquin River. The SJRC was created in 1992 to preserve and enhance the San Joaquin River's extraordinary biological diversity, protect its valued cultural and natural resources and provide educational and recreational opportunities to the local communities. The SJRC's mission includes both public access and habitat restoration within the San Joaquin River Parkway. Other public access/habitat restoration projects similar to the one currently proposed that have been completed within the Parkway include the Wildwood Native Park and Camp Pashayan projects.

The SJRC's 167-acre Jensen River Ranch was acquired with the help of a Wildlife Conservation Board (WCB) grant in 1997. It is predominantly irrigated pasture with a narrow belt of riparian woodland along a 0.5 mile-long stretch of river frontage. There is public access to the San Joaquin River via the recently completed MacMichael Trail. The primary features of the Jensen River Ranch Habitat Enhancement and Public Access project will include a river to bluff hiking trail crossing the storm drainage channel and encircling the site to connect the MacMichael Trail to the Lewis S. Eaton Trail; a public use area consisting of a picnic shelter and a small group seating area; extensive habitat enhancement

and restoration throughout the site including created oxbow wetlands, restored valley oak woodlands, riparian woodlands, seasonal wetlands, wetland swales, native grasslands and a native plant cultural demonstration garden. Fencing throughout the site will allow for prescribed grazing for weed control and fire suppression. Planning for this project has proceeded in three phases with the current proposal being the third. This phase was originally funded through a WCB allocation of \$440,000.00 in May, 2003.

Since the original allocation, DWR has made significant progress toward completing the project. DWR has reviewed and revised the conceptual design plan, which they inherited from the private consultant that worked on phases one and two. They have: 1) completed the biological opinion required to work in the vicinity of blue elderberry bushes, habitat for the endangered Valley Elderberry Longhorn Beetle, 2) completed preliminary engineering of the pipeline, valves, and outfall structures that will tie into the storm drain, bring water to created oxbow wetlands and release the water back to the water quality treatment channel, 3) created a detailed weed removal, restoration planting and irrigation plan, 4) created a detailed public use area plan and trail designs, and 5) coordinated with multiple agencies including Caltrans and the Fresno Metropolitan Flood Control District. DWR has generated project management recommendations for phasing and the construction budget.

DWR has determined that additional funds will be needed to complete the project, finalizing project plans and having it ready to go out to bid for construction as originally proposed. Consequently, SJRC, at its June 9, 2005, Board meeting, approved a DWR request for additional funds and asked WCB to allocate funds for the proposed augmentation. The total cost of this augmentation is \$98,400.00 with the WCB funding the entire amount. The additional funds will be used for obtaining the Department of Fish and Game 1601 permits and the Reclamation Board permit, and completing the final working drawings and specifications. In addition to the costs listed above, an additional \$107.00 will be required for Department of General Services' review costs, bringing the allocation necessary for the Board's portion of the project to \$98,507.00.

A Mitigated Negative Declaration has been adopted by SJRC for the Jensen River Ranch Habitat Enhancement and Public Access Plan.

Staff recommended that the Board approve the grant to the San Joaquin River Conservancy as proposed; allocate \$98,507.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Prop. 12), Section 5096.355, for project costs and General Services' review costs; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff to proceed substantially as planned.

As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Ryan Broddrick that the Board approve the grant to the San Joaquin River Conservancy as proposed; allocate \$98,507.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Prop. 12), Section 5096.355, for project costs and General Services' review costs; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff to proceed substantially as planned.

Motion carried.

- *10. Roberts Ranch Wetland Enhancement, Merced County \$88,000.00

This proposal was to consider an allocation for a grant to the California Waterfowl Association for a partnership project with the landowner, the U.S. Natural Resources Conservation Service (NRCS), the U.S. Fish and Wildlife Service (FWS) and the Department of Fish and Game (DFG) to enhance approximately 60 acres of uplands and 288 acres of wetlands. The project is located on privately owned land approximately five miles southwest of the Community of South Dos Palos in Merced County. The project is located approximately ten air miles southeast of the Gadwall Unit of DFG's North Grasslands Wildlife Area.

The Grasslands is one of the most important wetland areas in California, containing nearly a third of all managed wetlands in the State. Most of the 180,000 acres of wildlife habitat is privately owned, but there are also nearly 50,000 acres of wetlands and uplands on FWS National Wildlife Refuges and nearly 19,000 acres of wildlife habitat on the DFG's Los Banos, North Grasslands and Volta Wildlife Areas. The Central Valley Joint Venture (CVJV) considers this area to be of critical importance to breeding and wintering waterfowl and other wetland dependent species. The CVJV Implementation Plan calls for the protection and enhancement of 20,000 acres of restorable lands within the San Joaquin Basin, which includes the East Grasslands. The Plan also specifies that waterfowl dispersal is of critical importance in the San Joaquin Basin. Lying where it does at the extreme southern end of the Grasslands and only twenty miles north of the Mendota Wildlife Area, this site will provide habitat to those birds moving between these two large blocks of wetland habitat.

This property has been operated as a duck hunting club since the 1940s, but for much of that time the primary goal has been to graze cattle, with management for wetland wildlife species a distant second. Levees were constructed to irrigate pasture in summer, not for wetland ponds; and water control structures were only large enough to maintain pasture grasses. While the original levees are still operating, they are too small and porous to maintain wetland water. Water control structures are too small, in poor shape and in the wrong position to allow proper management of the water delivery and drainage system. The FWS saw the potential for improvements and, with a new landowner more interested in managing for wetlands than for cattle, acquired an easement over the property and began to develop restoration plans.

The proposal calls for the renovation of the entire club. Approximately 50,000 cubic yards of earth will be moved to strengthen existing levees, remove obsolete dikes, build loafing and nesting islands, and construct swales and potholes. Eleven water control structures will be installed, willows will be planted to provide habitat diversity, and upland areas and levees will be seeded with upland grass mix to provide nesting sites for mallards and other birds.

Once the habitat work is complete, the managed wetlands will provide tremendous wildlife habitat values for a variety of bird species including northern pintails, greater yellowlegs and white faced ibis. Mammals, amphibians and reptiles will also benefit, including such species as river otters, beavers, and, potentially, the giant garter snake, a State and federally listed threatened species, which has been found nearby in similar habitat. A similar WCB project located only one mile to the west, completed in 2004, has already produced dozens of waterfowl broods and provided foraging habitat for hundreds of tri-colored blackbirds, a State Species of Special Concern.

Total cost for this project is estimated to be approximately \$148,500.00, with the NRCS contributing \$20,000.00, the FWS putting in \$10,000.00, the landowner adding \$30,500.00 and the rest requested from the WCB. Project costs will be for earthmoving, water control structures, removal of obstructions and worn out structures, planting of trees and upland grasses, installation of a sign and project design, construction supervision and administration.

The DFG has reviewed this proposal and recommends it for funding by the Board. This project is exempt from the California Environmental Quality Act (CEQA) under Class 4 of Categorical Exemptions, California Code of Regulations, Title 14, Section 15304, as a minor alteration to land. Subject to approval by the Board, the appropriate Notice of Exemption will be filed with the State Clearinghouse. The landowners have agreed to manage and maintain the

property for twenty-five years, pursuant to the terms and conditions of the Habitat Management Plan. If at any time during the life of the project, the landowners are unable to manage and maintain the project improvements, they will refund to the State of California an amortized amount of funds based on the number of years left on the project life.

Staff recommended that the Board approve this project as proposed; allocate \$88,000.00 from the Habitat Conservation Fund (Prop. 117), Section 2786 (d) IWCP; authorize staff to enter into appropriate agreements necessary to accomplish this project; 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 Mr. Ryan Broddrick that the Board approve this project as proposed; allocate \$88,000.00 from the Habitat Conservation Fund (Prop. 117), Section 2786 (d) IWCP; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

11. La Posta, Department of Defense, \$270,000.00
Department of the Navy, San Diego County

Mr. Wright reported that this was a proposal to consider an allocation of a grant to The Nature Conservancy (TNC) for a cooperative project with the Department of Defense, Department of Navy (DOD) to assist TNC with the acquisition of a total of 370± acres of land from three separate landowners that would enhance wildlife connectivity between the Cleveland National Forest to the north and protected public lands to the south. Ms. Teri Muzik briefly described the project and its location.

In November, 2004, DOD and the California Resources Agency entered into a partnership agreement to implement the acquisition of lands to protect critical habitat and to provide buffer zones around military installations and military airspace. DOD will hold restrictive use easements over properties acquired. Pursuant to the agreement, the parties will work cooperatively to develop and implement a process for evaluating and acquiring properties that meet the objectives of both parties. The La Posta project is the first undertaken under this partnership agreement.

The subject properties are located around the La Posta Mountain Warfare Training Facility (La Posta) near Campo, California. La Posta is located south of the Cleveland National Forest, along La Posta Road, north of State Highway 94 in San Diego County. The City of San Diego is about 60 miles west of the subject properties.

The properties under consideration are located in an area that has been identified as providing a wildlife linkage corridor that contributes to the migration of species north and south from Southern California down to Northern Baja California, Mexico. Vegetation found on the properties includes native grasslands, oak woodlands, chaparral and scrub brush. Wildlife found in the area includes mountain lions, mule deer, bobcat, and wild turkeys.

In addition to providing habitat and open space for recreation and wildlife conservation, the property will serve as a buffer zone to the La Posta facility. The La Posta facility is one of the only training areas that is 100 percent operationally controlled by Naval Special Warfare. The land around La Posta replicates the environment found in Korea and parts of Iraq and Afghanistan. The training done at this facility directly supports the Global War on Terror, Operating Enduring Freedom and Operation Iraqi Freedom. Training activities are scheduled well in advance and the subject properties will be secured to alleviate conflicts with the public using the property during training exercises.

TNC will acquire the properties and hold title. The Bureau of Land Management (BLM) owns most of the land directly adjacent to the La Posta facility. Discussions with BLM are underway to consider the possibility of, at some point in the future, transferring these lands to BLM for inclusion with their other holdings in the area.

The properties have been appraised and the appraisal reviewed and approved by the Department of General Services. The owners have agreed to sell their properties for the approved, fair market values as follows:

- Parcel 1 – 40 acres - \$170,000.00
- Parcel 2 – 320 acres - \$640,000.00
- Parcel 3 – 10 acres - \$150,000.00

It is estimated that an additional \$20,000.00 will be needed for administrative expenses, bringing the total proposed allocation by WCB for this project to \$270,000.00. DOD will be contributing \$710,000.00 toward the acquisition of the subject properties.

The proposed acquisitions are exempt from the California Environmental Quality Act under Section 15313, Class 13, as an acquisition of land for wildlife conservation purposes and Section 15325, Class 25, as the transfer of ownership of an interest in land to preserve open space. A Notice of Exemption will be filed with the State Clearinghouse upon approval by the WCB.

Ms. Muzik reported that Mr. Cam Tredennick, from The Nature Conservancy, and Mr. Mike Huber, from the U.S. Navy, were in the audience should there be any questions.

Mr. Kellogg asked if there were any questions or comments.

Mr. Huber, on behalf of the U.S. Navy, addressed the Board in support of the proposal. (See Attachment A).

At this time Mr. Kellogg welcomed Ms. Susan Little from Assembly member Fran Pavley's office.

Mr. Kellogg asked if there were any other comments.

Mr. Broddrick expressed his appreciation for the opportunity to exercise the partnership between the State and federal governments and the nongovernmental organizations.

Staff recommended the Board approve the grant as proposed; allocate \$270,000.00 from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Prop. 40), Section 5096.650, for the grant and associated costs; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Ryan Broddrick that the Board approve the grant as proposed; allocate \$270,000.00 from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Prop. 40), Section 5096.650, for the grant and associated costs; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

Mr. Wright thanked the staff of The Nature Conservancy, and Mr. Mike Huber and Captain Tony Gonzales of the U.S. Navy, for their assistance with this proposal.

12. Portuguese Bend Nature Preserve, \$10,025,000.00
Los Angeles County

Mr. Wright reported that this proposal was to consider a \$10,000,000.00 grant to the City of Rancho Palos Verdes for a cooperative project to assist in the acquisition of real property located on the southern slopes of the Palos Verdes Peninsula, in the City of Rancho Palos Verdes. Acquisition of the property is critical for the long-term protection of threatened and endangered species and provides adequate habitat linkages between patches of conserved habitat. This project will further joint federal, State and local Natural Community Conservation Planning (NCCP) efforts to protect habitat in the City's proposed Portuguese Bend Nature Preserve. Ms. Debra Townsend briefly described the project and its location.

The proposed Preserve is located in the southwest corner of Los Angeles County in an area known as the South Bay, with neighboring communities including Rolling Hills, Palos Verdes Estates, Rolling Hills Estates, Lomita, San Pedro and Torrance. The City's proposed purchase involves two properties, totaling 463± acres held under one ownership, located within city limits. The first site, referred to as "Portuguese Bend", contains 424± acres and is located east and west of Crenshaw Boulevard, extending north from Palos Verdes Drive South. The site has level to mostly rolling to steeply sloping topography which affords many portions of the site an excellent view of the coastline, Pacific Ocean and Catalina Island over 30 miles away. The second site, called "Agua Amarga Canyon", contains 39± acres and is located on the west side of Hawthorne Boulevard, north of Crest Road. The site is relatively narrow from north to south and has mostly steeply sloping topography.

The Portuguese Bend area, including the subject properties, contain approximately 1,000 prime acres of coastal sage scrub habitat, an important resource since more than 90 percent of the original acres of this habitat in southern California have been destroyed by development. Other dominant habitat in the proposed Preserve includes southern cactus scrub, southern coastal bluff scrub and saltbrush scrub vegetation. Numerous species of birds, animals, insects and plants make this area their home, including the coastal California gnatcatcher (a federally listed threatened species), the Catalina

Mariposa lily (classified as List 4 {Watch List} by the California Native Plant Society), the Astragalus plant (the host plant of the federally listed endangered Palos Verdes blue butterfly, a species previously considered extinct but was found in the adjacent community of San Pedro in 1994), and many more.

In 1956, the Portuguese Bend landslide became active again, destroying more than 100 homes, a pier and clubhouse. After the City of Rancho Palos Verdes incorporated in 1973, it established a building moratorium on the landslide based on the geological information that was available at that time. Further development within the moratorium was put on hold until and unless property owners within the moratorium area could prove that their properties met the City's standards for land stability. Approximately 85 percent of the Portuguese Bend property is located within the moratorium area. The property owner has hired experts who have concluded that at least a portion of the property could be made to meet the City's stability standards for development purposes. The Agua Amarga parcel is located outside the designated landside moratorium area.

Recognizing the significant biological resources in the Portuguese Bend area, and the potential for development in the future, the City of Rancho Palos Verdes began working with the U. S. Fish and Wildlife Service (FWS) and the Department of Fish and Game (DFG) to maximize benefits to wildlife and vegetation communities while accommodating appropriate economic development with the City pursuant to the requirements of the NCCP Act. The proposed NCCP Plan with the City will provide for the comprehensive management and conservation of multiple species, including but not limited to species protected under the State or Federal Endangered Species Act. An important benefit of the Plan is that the habitat conservation and management actions will compensate for the impacts of current and future development needs within the City. As intended by the NCCP, implementation of this Plan will facilitate cooperation and coordination among public agencies, landowners and other interested organizations. The DFG anticipates that the NCCP process is nearing completion with an estimated approval of the plan and permit issuance by year's end.

The City's primary conservation strategy is to acquire several key privately owned parcels, dedicate selected City-owned lands and have the Palos Verdes Peninsula Land Conservancy (Conservancy) manage this Preserve network with the assistance of the City and the wildlife agencies. The proposed NCCP Preserve design will include over 1,500 acres. The City will dedicate four open space properties to the Preserve, totaling approximately 370 acres including the Forrestal Nature Preserve parcel. Upon approval of the proposed NCCP, the City will dedicate an additional 10 properties to the Preserve, totaling 400 acres

including the Barkentine Canyon and Abalone Cove Park sites. The Preserve design also includes the Agua Amarga Canyon site and two critical additions which form the heart of the Preserve, the Portuguese Bend property and the Upper Filiorum property.

The City of Rancho Palos Verdes will own the land. The Conservancy will hold a conservation easement over the Preserve and will enter into an agreement with the City to manage the properties. The NCCP spells out the ongoing level of restoration and management parameters for the Preserve. The management and restoration efforts will be funded by a budget line item in the City and Conservancy budgets. The DFG and FWS are identified as third party beneficiaries in the Conservation Easement for enforcement purposes. The Preserve contains more than twenty miles of trails with magnificent views of the ocean, to be available to the community and visitors when the area is acquired by the City and dedicated for public use. Many children will benefit from the education programs that can be provided in the Preserve.

The fair market value of the subject properties, as determined by an appraisal approved by the Department of General Services (DGS), is \$17,525,000.00. The property owner has agreed to sell the property to the City of Rancho Palos Verdes at a bargain sale of \$17,057,000.00. To fund this cooperative project, the Palos Verdes Peninsula Land Conservancy has committed \$4,000,000.00 toward the purchase, with other funding contributions coming from the State Coastal Conservancy, County of Los Angeles, City of Rancho Palos Verdes and California State University Dominguez Hills. Staff proposes that the Wildlife Conservation Board (WCB) approve a grant to the City for the remainder of the purchase price, in the amount of \$10,000,000.00. It is anticipated that an additional \$25,000.00 will be needed to cover administrative expenses including appraisal reports and DGS' appraisal review costs, bringing the total proposed allocation for this project to \$10,025,000.00.

The terms and conditions of WCB's proposed grant agreement provide that staff will review all documents associated with the proposed purchase including appraisals, preliminary title reports and title documents, agreements for purchase and sale, escrow instructions and instruments of conveyance prior to disbursement of grant funds directly into the City's escrow for the purchase of the properties. In addition, the proposed grant recognizes the Conservation Easement to be entered into between the City and the Conservancy and the Conservancy's role to manage the properties.

The proposed acquisition is exempt from the California Environmental Quality Act under Section 15313, Class 13, as the acquisition of land for fish and wildlife conservation purposes, and under Section 15325, Class 25, as the transfer of an ownership interest in land to preserve open space. Subject to approval by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

Mr. Wright reported that the Board received approximately 12 letters of opposition to the project, one of which was an email from Mr. Ralph Ortolano that expressed concerns, primarily about access to the property, which Mr. Ortolano addressed later in the presentation. Mr. Wright reported that the Board also received resolutions of support from the South Bay Cities Council of Government, which is composed of 16 cities in southern California, as well as letters of support from five of those cities. He added that the Board received letters of support from Senator Debra Bowen; Assembly member Betty Karnette; the California Native Plant Society; Sierra Club; Palos Verdes South Bay Group; Palos Verdes Horsemen Association and approximately 305 letters, pictures and emails from other individuals and students and one letter that expressed a neutral opinion.

Ms. Townsend reported that Mr. Joel Rojas, Director of Planning, Building and Code Enforcement for the City of Rancho Palos Verdes; Mr. William Ailer, President of the Palos Verdes Peninsula Land Conservancy; Ms. Barbara Dye, Executive Director of the Palos Verdes Peninsula Land Conservancy; Ms. Gail Presley, Natural Community Conservation Planning Program Coordinator for the Department of Fish and Game, and Mr. Michael Walker from the Palos Verdes Peninsula Bend Company, were in the audience should there be any questions.

Mr. Rojas, representing the City of Rancho Palos Verdes, expressed the City's commitment to their NCCP program and stated that a key component of that program is the acquisition of these properties. Mr. Rojas reported that the City is committed to managing these properties in partnership with the Palos Verdes Peninsula Land Conservancy and that the City will budget in perpetuity the management monies for these properties. He stated the City recognizes that although the area has been subject to some land sliding, not all of it has moved in the recent past. He continued that consistent with City provisions, developers in the immediate area have gone forward with applications for excluding their properties from the moratorium area to prove that the area is stable. Mr. Rojas reported there is a geological report that shows the subject Portuguese Bend property is stable, that it is being reviewed and an Environmental Impact Report is being circulated at this time to develop an adjoining property. He stated there is a sense of urgency from the City that it is just a matter of time before this area

will be developed and hopefully the City can acquire these properties and preserve them. Mr. Rojas stated that the City recognizes there are resources on the property that need protection, that there is a very high demand for public access to all the City's properties and that they do intend to have a public use plan. He assured the Board that the properties would be open for public access by hikers, bicyclists and equestrians in a manner that protects and respects the habitat on the property.

Sunshine addressed the Board in support of this grant. She reported that she lives in the Portuguese Bend active landslide area and that her avocation for the last 30 years has been trails preservation and the active pursuit of acquiring missing links to create trail networks, focusing on the Palos Verdes loop trail network and the California Coastal Trail. She stated that professionally she is a facilities designer and also serves as one of the docents who lead walks on the City's nature preserves. She stated that there is a need for some sort of mechanism that will guarantee public access will continue on these properties close to the present level.

Mr. Michael Walker, representing the landowner, addressed the Board in support of this proposal. Mr. Walker stated his profession is civil engineering and that he has been working on this project since 1994. He reported that he has a collection of about 40 different soil reports written on these properties and that he has directed approximately \$3 million of geotechnical investigation over that time period. He went on to explain the history and stability of the landslide area portion of the properties being considered in this proposal.

Mr. Ralph Ortolano, representing the California Trails Association, addressed the Board in support of preserving these properties, but expressed concern regarding public access to the trails, using the adjacent Forrestal open space area as an example of the concerns. He urged the Board to develop an oversight process or enforcement mechanism to insure the public will continue to have access at the current level. He suggested reversionary clauses in the deeds and requiring the existing trails that are being used be inventoried and the easements to those trails be granted to the California Trails Association which exists to preserve public access and maintain trails. Mr. Ortolano submitted a letter to be included into the record of this meeting. (See Attachment B)

Ms. Barbara Dye, representing the Palos Verdes Peninsula Land Conservancy, expressed her appreciation to the Board and Ms. Townsend for their efforts in regards to this proposal. Ms. Dye addressed Mr. Ortolano's concerns regarding the trails in the Forrestal area and described in detail the efforts to provide trail access to various areas on that property. She stated the Forrestal project was a

model process to be followed in Portuguese Bend, and their Conservancy makes it their goal to provide access where people want to go while preserving large blocks of habitat. She explained that one of the Conservancy's management principles is to preserve public access in perpetuity.

Mr. Bill Ailer, representing the Palos Verdes Peninsula Land Conservancy, addressed the Board in support of this proposal. He reported that he has been a resident of the South Bay area for 30 years and that open space has diminished considerably during that time. He explained that a group of concerned citizens started working on preserving open space in this area approximately 17 years ago and they would like to see these properties preserved in an ownership which will assure the availability of public access for generations to come. He stated the Conservancy is committed to raising \$6 million for the project, that they have donations from more than 900 individuals totaling \$3 million and expect to raise the remainder over the next several days. Mr. Ailer reported that there is tremendous public support for this proposal because people recognize that this area provides opportunities for education and activities that are not available in their part of Los Angeles County. He encouraged the Board to approve funding for this proposal.

Mr. Wright, acknowledging the testimonies of the speakers and their concerns regarding balanced uses on any piece of land, reminded everyone that the primary purpose of this proposal is in support of the NCCP which is very close to being completed with the full support of both the U.S. Fish and Wildlife Service and the Department of Fish and Game. He stated the motive behind getting the NCCP in place was to make certain that important habitats were protected as well as the species that occur in the area.

Staff recommended that the Board approve this grant as proposed; allocate \$10,025,000.00 from the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (Prop. 50), Section 79572 (b) for the grant amount and to pay for related project expenses; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Brodrick directed Mr. Wright to work on the issues related to the NCCP and any terms and conditions that are appropriate for making some of the assurances that the funds are used as intended and that the public use management plan is developed and is consistent with the wildlife agencies' approval to meet the terms of both the NCCP and HCP.

It was moved by Mr. Ryan Broddrick that the Board approve this grant as proposed; allocate \$10,025,000.00 from the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (Prop. 50), Section 79572 (b) for the grant amount and to pay for related project expenses; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

(Note: While the Board did not condition its approval on the requirement of resolving public access at this time, it did recognize the importance of completing the planning processes surrounding public use as part of the NCCP.)

13. Belmont Veterans' Memorial Pier, Public Dock, \$200,214.00
Los Angeles County

Mr. Wright reported that this proposal was to consider a cooperative project with the City of Long Beach for a partnership project to replace a public floating dock and gangway on the Belmont Veterans' Memorial Pier. The project is located on San Pedro Bay in the City of Long Beach. Mr. Tony Chappelle briefly described the project and its location.

The Belmont Veterans' Memorial Pier sits in waters protected by the Long Beach and San Pedro Breakwaters in San Pedro Bay. It was constructed in 1966 and is a T-shaped concrete structure approximately 1,360 feet long with a surface area of approximately 47,650 square feet. The pier was originally constructed with a landing and two floating docks to provide access to the pier from the water. One of these docks is gone and the other has reached the end of its useful life. The pier is an extremely popular fishing spot for queenfish, pacific sardine, chub mackerel, white croaker, shiner perch, pacific bonito and California halibut.

This project will replace the old dock and gangway with a 53 foot long by 16 foot wide public dock with 18 inches of freeboard. An 80 foot long gangway connecting the dock to the pier will also be installed along with a hoist to raise the gangway off of the dock during times of rough waters. The dock will be used by anglers coming ashore to utilize the amenities of the pier as well as by commercial party boats transporting anglers to and from ocean fishing waters.

This project is part of a larger overall restoration of the Belmont Veterans' Memorial Pier. In addition to the improvements being carried out by this project, the pier has recently undergone a variety of other improvements including installation of new utilities, lighting and sewer lift system. The parking area has also recently been rebuilt. Other improvements to the pier planned by the City in the near future include rebuilding the pier plaza including the bait and tackle concessionaire shop, constructing a new restroom at mid-pier, constructing three new fishing platforms with ADA compatible ramps attaching them to the pier, and installing a commercial dock to be used by a passenger shuttle boat called the Aqualink.

Total cost for this public dock project is estimated to be approximately \$250,000.00, with the City contributing \$50,000.00, and the rest requested from the Wildlife Conservation Board. Project costs will be for the dock, pile and float repairs, a gangway, a hoist, pin connections, railings and gate, fenders and project sign. In addition to the costs listed above, an additional \$214.00 will be required for Department of General Services' review costs, bringing the allocation necessary for the Board's portion of the project to \$200,214.00. 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 qualifying project costs.

The Department of Fish and Game Marine Region has reviewed this proposal and recommends it for funding by the Board. The grantee will complete the appropriate notice to satisfy CEQA requirements and has agreed to manage and maintain the property for 25 years, pursuant to the terms and conditions of the Lease and Operating Agreement.

Mr. Wright reported that the Board received letters of support from Senator Alan Lowenthal and Assembly member Betty Karnette.

Staff recommended that the Board approve this project as proposed; allocate \$200,214.00 from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Prop. 40), Section 5096.650; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Jim Kellogg moved that the Board approve this project as proposed; allocate \$200,214.00 from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Prop. 40), Section 5096.650; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

14. Walker Basin, Kern County \$118,000.00

Mr. Wright reported that this proposal was to consider the acquisition of 150± acres of land located in the northwest corner of the Walker Basin in Kern County. The property is located east of the City of Bakersfield, adjacent to the Sequoia National Forest. This proposal also requests authority to accept federal funds through the Fish and Wildlife Service 2001 Recovery Land Acquisition Program to assist with the funding of the project. Ms. Teri Muzik briefly described the project and its location.

The proposed acquisition would protect critical habitat for the federally threatened Kern primrose sphinx moth. The property being considered contains the largest known population of the moth. Thought to be extinct for over 50 years, the moth was rediscovered in 1974 on the subject property. The FWS added the moth to the threatened and endangered species list on April 8, 1980. Shortly after the moth was proposed for listing as a protected species, a moth collector from Europe captured dozens of adults – all that he saw during the brief flight season of the insect. In 1990, the moth was again located in a field on the subject property. In March 1999, the U.S. Fish and Wildlife Service (FWS) contracted with the University of California to survey for the moth and both adult and larval Kern primrose sphinx moths were located at the subject property.

In light of the importance of the dwindling population of the moth and the extremely limited habitat available, management and monitoring of the property will be a joint effort between the federal and State agencies.

The property owners are retaining ownership of parcels directly north of the subject property. All of the property owned by the current landowners has been targeted for development and there are dirt roads transecting portions of the property. The subject property contains a dirt road (Oaktree Estates Drive) that leads from a public road (Caliente-Bodfish Rd.) to the parcels being retained by the landowners. The landowners will reserve an access easement over the

road. After consulting with the FWS and determining that as long as the easement is in line with the objectives of the project and does not interfere with the habitat protection proposed, the Wildlife Conservation Board (WCB) will accept the property with the reserved easement in favor of the landowners.

The owners have agreed to sell the property for the appraised fair market value of \$380,000.00, as approved by the Department of General Services. The federal grant will cover 74.3 percent (\$282,340.00) of the purchase price and the State's share will be 25.7 percent (97,660.00). It is estimated that an additional \$20,340.00 will be needed to cover project costs including the appraisal, escrow fees, etc., bringing the total proposed allocation for the State's share to \$118,000.00.

The proposed acquisition is exempt from the California Environmental Quality Act as a categorical exemption under Section 15313, Class 13, as the acquisition of lands for fish and wildlife conservation purposes and under Section 15325, Class 25, as a transfer of an ownership interest in land to preserve open space. The appropriate Notice of Exemption will be filed with the State Clearinghouse upon approval by the WCB.

Ms. Muzik reported that Ms. Janette Esposito, managing partner for the landowners, and Penny Alexander-Kelley, the landowner's representative, were in the audience should there be any questions. There were no comments or questions.

Staff recommended that the Board approve the acquisition as proposed; authorize acceptance of the federal grant in the amount of \$282,340.00; allocate \$118,000.00 from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Prop. 40), Section 5096.650 for the acquisition and related expenses; authorize staff to enter into appropriate agreements as necessary to carry out this acquisition as proposed; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Ryan Brodrick moved that the Board approve the acquisition as proposed; authorize acceptance of the federal grant in the amount of \$282,340.00; allocate \$118,000.00 from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Prop. 40), Section 5096.650 for the acquisition and related expenses; authorize staff to enter into appropriate agreements as necessary to carry out this acquisition as proposed; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

15. Canebrake Ecological Reserve (Scodie Canyon Unit), \$3,018,000.00
Kern County

Mr. Wright reported that this proposal was to consider the acquisition of 1877± acres of privately owned land as an addition to the Department of Fish and Game's Canebrake Ecological Reserve (Reserve) for the protection and preservation of valuable watershed and rare riparian habitats of the South Fork of the Kern River. Ms. Linda Drake briefly described the project and its location.

The property is located along Highway 178 adjacent to the town of Onyx and 18 miles east of Lake Isabella in Kern County. The acquisition of the subject property will establish the Scodie Canyon Unit of the Reserve. Located in an alluvial fan canyon, the property's watershed feeds directly into the portion of the South Fork of the Kern River known as the South Fork Valley.

The primary purpose of this acquisition is preservation and protection of the South Fork Valley's vegetation, hydrology, soils and the riparian habitat. Specifically, this acquisition will provide protection for vegetation communities including annual grassland, pinyon-juniper, blue oak-grey pine and valley foothill riparian habitats and habitat crucial to the existence of many special status species such as the southwestern willow flycatcher, yellow-billed cuckoo and the western pond turtle. If agricultural or residential development is allowed within Scodie Canyon, it would likely result in adverse impacts to these species and the habitat upon which they depend. The subject property is almost completely surrounded by federal lands that are designated as "wilderness". This acquisition will enhance public access to these lands as well as protect an important wildlife corridor that extends between the Domeland Wilderness in the north and the isolated Scodie Mountains in the south. Also, through this acquisition, potential uses such as nature watching, photography, scientific study and hunting will be made possible.

The appraised fair market value, as approved by the Department of General Services (DGS), is \$3,550,000.00 and the landowner has agreed to sell to the State for a bargain sale of \$3,003,200.00. It is estimated that an additional \$14,800.00 will be required for administrative expenses, including DGS's review costs, environmental studies, escrow fees and closing costs, bringing the Board's total allocation for this proposal to \$3,018,000.00.

The proposed acquisition is exempt from CEQA under Section 15313, Class 13, as the acquisition of land for wildlife conservation purposes and under Section 15325, Class 25, as a transfer of an ownership to preserve open space. Subject to approval by the Board, the appropriate Notice of Exemption will be filed with the State Clearinghouse.

The property will be managed by the Department of Fish and Game. Due to the low monitoring requirements and close proximity to the current Reserve, management costs will be minimal for this property.

Ms. Drake reported that Mr. Jim Neukirchner and the property owner, Mr. Lyle Foster, were in the audience should there be any questions or comments.

Mr. Kellogg asked if there were any comments or questions. Mr. Broddrick thanked the landowners for attending today's meeting and for their willingness to place the property into public ownership.

Staff recommended that the Board approve this project as proposed; allocate \$3,018,000.00 from the Habitat Conservation Fund (Prop. 117), Section 2786 (b/c), for the acquisition amount and related project expenses; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Jim Kellogg moved that the Board approve this project as proposed; allocate \$3,018,000.00 from the Habitat Conservation Fund (Prop. 117), Section 2786 (b/c), for the acquisition amount and related project expenses; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

16. Wetland Habitat Restoration, San Pablo Bay, Phase II, \$999,790.00
Marin, Napa and Sonoma Counties

Mr. Wright reported that this proposal is to consider the acceptance of a federal reimbursable grant from the North American Wetlands Conservation Council (NAWCC) for \$999,790.00 and, secondly, to allocate funds in the same amount for a grant to Ducks Unlimited, Inc., (DU) to restore 103± acres of wetland and associated uplands and to enhance 729± acres of wetlands at five separate locations near San Pablo Bay in Napa, Sonoma and Marin Counties. Three enhancement projects are located on the Department of Fish and Game's Napa-Sonoma Marshes Wildlife Area and two restoration projects are located on properties owned by the Marin Audubon Society and the Napa County Flood Control and Water Conservation Agency. Mr. Peter Perrine briefly described the project and its location.

This project was initiated by Wildlife Conservation Board staff, with a proposal to the NAWCC for these much needed habitat restoration and enhancement projects in the San Pablo Bay. The need and potential for restoration is truly extraordinary. Due to the sheer numbers of species that inhabit this area, an estimated 380 species of birds and mammals, the San Francisco Bay estuary is recognized as a site of hemispheric importance by the Western Hemisphere Shorebird Reserve Network and is accepted as a Globally Important Bird Area by the American Bird Conservancy. Such recognition is shared by only three other areas on the west coast of the Western Hemisphere.

Many of these wildlife species are dependent on seasonal and tidal wetlands. In the Bay Area, more than 90 percent of these habitats have been destroyed in the last 150 years and much of the remaining marsh is degraded or fragmented to some extent. At least 61 wildlife species dependent on these wetland areas are designated by federal or State agencies as being in need of special attention. But in spite of the drastic changes that have occurred over the last two centuries, this area remains one of the most important areas to migrating, breeding and wintering waterfowl and shorebirds in the Pacific Flyway.

Fortunately, much of the remaining open land in the San Pablo Bay is owned by public agencies. All in all, these agencies manage a matrix of diked freshwater, brackish and saline wetlands, tidal wetlands, associated uplands, mudflats and open water. All five of the proposed enhancement and restoration projects are found on property that is currently protected. The five projects, when completed, will restore and enhance 832± as follows:

- **Napa Marsh Bahia Restoration:** This project will restore 12± acres of estuarine intertidal wetlands, 6± acres of palustrine emergent wetlands, and 8± acres of wetland-associated uplands. Activities will include lowering the elevation of portions of a levee and adjacent uplands to within the elevations of the upper marsh and intertidal zone to restore estuarine emergent vegetation. In addition, an adjacent area with historic seasonal wetlands will be recontoured to capture seasonal precipitation. Finally, an upland area will be planted with oaks and shrubs, as well as native, perennial grasses to establish nesting cover.
- **Stanley Ranch – North Restoration:** This project will restore 39± acres of intertidal wetlands and 38± acres of wetland-associated uplands. Historically a seasonal palustrine wetland located adjacent to the brackish Napa River, this property has been diked and managed for agricultural purposes for over fifty years. Since its acquisition by the Napa County Flood Control and Water Conservation District, passive management on the property has provided

some benefits to waterfowl and shorebirds, yet has also created water quality and mosquito abatement problems. Activities will restore hydrology, create additional seasonal wetland habitat, and improve drainage with a combination of swales and retention basins that will serve as semi-permanent or permanent wetland for waterbird brood rearing. The basins will be connected by a common drainage swale to allow complete drainage of the site for wetland management purposes and mosquito vector control.

- **Little Island Farms Enhancement:** This project will enhance 233± acres of estuarine intertidal wetlands. A recent acquisition by the WCB for the DFG, this diked tidal marsh had been managed for waterfowl hunting for many years. The previous property owners failed to maintain the properties infrastructure, and the water control structures used for managing tidal exchange have deteriorated. Activities will enhance estuarine tidal exchange by replacing the existing structures with an adequately sized water conveyance made of polypropylene material that will provide many years of service without deterioration. A swale will also be created to allow for adequate tidal exchange between Napa Slough and the interior impoundments.
- **Huichica Creek Ponds Enhancement:** This project will enhance 150± acres of estuarine intertidal wetlands and 69± acres of palustrine emergent wetlands. Activities will enhance wetland habitat within two adjoining ponds by replacing dilapidated water control structures, installing one new water control structure and enhancing the dividing levee. Once completed, the two ponds can be managed separately for palustrine emergent vegetation and estuarine emergent vegetation due to their water sources and the capabilities of the new structures. In addition, the dividing levee will be broadened and planted with native perennial grasses once the sloping activities have been completed.
- **Wingo Unit Enhancement:** The project will enhance 277± acres of palustrine emergent wetlands. The project objective is to raise the elevation of a dividing levee within the Camp 2 property of the Napa-Sonoma Marshes Wildlife Area to increase seasonal wetland habitat within the Wingo Unit by providing additional flooding capability. Increasing the levee elevation will increase the seasonal wetland acreage from 59± acres to a total of 218± acres.

Total cost for this project is estimated to be \$999,790.00, which will be used for all materials, construction contracts and project design, construction supervision and administration. As previously mentioned, this project is to be funded entirely from federal funds awarded by the NAWCC. To secure this or any grant, NAWCC requires matching funds. To qualify as a matching fund, similar habitat restoration, enhancement and protection projects must have been completed within the last two years.

The following partners provided documentation on completed, eligible projects and supported this application for federal funds:

Partners:	Matching Project Cost
Wildlife Conservation Board	\$3,826,967.00
California Coastal Conservancy	2,838,186.00
Napa County Flood Control District	3,102,440.00
California Bay-Delta Authority	1,000,000.00
The Dow Chemical Company	750,000.00
Marin Baylands Advocates	368,000.00
Marin Community Foundation	300,000.00
Shell Oil Spill Litigation Settlement Trust	219,785.00
Ducks Unlimited, Inc.	100,000.00
Sonoma Land Trust	96,967.00
TOTAL MATCHING PROJECT COSTS	\$12,602,345.00

The Department of Fish Game has reviewed this proposal and recommends it for funding by the Board. All CEQA and NEPA requirements have been completed and all required permits have been obtained. As the proposed grant is a reimbursable grant, it will be necessary that funds be expended before they are received; therefore, it will be necessary that the Board make an allocation of existing funds to complete the above-described work. Upon completion of the work, staff will submit bills to receive the reimbursement.

Mr. Wright reported that the Board received a letter of support from the California Waterfowl Association.

Mr. Perrine reported that Mr. Larry Wyckoff, from the Department of Fish and Game, and Mr. Greg Green, from Ducks Unlimited, Inc., were in the audience should there be any questions.

Mr. Kellogg asked if there were any questions or comments.

Mr. Broddrick thanked everyone who worked on this project.

Staff recommended that the Board approve this project as proposed; authorize the acceptance of the North American Wetlands Conservation Council grant of \$999,790.00; allocate \$999,790.00 from the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (Prop. 50), Section 79572 (c); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Ryan Broddrick moved that the Board approve this project as proposed; authorize the acceptance of the North American Wetlands Conservation Council grant of \$999,790.00; allocate \$999,790.00 from the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (Prop. 50), Section 79572 (c); authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

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| 17. Grizzly Island Wildlife Area Wetland Enhancement,
Solano County | \$305,000.00 |
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Mr. Wright reported that this proposal was to consider an allocation for a grant to the California Waterfowl Association for a partnership project with the U.S. Bureau of Reclamation (BOR) and the Department of Fish and Game (DFG) to enhance the 140-acre Crescent Unit and the 1,600-acre Joice Island Unit of the DFG's Grizzly Island Wildlife Area in Solano County. The project is located approximately five air miles south of the City of Fairfield. Mr. Peter Perrine briefly described the project and its location.

The WCB has a long history in Suisun Marsh, dating back to 1949 with the acquisition of 8,600 acres to protect feeding and resting habitat for waterfowl, and to provide public hunting opportunities. Since then, projects have included the construction of fishing access sites, the protection of additional wetland habitat, the restoration of wetland habitats and the construction of the Grizzly Island Road Bridge over Montezuma Slough. In 2001, the WCB funded the first phase in a planned renovation of all the main water delivery and drainage structures on Joice Island.

Suisun Marsh supports vast numbers of bird species; as many as 250 different species have been seen in the Marsh. Added to this, 45 species of mammals, 26 fish species and 15 reptile and amphibian species call the Marsh home. The Joice Island Unit, a mix of uplands, seasonal wetlands and permanent marsh, is one of the most diverse areas in the entire Marsh. Acre for acre, the Crescent Unit is equally important, and over the last few years has been the most productive breeding site in the Marsh for a number of waterfowl species. The Marsh as a whole remains one of the most attractive sites in California for wintering and migrating waterbirds and, due to the fact that the Marsh is inundated tidally, it supports thousands of waterfowl during those critical drought years when many of the wetlands in the Central Valley are dry. These unique features have been well known for generations – it has been recognized as one of the prime waterfowl hunting areas in all of California for more than a century and a half. Today, the Grizzly Island Wildlife Area continues to provide these and other recreational opportunities, and the portion of Joice Island Unit that is open to hunting is the most popular destination on the Wildlife Area.

Over the years the DFG and the WCB have upgraded and improved much of the infrastructure, but in recent years, limited budgets have restricted the DFG's ability to make the needed upgrades. The WCB assisted in 2001 by replacing four main water inlet structures on Joice Island, but several large structures remain that have been degraded by the corrosive brackish water in the Marsh. The Crescent Unit has suffered over the last few years due to the increased porosity of the levee on the west side of the property. Increased seepage through this levee has resulted in nearly permanent standing water on the property, and salts are beginning to concentrate in the soils.

On the Crescent Unit, the existing western levee will be cored and recapped to allow the DFG to manage water levels within the unit, without flooding adjacent property or be flooded by them. Once the water is controlled in the unit the pond will be surveyed and swales and ditches will then be designed and created, to improve water circulation. On Joice Island, five water control structures will be replaced that, due to corrosion and overall weathering, simply do not function and make effective water management impossible. One new water control structure will be installed in an interior levee, which will allow the higher quality water from the highest pond to flow into two lower ones, improving habitat quality and water circulation in all three ponds. With improved water control and circulation on both the Crescent and Joice Island Units, control of mosquitoes will also be improved.

This project will benefit a wide range of wetland dependent wildlife. As mentioned above, the Crescent Unit supports the highest density of breeding waterfowl of any location in the Marsh, mostly mallards, but also cinnamon teal and gadwalls. The permanent water on Joice Island is also highly productive for waterfowl species, but many other birds nest there including pied-billed grebes and marsh wrens. Wintering waterbirds flock to the area, including such species as northern pintails and western sandpipers. Mammals in the Marsh range from the tiny Suisun ornate shrew, a federal and state species of special concern, which weighs less than a quarter of an ounce, to the tule elk, which can weigh as much as half a ton.

Total cost for this project is estimated to be approximately \$333,600.00, with the DFG contributing \$13,600.00, the BOR adding \$15,000.00, and the rest requested from the WCB. Project costs will be for levee coring and swale and ditch excavation on the Crescent Unit; the replacement of five large structures on Joice Island; and project design, construction supervision and administration.

The Department of Fish Game has reviewed this proposal and recommends it for funding by the Board. The grantee will be responsible for the completion of the appropriate notice to satisfy CEQA requirements.

Mr. Wright reported that the Board received letters of support from Assembly member Lois Wolk and Mr. Bill Gaines from the California Waterfowl Association.

Mr. Perrine reported that Mr. Larry Wyckoff, from the Department of Fish and Game, was in the audience should there be any questions.

Mr. Kellogg asked if there were any questions or comments. There were none.

Staff recommended that the Board approve this project as proposed; allocate \$305,000.00 from the Habitat Conservation Fund (Prop. 117), Section 2786 (d) IWCP; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Jim Kellogg moved that the Board approve this project as proposed; allocate \$305,000.00 from the Habitat Conservation Fund (Prop. 117), Section 2786 (d) IWCP; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

18. Dobe Swale Riparian Restoration, Modoc County \$226,000.00

Mr. Wright reported that this proposal was to consider an allocation for a grant to the Central Modoc Resource Conservation District (CMRCD) for a cooperative project to repair erosion and restore healthy riparian and aquatic habitat and stream function to approximately 1.8 miles of Dobe Swale, a seasonal stream located on private land (Witcher Creek Ranch) approximately 4 miles northeast of Canby in Modoc County. Other partners on this project include the Department of Fish and Game (DFG), the Natural Resources Conservation Service (NRCS), the HESCO Company, the U.S. Forest Service (USFS), the Regional Water Quality Control Board (RWQCB), the University of California Cooperative Extension, the Pit River Alliance and the landowners. Mr. Scott Clemons briefly described the project and its location.

Since 2000, Wildlife Conservation Board has approved two projects in Modoc County near Alturas: acquisition of the 2,080± acre Fitzhugh Creek property (approved May 2003) and improvements to the public fishing access site at DFG's Pine Creek Reservoir (approved May 2005).

The proposed project is situated within Witcher Creek Ranch, located at the edge of Northeastern California's high desert. The property was acquired by the current owners in 1999. The 63± acre riparian restoration project is surrounded by juniper dominated upland habitat. It is bordered by two large ranches on the southeast and southwest and Devil's Garden of the Modoc National Forest to the northwest, north and northeast. Witcher Creek Ranch was placed in the agriculture land conservation program (Williamson Act) in 2003.

Dobe Swale is a unique area in that it contains some of the deepest soils in Modoc County. Pre-project conditions at Dobe Swale included 1.8 miles of riparian corridor with impoverished vegetation and 63± acres of degraded wet meadows. It is assumed that historic inappropriate grazing and irrigation practices led to the deeply incised, gullied channel reaches that have lowered the water table in the meadow. This has resulted in conversion of the plant community at the site from a wet meadow type to a dryland grass type. Several invasive noxious weed populations have also been identified in the project area, and junipers are encroaching into the former wet meadow areas. Improved riparian vegetation will lessen the adverse effects of the noxious weed populations present at the site, and will help prevent further encroachment by these exotic species. These conditions adversely affect fish and wildlife habitats, water quality and agricultural productivity.

In one part of the stream reach, a vertical down cut in the streambed has formed a fish barrier that prevents fish from the Pit River drainage from accessing the .6 mile of Dobe Swale located at Pine Springs, which is on U.S. Forest Service land above the project. The steep bare stream walls resulting from this and other headcuts in the project area allow excessive soil erosion to further degrade local and downstream water quality. No dissolved oxygen measurements have been taken in the Dobe Field stream reach, but it is likely that high water temperature and lack of turbulence most likely have resulted in reduced dissolved oxygen.

In 2000, the landowners suspended grazing on 1100 acres to protect this 63 acre project area. In 2001, Dobe Swale was fenced into an 85 acre riparian pasture funded by a grant from the National Fish and Wildlife Foundation to CMRCD. The landowners also constructed 3.6 miles of high tensile electric fence on the lower meadows of the ranch to manage grazing on over 2 miles of Witcher Creek. The Dobe Swale riparian pasture fence was set back outside the riparian area up in the juniper woodlands for esthetics and function. The grazing system in Dobe Swale was changed from season long to short duration high intensity. Cattle (140 to 300 head) are grazed for 10 to 14 days in May or early June of each year. The rest of the year the field is left ungrazed. The purpose is to graze when annual grasses are seeding to reduce their numbers and help promote the growth of native perennials. This seasonal grazing also protects riparian woody vegetation. There have been good responses in stream vegetation and corresponding stream development down inside the downcut channel from this grazing system.

The goal of this project is to have a self-sustaining riparian and aquatic ecosystem supporting a diverse assemblage of species. In general, the project will restore a functional stream channel that will provide enhanced aquatic habitat, reconnect the stream with its floodplain and raise the meadow system's water table, provide a valuable connection between the Pit River and the Witcher Creek watershed upstream, create two seasonal wetlands and restore riparian vegetation along the creek. Specifically, the project will involve installation of a diversion ditch that will carry the seasonal flows during construction and bypass flood flows above a certain maximum magnitude event during the first years after project establishment; installation of multiple grade control structures and hydraulic enhancement structures (partially contributed by HESCO Company); installation of aquatic habitat structures, bank contouring to improve floodplain connectivity, prevent caving of banks, reduce scour erosion and create greater diversity of emergent vegetation, construction of two

seasonal wetland basins at the upper end of the project area, where tributaries feed into the stream (to reduce peak flows, enhance meadow recharge and trap sediments); revegetation of the riparian corridor with locally obtained vegetation. Reestablishment of the wet meadow system will provide the required water for the riparian species to establish and greatly decrease the invading exotic annual grasses.

DFG has been working with the landowners to prepare for the introduction of Redband trout into Dobe Swale after completion of the project. This species of trout is unique in that it has evolved to withstand much higher water temperatures than other trout, and historically was found in the area. The endangered Modoc sucker is found in the Pit River system, and DFG biologists believe that this project will provide suitable, accessible habitat for this species. Both species will also have improved access to suitable habitat in the watersheds located on public land above Dobe Swale.

This project will also benefit several other special species of fish and wildlife, including neotropical migrant songbirds, northwestern pond turtle, Pit roach, tri-colored blackbird, golden eagle, Swainson's hawk, white-face Ibis, prairie falcon, greater sandhill crane, and bald eagle. Many other species that are dependent upon healthy riparian and wetland habitats will also benefit from this project.

This project will increase woody riparian vegetation, improve stream bank stability and channel morphology and contribute to better water quality. All of this will lead to improved wildlife habitat along with proper meadow function. The project will raise the water level on the meadow, and native willow, wild rose, and aspen will provide stream overstory with shading to maintain healthy water temperatures and to provide food and cover for fish and wildlife, while sedges and rushes will dominate the understory. Significant increases in water storage capacity of affected wetlands are expected, along with stated fish and wildlife benefits. Improvements in water quality would be expected, including reductions in sediment contribution, lower temperatures and more even rates of discharge. In addition to fish and wildlife benefits, improved water quality would address larger concerns regarding non-point source pollution in the Pit River watershed. This 63± acre riparian restoration project will create an oasis for wildlife, including migratory song birds and waterfowl.

Although this project is on private land and will not provide public access to the project reach, the restored stream segment should provide habitat to support the very unique Redband trout and the endangered Modoc Sucker, and the improvements to the channel should allow fish to move upstream from the Pit River to a segment of Dobe Swale which is accessible by the public within the Modoc National Forest.

Cost estimates for this project have been reviewed and approved by staff. Total cost for this project is estimated to be approximately \$495,000.00, with the NRCS contributing \$222,000.00, the HESCO Company contributing \$10,000.00 in grade control structures, USFS contributing \$7,000.00 from the Partners in Fish and Wildlife Program, the RWQCB contributing \$12,000.00 from their Proposition 13 funding, the landowner adding \$18,000.00 in in-kind contributions, and the remainder requested from the WCB. Project costs will be for design, engineering, permits, project supervision, construction material, transportation, labor, backhoe work to fill downcut channels, create a diversion ditch and two retention ponds, construction and placement of grade control structures, placement of two diversion structures, installation of bioengineered structures, including fish habitat structures, revegetation and maintenance of revegetated areas, installation of a sign and a contingency fund.

The DFG has reviewed this proposal and recommends it for funding by the WCB. The grantee will complete the appropriate notice to satisfy CEQA requirements. The landowner has agreed to manage and maintain the property for twenty-five years pursuant to the terms and conditions of the grant agreement. If at any time during the life of the project, the landowners are unable to manage and maintain the project improvements, they will refund to the State of California an amortized amount of funds based on the number of years left on the project life. The landowner has also entered into a ten year restoration agreement with the NRCS under the Wetland Reserve Program.

This project enjoys strong support from a wide range of individuals and organizations, both public and private, including Assemblymember Doug LaMalfa, the Modoc County Farm Bureau, the Modoc County Board of Supervisors, the California Regional Water Quality Control Board, the University of California Cooperative Extension, Mr. James Rickert, Watershed Coordinator for the Pit River Watershed Alliance, the North Cal-Neva Resource Conservation and Development Council, the U.S. Fish and Wildlife Service, the California Cattlemen's Association and the Natural Resources Conservation Service.

Mr. Wright reported that the Board received letters of support from Assembly member Doug LaMalfa; Mr. Dave Bradshaw, Chairman, Modoc County Board of Supervisors; Mr. Steven Clay, Refuge Manager, Modoc National Wildlife Refuge; Mr. Craig Bettendorff, President, Modoc County Farm Bureau; Mr. Dennis Heiman from the Regional Water Quality Control Board; Mr. Ben Higgins, Executive Vice President of the California Cattlemen's Association; Ms. Sandra Higa from the Natural Resources Conservation Service; Mr. Don Lancaster from

the University of California Cooperative Extension, Modoc County; Mr. Curtis Knight, Conservation Manager for CalTrout; Mr. Terry Williams, Chair, North Cal-Neva Resource Conservation and Development Council; and Mr. Jim Rickert, Watershed Coordinator, Pit River Watershed Alliance.

Mr. Clemons reported that Mr. Blair Parrott, from the Central Modoc Resource Conservation District; Mr. George Wingate, private consultant and project engineer; and the landowner, Mr. Glenn Nader, were in the audience should there be any questions. Mr. Clemons also reported that Mr. Paul Chappell, regional fisheries biologist from the Department of Fish and Game was in the audience and that Mr. Chappell will retire from State service at the end of September.

Mr. Kellogg asked if there were any questions or comments. Mr. Broddrick congratulated Mr. Chappell on his retirement, acknowledging his dedication and accomplishments over his 30 years of service with the Department of Fish and Game. Mr. Kellogg also expressed his appreciation to Mr. Chappell for his service with the Department.

Staff recommended that the Board approve this project as proposed; allocate \$226,000.00 from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Prop. 40), Section 5096.650; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Mr. Ryan Broddrick moved that the Board approve this project as proposed and contingent upon federal matching funds being approved; allocate \$226,000.00 from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Prop. 40), Section 5096.650; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Motion carried.

Mr. Kellogg extended his best wishes to Maureen Rivera on her retirement and expressed his appreciation for her work with the Board.

Other Business

At the beginning of the meeting, Mr. Wright reported that Maureen Rivera, Executive Assistant to the Board, announced she would be retiring on September 30, 2005. He expressed his appreciation for her extraordinary service to the Board over the past eight years and the public during her 24 years of State service.

With no further business to discuss, the meeting was adjourned at 11:30 A.M.

Respectfully submitted,

Al Wright
Executive Director

Attachments

PROGRAM STATEMENT

At the close of the meeting on August 25, 2005, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947 totaled \$1,835,205,727.97. 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 Sport Fish Restoration 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 Fund, 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, the Safe, Clean, Reliable Water Supply Act of 1996, the Natural Resources Infrastructure Fund, the Harbors and Watercraft Revolving Fund, Forest Resources Improvement Fund, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond, Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Fund, California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund, Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 and the Wildlife Restoration Fund. In addition to projects completed with the above funding sources, this statement includes tax credits awarded under the Natural Heritage Preservation Tax Credit Act of 2000. The tax credits are not reflected in the total amount allocated to projects.

A. Fish Hatchery and Stocking Projects	\$16,006,219.06
B. Fish Habitat Preservation, Development & Improvement	27,609,400.91
Reservoir Construction or Improvement	\$ 5,605,699.00
Stream Clearance and Improvement.....	17,361,256.69
Stream Flow Maintenance Dams.....	542,719.86
Marine Habitat	646,619.07
Fish Screens, Ladders and Weir Projects	3,453,106.29
C. Fishing Access Projects.....	47,727,032.74
Coastal and Bay	\$ 4,038,176.11
River and Aqueduct Access.....	13,158,800.93
Lake and Reservoir Access	9,744,317.52
Piers	20,785,738.18
D. Game Farm Projects.....	146,894.49

E. Wildlife Habitat Acquisition, Development and Improvement	1,690,063,107.75
Wildlife Areas (General)	\$356,640,052.82
Miscellaneous Wildlife Habitat Development	14,176,933.74
Wildlife Areas/Ecological Reserves, (Threatened, Endangered or Unique Habitat)	620,100,095.18
Land Conservation Area	8,043,215.18
Inland Wetlands Cons. Grants & Easements	20,247,881.09
Riparian Habitat Cons. Grants & Easements.....	40,531,968.13
Other Wildlife Habitat Grants	630,322,961.61
F. Hunting Access Projects	484,898.57
G. Miscellaneous Projects (including leases)	13,664,620.29
H. Special Project Allocations.....	1,385,820.29
I. Miscellaneous Public Access Projects	37,580,314.80
State Owned	\$1,601,751.07
Grants	35,978,563.73
J. Sales and/or exchanges	537,419.07
K. Natural Heritage Preservation Tax Credit Act (tax credits awarded)...	(48,241,234.00)
Statutory plans	(0.00)
Corridors, wetlands, wildlife habitat, streams and riparian habitat	(6,234,658.00)
Agricultural lands	(13,775,640.07)
Water and water rights.....	(0.00)
State and local parks, open space and archaeological resources	(28,230,935.93)
Total Allocated to Projects.....	\$1,835,205,727.97

Statement to the Wildlife Conservation Board meeting on La Posta Project

Good morning. My name is Michael Huber and I am the DoD Regional Environmental Coordination Program Manager representing Navy Region Southwest. Navy Region Southwest represents 110,000 military and civilian employees in California, and DoD has an economic contribution statewide of over \$42 billion.

Navy Region Southwest strongly supports this project. This project is adjacent to the La Posta Mountain Warfare Training Center. La Posta is a critically important training resource for the Special Warfare Community and is a key component of our war on terrorism. The property affords a diverse training ground within home commuting range of these special force personnel. Residential housing communities are not consistent with the requirements for Special Warfare training, given the need for live fire training as well as the impacts of lighting on night training.

The area under consideration is also a recognized wildlife linkage corridor that contributes to the migration of species north and south from Southern California down to Northern Baja California, Mexico. This proposal in conjunction with on-going Navy conservation initiatives will provide wildlife and people with open space for wildlife conservation and migration and will, as an added benefit, help prevent encroachment by securing buffer zones for Naval Special Warfare training activities.

This project is also important for several other reasons:

- It is our first project, under Section 2811 of the 2003 Defense Authorization Bill, which we call the “Encroachment Partnering” initiative. DoD for the first time can partner with nonprofit conservation groups and state governments, to create operational and natural resources buffers protecting active bases from the impacts of encroachment. It is important to note that properties purchased under this authority, cannot be used for training.
- It is also the pilot project for the “California – DoD Bufferzone Memorandum of Agreement (MOA)” which was signed on 3 November 2004 by Mr. Alex Beehler, Assistant Deputy Under Secretary of Defense (Environment, Safety, and Occupational Health) and State of California Secretary for Resources Mr. Mike Chrisman. In choosing a pilot project, we needed a project with willing partners which we could execute in FY05. We have learned a lot through this process, and thank Mr. Al Wright and his staff and The Nature Conservancy (TNC) for their patience and perseverance as we worked our way through the process. It was a learning process for all of us. I would also like to thank Mr. Crawford Tuttle of the Resources Agency for his support of this effort.

Successful completion of this project would provide a permanent buffer at La Posta and would serve as a great example of the success of this new congressional authority and partnership with the State of California. It will serve as the model for future partnering opportunities to leverage resources. On behalf of the United States Navy I recommend your approval of this proposal.

Thank you!

23 August 2005

Jim Kellogg, Chairman
Wildlife Conservation Board
1807 13th Street, Suite 103
Sacramento, CA 95814
DTownsend@dfg.ca.gov

Subj: Wildlife Conservation Board 25 August 2005 Agenda
Item 10—Portuguese Bend Nature Preserve

Dear Chairman Kellogg:

I would like this letter read into the record at the 25 August 2005 Wildlife Conservation Board meeting with respect to Item 10—Portuguese Bend Nature Preserve.

It has come to our attention that the City of Rancho Palos Verdes has enacted an ordinance (2005 RPV Ordinance 421, enacted 7 June 2005) that would permit the public less access to the properties under consideration than they enjoy today.

The ordinance runs contrary to the general policy of the California Coastal Commission and the California Recreational Trails Committee, which is to promote public access to publicly-owned lands. While we support preservation of this land, we cannot condone the allocation of state taxpayer money for a land acquisition under these circumstances unless the state insists upon a policy of presumed public access supported by clear and well-defined standards and unless the state retains some form of oversight in order that it may enforce these standards.

Lest you be inclined to accept oral assurances from Rancho Palos Verdes City representatives, the City has a clearly demonstrated track record with regard to the Forrestral open space adjacent to this proposed acquisition.

Immediately upon forming a management committee, whose members were hand-picked by Committee Chairperson Barbara Dye, the city set about looking for ways to restrict access to the Forrestral open space. They actively worked with the RPV City Attorney to draft the restrictive ordinance at issue. They consulted with the police to enquire how they could enforce their restrictions. They summarily closed long-used trail. They restricted access to certain user groups without any scientific evidence to back their capricious announcements. They “temporarily” closed “unsafe” trails without any timetables for periodic review or repair and without itemizing any particular standards that would enable the trails to be reopened.

Members of the Palos Verdes Peninsula Land Conservancy have quietly discussed creating a chain of habitat “wilderness zones” within the proposed preserves, where human access (except their own) would be prohibited. Such elitism and special privilege should not be sanctioned with the People’s money.

Even when faced with petitions signed by hundreds of trail users seeking to maintain legal access to certain decades-old well-used trails that were primary segments of the Palos Verdes Loop Trail system, Forrester Committee Chairperson Dye tabled discussion of these trails. Combined with the default-“no access” ordinance that she lobbied, well-established public access to Palos Verdes Loop Trail segments was effectively criminalized through inaction and intentional avoidance.

This city ordinance runs directly counter to the more open public-access policies being pursued by other state committees and agencies.

The Wildlife Conservation Board—the state agency overseeing the expenditure of the state taxpayers’ money—should insist as a condition of providing any funding toward acquisition of Portuguese Bend open space, that the City:

- (1) repeal its default no-access ordinance,
- (2) inventory *ALL* existing public trails, footpaths and other routes and all specific uses of the property.
- (3) commit in writing, preferably through an enforceable reversionary clause in the deed, to a City policy that favors public access to and continuation of all existing public recreational uses of this land, including hiking, horseback riding, bicycle riding, non-motorized model glider operation, etc.,
- (4) enact a policy that allows mitigation for proven, specific habitat impacts that are backed by scientific evidence of habitat degradation that meet a certain legal standard (in other words, not illusory or arbitrary pronouncements of potential or possible impacts), and
- (5) enact a policy that mitigation measures shall be the least burdensome alternative to continued public access and that requires trail closures or restrictions to be revisited on a timetable and addressed within a reasonable time so that “temporary” restrictions and closures do not become permanent through inaction or continual lack of budget appropriation.

Protection of this land and habitat is a laudatory goal that we resoundingly support, but it should be founded on firm legal standards and backed by clear evidence and it should not come at the cost of arbitrarily denying traditional recreational uses of this open space.

It is incumbent upon the Wildlife Conservation Board to protect the state taxpayers’ money by insisting that the public has access to the public’s land, that all traditional and existing recreational uses of this land are preserved and that there is a continuing legal enforcement mechanism (such as a reversionary clause in the deed) to ensure that the state maintains continuing jurisdiction and means to effectively enforce these policies.

Very respectfully,

Ralph J. Ortolano, Jr.
Attorney
California Trails Association

cc:sschuchat@scc.ca.gov

ORDINANCE NO. 421

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES ESTABLISHING REGULATIONS GOVERNING THE USE OF PUBLIC PARKS AND OPEN SPACE BY EQUESTRIANS, BICYCLISTS AND PEDESTRIANS AND AMENDING THE RANCHO PALOS VERDES MUNICIPAL CODE.

THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 12 of the Rancho Palos Verdes Municipal Code is hereby amended by amending Section 12.16.080 of Chapter 12.16 to read as follows:

“Section 12.16.080 Use of City parks, nature preserves and recreational facilities.

Any person who enters any park, nature preserve or recreational facility that is owned by the City shall comply with all applicable City regulations and posted signs, including, without limitation, regulations and signs regarding the use of public trails.

A. No person shall ride or drive or otherwise introduce any horse or other large domestic animal within a City park, City-owned nature preserve or City-owned recreational facility except on trails or areas that are designated by the City for equestrian use and in areas where automobiles and other motorized vehicles expressly are allowed, unless expressly authorized in writing to do so by the city manager or the city manager’s designee.

B. No person shall ride or drive or otherwise introduce any bicycle or other similar unmotorized wheeled device within a City park, City-owned nature preserve or City-owned recreational facility except on trails or areas that are designated by the City for bicycle use and in areas where automobiles and other motorized vehicles expressly are allowed, unless expressly authorized in writing to do so by the city manager or the city manager’s designee.

C. No person shall walk, jog, run or otherwise utilize any City park, City-owned nature preserve or City-owned recreational facility except on trails or areas that are designated by the City for such use and in areas where automobiles and other motorized vehicles expressly are allowed, unless expressly authorized in writing to do so by the city manager or the city manager’s designee.

D. In deciding whether to grant such authorization for use pursuant to paragraphs A, B or C of this Section, the city manager or the city manager’s designee shall consider time of day, relative crowding of the area requested, factors of public safety, availability of areas approved for such activities, impact of such activities upon sensitive habitat, and any other factor relevant to the welfare of those utilizing City parks or City-owned nature preserves or recreational facilities.”

Section 2. The City Council declares that, should any provision, section, paragraph, sentence, or word of this ordinance be rendered or declared invalid by any final action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this ordinance shall remain in full force and effect.

Section 3. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

Section 4. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED, APPROVED and ADOPTED this 7th day of June 2005.

/s/ Larry Clark

Mayor

Attest:

/s/ Carolyn Petru

City Clerk

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)ss
CITY OF RANCHO PALOS VERDES)

I, Carolyn Petru, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 421 passed first reading on May 17, 2005, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on June 7, 2005, and that the same was passed and adopted by the following roll call vote:

AYES: Gardiner, Stern, and Mayor Pro Tem Wolowicz

NOES: None

ABSENT: Long, Mayor Clark

ABSTAIN: None

City Clerk