

Sierra Nevada Conservancy
Board Meeting Minutes
October 5, 2006

LOCATION:

Eastern Sierra Tri-County Fairgrounds
Home Economics Building
Sierra Street & Fair Drive Bishop, CA 93515

October 5, 2006 9:00 a.m. Board Meeting

I. Call to Order

Chairman Chrisman called the meeting to order at 9:07am

Chairman Chrisman thanked Inyo County, Mono County, Bishop City Council and Los Angeles Department of Water and Power (LADWP) for participation in the field tour. He also thanked Boardmember Arcularius and the Inyo County staff, LADWP for having project leaders available at the site to educate Boardmembers. Finally, he acknowledged the Inyo/Mono Resource Conservation District for lunch and Julie Bear and the Arts Council for the reception.

II. Introduction and Oath of Office for new Boardmembers

Chairman Chrisman introduced John Lloyd who will represent the Department of Finance on the Board and Supervisor Jon McQuiston, South Sub-region alternate member. Deputy Attorney General Christine Sproul administered the Oath to Lloyd and McQuiston.

III. Roll Call

Members Present: Linda Arcularius; Jeff Bailey (for Beth Pendleton); Helen Baumann; Louis Boitano; John Brissenden; Kevin Cann (for Mike Tollefson); Mike Chrisman; Bill Haigh; Bob Kirkwood; John Lloyd; John McQuiston; Byron Sher and Kim Yamaguchi
Members Absent: Brian Dahle; B.J. Kirwan; and Carol Whiteside

IV. Approval of July 20, 2006 Meeting Minutes

There were no changes to the minutes.

Action: Boardmember Yamaguchi moved and Boardmember Kirkwood seconded a motion to approve July 20, 2006 minutes. Motion passed unanimously.

V. Public Comments

Chairman Chrisman provided an opportunity for public comment on non-agenda items.

Geoff McQuilkin, Mono Lake Committee thanked the SNC staff for the field trip to Mono Lake on October 3rd and welcomed the Board to Bishop.

Mary Canada, Sierra Business Council, indicated that the missions of the SNC and the Council are complementary and offer a huge opportunity for working together. Ms. Canada suggested expanding notification regarding Board meetings to boost attendance.

Julie Leimbach, Sierra Nevada Alliance, indicated that the Alliance is sponsoring interns through the AmeriCorps Program for the Sierra Nevada region. They hope to place interns with 20 community-based groups and resource agencies engaged in local habitat restoration, ecological monitoring, watershed education and volunteer recruitment to implement the program's mission. She asked Boardmembers to pass along the information to anyone who might be interested.

VI. Chairman's Report

A. Sub Region Representatives Terms Expiring

Boardmember terms of the North, Central, and Eastern Regions expire at year's end and Chairman Chrisman asked that the subregions notify the SNC as to who will serve the new term prior to the December meeting.

B. Election of a Vice Chair at December meeting

Chairman Chrisman recommended that the Board select Vice Chair at the December meeting. He recommended that the Vice Chair be selected from the Subregional representatives and serve in the Chair's absence. Boardmember Kirkwood suggested that the Board consider having two Vice Chairs to address the challenge of short terms. The Chair will appoint a subcommittee charged with recommending a Vice Chair and description of duties to the Board at the December meeting.

C. Delegation of Authority to the Executive Officer

Chairman Chrisman indicated that the Board agreed earlier in the year to revisit the question of delegation of authority for the Executive Officer prior to a grant program being implemented. Chrisman recommended the Board revisit the issue in the first part of 2007 and make any modifications based on experience to date.

Boardmember Kirkwood asked if anything has prompted this and Chrisman responded with the possibility of the Proposition 84 passing and significant dollars coming to the SNC, the Board should further review the delegation of authority. Executive Officer Jim Branham stated there are items where clarity on delegation would assist in SNC working with control agencies. Boardmember Arcularius stated the delegation was adopted prior to the adoption of the Strategic Plan and for consistency the Board needs to revisit this.

VII. Executive Officer's Report

Jim Branham updated the Board on several areas of SNC's activities:

A. Modoc Line

He has been working with staff members John Knott and Bob Kingman in assisting Modoc and Lassen counties in their efforts to maintain the Modoc Line corridor. Union Pacific (UP) has removed the track and the counties are interested in acquiring the corridor for purposes of trail development and other potential uses. The SNC worked with the counties, the Bureau of Land Management (BLM) and UP in securing an extension from National Surface Transportation Board, maintaining the option of keeping the corridor in tact. The Wildlife Conservation Board has expressed an interest in funding a portion of the acquisition. Modoc and Lassen Counties have each pledged \$5,000 toward the appraisal and Lassen Land and Trails Trust will contribute \$500 as well. The SNC will assist in making sure that the appraisal is completed, including providing a portion of the funding.

Boardmember Yamaguchi noted the "rails to trails" issue is broad and the Board should look at the entire Region. Butte County missed an opportunity for a section, which was sold off and now the County is trying to get the line back. EO Branham stated it is a good suggestion for the Board to review process and timelines for additional lines throughout the Region. The rail bank is monitored by National Surface Transportation Board and has a formal process for granting extensions. Boardmember Baumann noted El Dorado and Sacramento Counties have extensive rails to trails programs, and while maintenance and moving the trials forward can become burdensome for the local entity, joint powers agreements can be useful.

Bill Haigh, on behalf of Tim Burke of the local BLM office, thanked the SNC for its efforts on the Modoc Line. Boardmember Arcularius stated the inventory of potential projects is a good idea and Boardmembers should be provided information for their subregions. Boardmember Sher noted the report states SNC is committed to helping secure the appraisal, is there contemplated additional SNC participation? EO Branham stated SNC's role is to assist in the remaining funding puzzle and in negotiations to secure adequate acquisition funding. Boardmember Brissenden suggests adding the inventory to the SNC ELibrary as an overlay for the community.

B. Proposition 84

Branham indicated that Proposition 84 on the November ballot is a \$5.4 billion bond measure that includes \$54 million to be provided to SNC in the water quality section of the Proposition. All projects and activities funded under this section of the measure will be required to have a nexus to water quality. Additionally, the measure includes a number of funding opportunities with other Resource Agency entities that SNC can pursue. There was a question as to the Board's ability to take a position on Proposition 84. DAG Sproul stated that the matter was not on the agenda for action by the Board, but that the discussion could convey a sense of the Board. Numerous Boardmembers indicated their support of the Proposition.

C. Sierra Cascade Grant Update

Program Manager Bob Kingman shared the video of the grant award event, September 27, 2006 in Placer County. He noted each of the six subregions received awards. Mr. Kingman thanked Resources Agency for pulling it together. Mr. Kingman stated this will further SNC's attempts to meet water quality, working landscapes and recreational and public access objectives.

D. Budget Report

Administrative Chief, Eileen Pope, gave an overview of the distributed budget information. Pope noted the July Board meeting gave a more general look at the budget. At the request of Boardmember Yamaguchi, SNC has supplied a more detailed report. The report identifies the funding for contracts and breaks down dollar amounts.

Pope explained SNC has interagency agreements, with Parks and Recreation for personnel, Department of Forestry and Fire Protection for procurement and Department of General Services for accounting. Pope stated SNC will continue these interagency agreements rather than internalizing the functions. As for the program area development, contracts will be guided by the 2006-07 Action Plan approved in July 2006. A contract with Psomas, regarding the assessment project, has already been awarded. Boardmember Yamaguchi asked if SNC plans to continue these contracts or will look to carry out these activities internally. Branham

indicated that many of the contracts would be continued, but explained that although SNC now purchases via CDF, we are working to obtain delegated procurement authority for goods and services. SNC will continue to assess opportunities for in-house services and to evaluate use of interagency contracts.

E. Staffing Update

Executive Officer Branham gave an overview of the SNC staffing issues. SNC plans to hire an IT staff person soon; has posted a job listing for an Office Assistant to serve as receptionist, and is posting an examination, using the Tahoe Conservancy classifications, for Program Analysts I/II. The Tahoe Conservancy class job descriptions and duty statements are being tailored to the SNC. Mr. Branham is also exploring the creation of Conservancy classifications, but this could take up to two years to complete.

The SNC Web site been updated and SNC staff is working on revamping the current page. Now each County has a link to its homepage on the SNC homepage.

Branham suggested that the federal agencies represented on the Board may wish to make presentations to the Board as part of the Board meetings. He has spoken with Bill Haigh about having BLM speak at the February 2007 meeting. At future meetings, National Parks Service and the Forest Service would make presentations.

VIII. Deputy Attorney General's Report

DAG Christine Sproul was asked to discuss the Board's fiduciary duties. She stated that while various state laws govern contracts, procurement, administrative matters, budgets, Board meetings, and other things, those statutes do not prescribe specific duties for the Board's oversight of Sierra Nevada Conservancy functions, including fiscal matters. The Board exercises general oversight over all functions of the Conservancy and activities of the staff, and has delegated authority to its Executive Officer to administer the day to day activities of the Conservancy, to enter into certain contracts, and to develop and administer the Conservancy's budget subject to Board approval. The delegation of authority to the Executive Officer will be periodically reviewed and may be revised, and the Board receives reports and updates regularly from the Executive Officer. The Board can give guidance to staff concerning the format and level of detail desired in budget expenditure items to be presented at Board meetings

With regard to budget proposals, the Executive Officer works with the Department of Finance and the Resources Agency, and presents a summary of budget proposals to the Board. Certain budget documents, however, remain confidential until they have been included in the Governor's proposed budget for the coming fiscal year, which is

typically released for public review on January 10th. Boardmember Kirkwood asked how a member would know if a BCP had been submitted on behalf of the Conservancy but not included in the Governor's proposed budget. Chairman Chrisman stated that members have an opportunity daily to raise concerns with the Chair and the EO. EO Branham noted that the Conservancy would be supportive of the Governor's proposed budget, and any budget change proposal (BCP) not included in the budget would stay with DOF.

Boardmember Lloyd stated that BCP's are usually developed in the spring each year and are due to the DOF in early September, but since this is an election year with large bond measure initiatives on the ballot, the SNC would not submit budget proposals until after the election. Boardmember Brissenden asked if BCP's were confidential due to statutory or constitutional provisions. Boardmember Lloyd stated the BCP process is confidential by statute.

IX. Eastern Sub-Region Counties Report Representatives of Eastern Region counties will provide the Board with a brief

Boardmember Arcularius introduced Byng Hunt, Mono County Supervisor, to give the Mono County report. Supervisor Hunt thanked SNC staff for the tour on Tuesday and welcomed the Board on behalf of Mono County. Hunt noted and thanked Boardmember Arcularius who was instrumental in pushing for creation of the Conservancy. He explained what he sees as the role the SNC can play in the Eastern sub-region. Executive Officer Branham noted that Supervisor Hunt will represent the Eastern Sub-region beginning in January.

X. Action Plan Update and Implementation Update

Executive Officer Branham stated that the Board will be briefed regularly on progress on the Action Plan. It is necessary to more clearly authorize staff to implement the Action Plan through contracts for services and related agreements. He indicated that a series of public meetings will occur next spring in the region. This will include more meetings, but less formal than the workshops. When Proposition 84 passes the SNC would need to create grant guidelines on a parallel track with the program guidelines. The Proposition 84 funds would be distributed over a 3 year period, beginning in 2007. Branham also suggested that the SNC have both a competitive and opportunistic grant program. A key issue will be to determine an approach to assure equitable distribution of funds over time.

Bob Kingman provided an update of the action plan, including a matrix containing goals, actions and timelines. Ongoing updates will be available on the SNC website.

Kingman stated that a contract had been awarded to Psomas to conduct an information and technology needs assessment of county governments, and a letter will go out shortly to county administrators and supervisors. The RFP for the education and communication plan, as well as the logo design competition, will be adapted to meet the SNC's need for a license plate design. The timing of the logo contest may not work for the license plate, so he suggested the Conservancy should remain flexible. Kingman also indicated that a contract to map ownership and easements will likely be forthcoming.

Boardmember Arcularius stated she is pleased to see the progress and encouraged that so much has been accomplished, a compliment to the commitment of the Board and the staff.

Boardmember Yamaguchi suggested that perhaps funding from the consultant services portion of the budget could be use to help small communities to come up with a match for federal or state grants. Branham indicated that hopefully the public workshops will identify how SNC can best add value, and that providing match funds may well be a priority.

Branham expressed appreciation for the work Bob Kingman has been doing on implementation of the Action Plan.

A motion by Boardmember Brissenden, seconded by Boardmember Arcularius, to adopt Resolution 10-05-01 passed unanimously.

XI. Sierra Nevada License Plate

The Governor has signed Assembly Bill 84 which allows state agencies to establish special license plates to provide funding to carry out their programs. The legislation will become effective on January 1, 2007. EO Branham explained the process that would be required to establish a license plate for the SNC, including the collection of 7,500 paid applications. He estimated the anticipated revenue, based on other organizations' experience, as between \$1-3 million annually. The SNC expects to partner with non-governmental organizations in moving forward with the program. The Sierra Fund has been distributing pamphlets and approximately 3000 persons have already expressed interest. Branham indicated he plans to bring a more detailed plan to the Board in December.

The Board discussed various marketing challenges, license plate design and related issues.

Chairman Chrisman asked for public comment.

Izzy Martin, CEO of the Sierra Fund stated that her group works on only one goal and that is more money for the Sierra, as they want it to be even more beautiful than it is now. The Sierra Fund sponsored the legislation. Martin praised Assemblyman Leslie and Governor Schwarzenegger and noted that this was the first Sierra issue supported by all of the area's Assembly representatives. There are many Sierra groups that are ready to work on this with the SNC.

Tony Taylor, Eastern Sierra Land Trust, stressed the importance of the license plate to the Eastern Sierra Land Trust, an organization that works with ranchers and others in the area. Taylor indicated that specialized license plates would bring needed funding and he thanked Izzy Martin and the Sierra Fund for their leadership on this matter.

Kerry Timmer, Sierra Cascade Land Trust Council, indicated they are in support of the license plate and ready to help the SNC move forward. Timmer noted that this is more than an opportunity for funding but also beneficial for outreach efforts.

Chairman Chrisman asked Boardmembers Sher and Yamaguchi to serve as a committee of the Board to work with staff in developing a plan. Executive Officer Branham described the challenge of melding the logo design competition with the license plate effort. Various Boardmembers suggested that it is important to have the design approved prior to asking the public to sign up for a plate. Boardmember Arcularius suggested that if the school logo contest timing would not work, perhaps there were other options to involve high school students in ancillary design projects using the logo. Boardmember Bailey supported the view that a project with the schools was important. Boardmember Lloyd asked if there was a plan for a slogan as allowed under the legislation, Branham indicated that would likely be included as part of the design and the Board would approve the slogan. Branham also stated that the SNC could work through the Department of Water Resources graphics design unit to obtain possible logo designs.

A motion by Boardmember Sher, seconded by Boardmember Kirkwood, to approve Resolution 10-05-2 passed unanimously.

XII. Regional Office Selection Criteria

Executive Officer Branham reviewed the recommended criteria to be used in selecting locations for regional staff. He recommended that a process be used so that a recommendation of locations would be made at the December Board meeting. He stressed the advantage of co-locating with a state, federal or local governmental agency, but indicated all feasible locations will be considered. Staff proposed that for

organizational purposes that the Region be divided into two operational areas, the Mt. Lassen Area (North, North Central and Central subregions) and the Mt. Whitney Area (South Central, East and South subregions). Two or three sites could be identified to house regional staff, in addition to the Auburn office. Approximately 3-4 staff members could be placed in each of the Areas, funded through the existing base budget. Additional staff could be placed in the region for grant administration purposes (assuming grant funds are available).

Boardmembers Arcularius and Kirkwood proposed adding inability or difficulty of serving areas of the Region from headquarters as one of the criteria; the Board concurred. Boardmember McQuiston, suggested that looking at the Region with an east/west orientation may be more appropriate and suggested that an aggressive outreach effort occur notifying communities of the SNC's interest. Boardmember Bailey indicated that the Forest Service was willing to offer space in Bishop and noted how critical it is for the Conservancy to have a representative in the Eastern Sierra. Chairman Chrisman asked Boardmembers Kirkwood and Baumann to serve as the committee for regional office criteria selection.

Public comment:

Kerry Timmer, Sierra Cascade Land Trust, asked about the possibility of a non-profit such as the Sequoia Riverlands Trust hosting the SNC office. Branham explained that staff is recommending that governmental options are preferred; both SNC has not foreclosed any options. He did express concern that if the non-governmental entity planned on competing for funding it could present a perception of "conflict."

Tony Taylor, Eastern Sierra Land Trust expressed concern with the north/south orientation, given that the geography divides the region in an east/west fashion.

Action: Boardmember Arcularius moved and Boardmember Yamaguchi seconded a motion to approve the Proposed Criteria for Regional Office Selection with noted changes. Motion passed unanimously.

XIII. 2007 Meeting Schedule

Staff presented a proposed meeting schedule for 2007 as follows:

| | |
|---------------------|---------------|
| February 7-8, 2007 | South Central |
| May 2-3, 2007 | North |
| July 25-26, 2007 | Central |
| September 5-6, 2007 | South |
| December 5-6, 2007 | East |

Action: Boardmember Kirkwood moved and Boardmember Brissenden seconded a motion to approve the 2007 Meeting Schedule. Motion passed unanimously.

XIV. Boardmembers' Comments

Boardmember Yamaguchi extended thanks to Boardmember Arcularius and the Eastern Region for a great tour and Board meeting.

XV. Public Comments

Julie Bear, Eastern Sierra Land Trust, expressed appreciation for the Sierra Cascade Conservation Grant award and invited the Board back to celebrate the Benton Hot Springs project. She also encouraged people to visit the "Yes on 84" Web site.

Paul McFarland, Friends of Inyo, stated that the area has the oldest trees in the world as well as many other incredible sites. He expressed concern with the ever increasing recreational use in the area and the challenges land management agencies face in managing the public lands. He urged the Board to consider pursuing stewardship efforts to protect these resources.

XVI. Adjournment

Chairman Chrisman adjourned the meeting at 12:30 pm

**Sierra Nevada Conservancy
Resolution 10-05-1
Adopted
October 5, 2006**

RECOMMENDATION: Staff recommends that the Conservancy adopt the following resolution pursuant to Public Resources Code Sections 33300 et seq., 33329 and 33345:

“The Sierra Nevada Conservancy hereby resolves, that the Executive Officer is authorized, in his discretion, to enter into contracts for services and related agreements which are necessary or appropriate for the implementation of any action item(s) specified in the Conservancy’s Action Plan (adopted July 20, 2006), subject to applicable budgetary or funding limitations.”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Sierra Nevada Conservancy at a meeting thereof held on the 5th day of October, 2006.

In WITNESS THEREOF, I have hereunto set my hand this 5th day of October, 2006.

Mike Chrisman
Chairman of the Board

APPROVED AT DECEMBER 7, 2006 BOARD MEETING

**Sierra Nevada Conservancy
Resolution 10-05-2
Adopted
October 5, 2006**

RECOMMENDATION: Staff recommends that the Conservancy adopt the following resolution pursuant to Public Resources Code Sections 33300 et seq., 33327 and 33352:

“The Sierra Nevada Conservancy hereby:

- 1) authorizes and directs staff, acting under the oversight of a committee of the board, to prepare a plan for the design and marketing of a specialized Sierra Nevada Conservancy license plate and for a successful application to the Department of Motor Vehicles for issuance of the plate, to be considered by the Conservancy at its next regular meeting; and
- 2) authorizes the Executive Officer to enter into a contract, in an amount not to exceed \$75,000. for the design of a Conservancy logo which could be incorporated in the design for a Sierra Nevada Conservancy license plate.”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Sierra Nevada Conservancy at a meeting thereof held on the 5th day of October, 2006.

In WITNESS THEREOF, I have hereunto set my hand this 5th day of October, 2006.

Mike Chrisman
Chairman of the Board

APPROVED AT DECEMBER 7, 2006 BOARD MEETING

**Sierra Nevada Conservancy
Resolution 10-05-3
Adopted
October 5, 2006**

RECOMMENDATION: Staff recommends that the Conservancy adopt the following resolution pursuant to Public Resources Code Sections 33300 et seq. and 33327:

“The Sierra Nevada Conservancy hereby authorizes and directs staff, acting under the oversight of a committee of the board, to identify and evaluate potential locations for satellite offices of the Conservancy within the Sierra Nevada Region pursuant to the criteria set forth in the accompanying staff report, as amended, and to make recommendations to the Conservancy board at its next regular meeting.”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Sierra Nevada Conservancy at a meeting thereof held on the 5th day of October, 2006.

In WITNESS THEREOF, I have hereunto set my hand this 5th day of October, 2006.

Mike Chrisman
Chairman of the Board

APPROVED AT DECEMBER 7, 2006 BOARD MEETING