

**Sierra Nevada Conservancy
Meeting Minutes
July 20, 2006**

Location: Tulare County
Board of Supervisors Chambers
2800 West Burrel Avenue
Visalia, CA

I. Call to order

Chairman Chrisman called the meeting to order at 9:05 a.m., in the Tulare County Board of Supervisors Chambers (2800 West Burrel Avenue, Visalia CA).

II. Roll call

Members Present: Linda Arcularius, Helen Bauman, John Brissenden, Mike Chrisman, Brian Dahle, Allen Ishida, Bob Kirkwood, BJ Kirwan, Carol Whiteside, Kim Yamaguchi, Mike Tollefson, and Beth Pendleton
Members Absent: Byron Sher, Louis Boitano, and Mike Genest

III. Approval of February 23, 2006 Minutes

There were no changes to the minutes.

Action: Boardmember Kirkwood moved and Boardmember Kirwan seconded a motion to approve February 23, 2006 minutes. Motion passed unanimously.

IV. Approval of June 1, 2006 Minutes

There were no changes to the minutes.

Action: Boardmember Kirkwood moved and Boardmember Kirwan seconded a motion to approve June 1, 2006 minutes. Motion passed unanimously.

V. Chairman's Report

Chairman Chrisman asked for feedback on the field trip:

- Boardmember Yamaguchi stated that Butte County faces many of the same issues and it was helpful to see how other counties are addressing them.
- Boardmember Brissenden was impressed with the tour and issues addressed and found the tour insightful and encouraging.
- Boardmember Kirkwood commented on the specific positioning of proposed developments throughout the foothills on agricultural lands that had never previously been considered to be prime development areas.

- Boardmember Arcularius liked the variety given on the tour; it was done in a timely manner and got the flavor of the territory. She suggested that the Board track the Boswell project as it moves forward.

Discussion occurred regarding the public policy issue of balancing the protection of agriculture and allowing sustainable development in these areas. Boardmember Ishida stated the project is early in the process. He also indicated that the lack of ground water is usually an issue in the foothill communities.

Boardmember Whiteside noted this is the issue she raised at the June meeting and the Board and SNC should monitor this project. She also stated that a draft internal concept map/plan of the San Joaquin Valley will be available for review that illustrates a system of identifying the different highly valued properties where there may be opportunities for conservation. The Board needs to have a discussion to determine what it can do to develop a similar system to evaluate opportunities in the Sierra to help people make rational decisions about where pockets of development can be located and how they connect to public open spaces.

Chairman Chrisman briefly described two large potential projects, involving over 270,000 acres, under pressure to be developed, and that a similar planning process would be valuable for agencies and planners to take a more comprehensive look at patterns for responsible conservation and public access opportunities.

Chairman Chrisman gave some background of the production of a three minute video of the Region and the SNC mission. The video was produced for the SNC by Convergence Media Productions, with funding from the Resources Legacy Fund. This video was donated to SNC and will be distributed to each Boardmember.

Jim Branham noted there are approximately 300 hours of video tape in the library that is available to the SNC and other governmental and non profit organizations. He also mentioned that Sherry Bartolucci of Synergistica Consulting worked on the production of the video. It was suggested that other video such as Southern California Edison and PG&E footage could be added to the library. The current information is organized by county, geographic area, and seasons.

The SNC will post the video on the website and distribute copies to Boardmembers.

VI. Executive Officers Report

Jim Branham reported to the Board on several issues:

- Staffing update; Theresa Grace and Bob Kingman are both fully aboard and SNC will continue to hire over the next few months.
- The state budget has been approved, with the SNC budget approved as proposed.
- AB 84 (Leslie), which would create the opportunity for a SNC license plate passed the Senate Appropriations Committee and will next be heard on the Senate Floor, before returning to the Assembly.

- The SNC staff is developing criteria for satellite offices to present at the October meeting. The Board may wish to designate a subcommittee to provide oversight as this effort moves forward.
- SNC staff is working with Boardmember Dahle, Lassen and Modoc Counties, and the Bureau of Land Management on the Modoc rail line project. Union Pacific is no longer using this portion of the rail line and a number of interested parties are exploring other potential uses, consistent with the SNC's mission. Boardmember Baumann commented on the success in El Dorado County working with a Joint Powers Agreement and Rails to Trails for abandoned rail lines. In El Dorado, the project was funded by grants and Boardmember Baumann offered to share the information with Boardmember Dahle. Chairman Chrisman asked what the role of the Conservancy and the Board will play in this project. Mr. Branham stated at this time the SNC is serving to coordinate with all of the parties involved and help identify priorities and potential solutions.
- Executive Officer Branham reviewed the memo regarding criteria for letters of support from the SNC. Boardmembers agree to the criteria and process providing a degree of flexibility to projects with Regional benefits.

Action: Boardmember Kirkwood moved and Boardmember Brissenden seconded a motion to approve the Criteria for Letters of Support. Motion passed unanimously.

VII. Deputy Attorney General's Report

Deputy Attorney General (DAG) Christine Sproul discussed the legal issues regarding ex-parte communications for Boardmembers. She described ex-parte communications as those occurring between one or more Boardmembers and any person involved with a matter to come before the Board outside of a Board meeting. Stating that the rule against ex-parte communications is intended to protect the integrity of the decision making process, she noted the rule applies to quasi-adjudicatory decisions (such as permit decisions which apply a law to a specific set of facts). For matters that do not involve quasi-adjudicatory decisions (most of the matters that will come before this Board, including adopting regulations, setting policies, awarding grants) there is no prohibition on ex-parte communications. However, in order to assure fairness in decision making, to provide full information to all Boardmembers, and to assure an opportunity to respond to all points of view, she recommended a practice of disclosing communications that occur outside of Board meetings, seeking to communicate with individual members to present their views to the Board, and providing any written materials received to the staff, so they are part of the Conservancy's public records and others can see them.

- Under the Bagley-Keene Act, if the Chairman creates a subcommittee of three or more Boardmembers, notice and agenda requirements apply to committee meetings.
- Boardmembers may meet with and speak to constituents at the member's convenience, but such meetings are not required. The Boardmember may refer individuals to the Executive Officer instead or suggest a presentation to the Board.

- Boardmembers are public officials and people will want to call and to talk you. Remember, as Chairman Chrisman noted, Boardmembers need only listen.
- If approached you could ask the person to attend the next Board meeting and address the Board as a whole. Individuals may address the Board on any matter within the Board's purview during the general public comment section of the Board's meetings.
- If material is submitted, submit the materials to SNC staff or direct the person to SNC and the materials will be distributed to the Board as a whole.
- Individual requests can be made to SNC for an issue to be put on the agenda (this may become important once the Board begins the grant process).

The Board discussed the creation of talking points in the future for Boardmembers.

Next Step: Christine to follow up on suggested ground rules and talking points for Boardmembers.

There was discussion regarding the requirements of the FPPC for the Boardmembers. Several members are concerned with the current status and the filing requirements to assure they are meeting them.

Next Step: Christine to follow up on the FPPC annual requirements with each of the Boardmembers.

DAG Sproul updated the Board on AB 2927 (Leno) noting the bill had not passed and the Attorney General's Office will continue to follow the measure.

VIII. South Sub Region Counties Overview

Boardmember Ishida deferred to Kern County Supervisor John McQuiston to begin the South Sub Region County overviews.

Supervisor McQuiston noted that the Kern River Valley is located in his district and there is great biodiversity in the area, including approximately 340 bird species and 2000 plant species, (the highest in the United States). Recreation includes: cycling, boating, camping, fishing, golfing, hiking, hot springs, mountain biking, snowboarding, windsurfing, and skiing. The Valley is surrounded by 6000-8000 foot peaks of the Sierra Nevada. Tourism is the greatest source of income for Kern River Valley and there are a large number of seniors residing there. An area specific plan regarding the

future of the area and region is currently underway, involving members of the public. McQuiston believes conservation easements could be beneficial to the area and he indicated that he believes strongly in the collaborative process and looks forward to working with the SNC and its Board in the future.

Lynn Gormena, representing Fresno for Bob Waterson spoke next. Fresno County is 6000 square miles, approximately 30% of which is in the Sierra. Fresno County is located both south and north of Yosemite. Fresno is growing faster than other counties, due in part to its relative affordability. The City of Fresno is currently accommodating

most of the growth of the County. Fresno County is addressing issues relating to the preservation of prime agriculture lands and potential development in the foothills, where water availability is very limited. Fresno looks forward to SNC for assistance in the areas of comprehensive ground water management. The County just completed a water study where it was able to fund three watersheds and the study pointed out the need to have the watersheds managed. This is vital to the watershed health. The County is also looking to support coexistence of the existing economy and new emerging economies. The County has an active tourism program and is working to develop the history and the cultural resources of the area.

There has been strong community involvement in the foothills in hopes of finding money to complete a Highway 168 corridor management plan. Another issue in the County is access to public lands, management plans for national forest, are very restrictive. The County's concern is the diminishing use of the forest, good roads, open roads, and the fear people will turn away if access is not available. Watershed management planning protects us from fire and provides open access to the forest and the sustainable use of the forests, which has made us who we are today.

Chairman Chrisman stated there was a State water plan with a 30 year perspective that has been produced by the Department of Water Resources to help address the needs for interregional planning, and there has been funding to support integrated city management. He notes, there should be funding and work to see that the connecting regions operate together.

Supervisor Ishida indicated that the recreation percentage has decreased and there is a need to add recreational areas with growth. In going through the public plan there are no foreseeable zoning changes in the foothill area. Tulare County is the home of General Sherman (the sequoia), and the Mineral King Bowl which is an asset to the county. Everyone is concerned about water. Modern technology has brought a new face to looking at water quality. You can now take an aerial shot, turn it sideways and look at the depth of the well and any contaminants in the water.

IX. Strategic Plan

Executive Officer Branham presented the final draft plan to the Board. The final draft includes consideration of Board comments from the June 1st meeting and public comments received thru July 3rd. The SNC also received some public comments after the due date and copies are in the binder. The plan is now before the Board for action.

The addendum in the packet and also on the overhead screen outlines the changes to the Strategic Plan from the June 1st Board meeting and public comment received, as follows:

- Page 12, should read "efforts and seeks. . . ."
- Page 13, Agency assessment opening paragraph, add "nearly 4 million Californians live within 30 minutes of the region"
- Page 15, add an "s" to council. . .
- Page 19, 2.1 add "tribes"

- Page 21
 - 4.2 change to “statewide interest”
 - Creation of 4.3 Create a subregional and region wide priority setting process, consistent with statute to guide staff and the Board in decision making
- Page 24, add “for visitors and residents”
- Page 25
 - 1.1 add “for all” after recreational opportunities
 - 1.6 change to “increased management, improved access and new trails
- Page 26, add as the last paragraph under Program Goal 2, ‘collaborative integrated watersheds planning efforts. . .’
- Page 27, 2:7 suggestion of including “those aimed at students”
- Page 28, 3:2 add “voluntary”
- Page 32
 - remove “mountain range” under Water
 - change 24 to 31 regarding watersheds
- Page 33, 5.1 add “voluntary”

The Board agreed to all recommended changes. There was a discussion regarding the timeframe covered by the Strategic Plan, and it was noted that on page two of the document, it states that it is a 5-year plan that will be reviewed annually.

Public Comments

Julie Leimbach, Sierra Nevada Alliance, stated that the plan is strong and the inclusion of climate change issue makes it stronger. She also indicated that the articulation of “living resources” is a better clarification and the goals and actions provide clearer direction. She thanked the Board and staff for their efforts.

Boardmember Kirwan moved and Boardmember Whiteside seconded a motion to approve the Strategic Plan. Motion passed unanimously.

X. Action Plan

Executive Officer Branham indicated that a lot was learned through the development of the Strategic Plan, especially at the workshops held around the Region. Building on those efforts, the staff intends to use more public meetings in more communities to gather input on program development. Staff will also continue to meet with the local, federal and state agencies, as well as non governmental partners in moving forward.

Eileen Pope provided an update on the SNC budget, which was approved as proposed. SNC has set aside funds from the 2005-06 fiscal year to purchase vehicles. Staff has been working with the Department of General Services and has reached agreement on purchasing four-wheel drive or all-wheel drive hybrid vehicles from within the Region. SNC was able to carry forward \$276 from last year, that amount was reappropriated for ongoing one time expenditures. The budget includes \$1.4 million in contract funds, and approximately \$2.5 million for staff and other operational expenditures. A total of \$1.3 million was reverted to the Environmental License Plate Fund.

Boardmember Yamaguchi requested additional budget detail so that Boardmembers have a better understanding of how funds are being expended, particularly in the contract area. Boardmember Whiteside asked that the Board's fiduciary responsibility be clarified. Chairman Chrisman questioned whether a finance committee of the Board might be helpful.

Next Step: Staff will provide greater budget detail in future board meetings. Christine Sproul will provide further explanation of the budget oversight process.

Bob Kingman indicated that staff has put together an action plan to guide our activities for the next year. He stated that over the next year satellite offices will be established, additional staff will be hired and program guidelines will be established. Spreadsheets will be used as an internal tool to identify what is due, who is responsible, and what part of the plan it achieves. Achievement milestones will be added to the Web site for the public to monitor the progress. Finally, he said that staff looks forward to an increased amount of public outreach to assist in implementing the Strategic Plan.

Boardmember Brissenden suggests monthly updates from SNC staff to stay abreast of what is going on and stay ahead of the rumor mill. He also suggested that business cards be printed with the mission statement.

Boardmember Whiteside notes it is an aggressive plan and would like affirmations as to how SNC will accomplish these timelines. Mr. Branham agreed, but assured the Board, that through the hiring of additional staff, use of retired annuitants, and the relationships with sister agencies staff is confident that the plan will be completed.

Boardmember Brissenden moved and Boardmember Kirwan seconded a motion to approve the 2006-07 Action Plan. Motion passed unanimously.

XI. Board Members' Comments

Boardmember Whiteside indicated that high speed internet can now be accessed for rural areas throughout the state, except for the Klamath Region. She stated this will be very helpful in the San Joaquin Valley and should be very useful in the Sierra Nevada Region.

There was discussion regarding the October meeting and the Board agreed to hold the board meeting on the 5th and the field trip on the 4th. Boardmember Arcularius suggested touring the lower Owens River, where a project is underway to re-water 60 miles of Owens River. The project brings home the fact that it is easier to preserve up front than to restore at the back end. The City of Los Angeles will facilitate the tour.

XII. Public Comments

William Tweed, The Sequoia Fund, indicated that one of the most important issues to him is access to public lands. There is no argument about access being an issue,

however, there is a link to cultural changes. He urged the Board to address this issue carefully. He stated that the National Park Service has challenged the Sequoia Fund to get rangers in the classrooms of Tulare County and the Sequoia Fund has accepted the challenge. He stressed how important this effort is, given that most students in California have never been to the mountains. He referenced the Science and Conservation Camp (SCICON) that allows all 6th graders in Tulare County to spend a week in, and learning about, the watershed.

Phil Deffenbaugh, Army Corps of Engineers, stated that the Corps of Engineers has been going into the classrooms for 30 years. Because we have raised the level of the lake, access is an issue; we deal with this everyday and with the 150 foot yearly fluctuation of the Kaweah, it is ever changing. He is thrilled and supportive of the maintenance of the facilities but states that funding is going to be important. The future is being able to reach out and do things with partners. Capacity is increased by an additional 25%, primarily for flood control. Chairman Chrisman added this is a flood plain area and as a result of the 1955/56 flooding the community got together and created a dam committee.

Peter Stein, Pacific Southwest Research Station, is a research analyst dealing with issues such as forest health and biomass utilization. He indicated that the Research Station is a resource that is available to the SNC to provide important information. They are headquartered in Davis, but have a regional office in Fresno.

XIII. Adjournment

Chairman Chrisman adjourned the meeting at 12:50 PM.