



Attachment "A"

SONOMA COUNTY OPEN SPACE ADVISORY COMMITTEE
May 23, 2013 MINUTES

5:04 p.m. Meeting convened at the District office, 747 Mendocino Avenue,
Suite 100, Santa Rosa, California

Members Present

Laurie Gallian	Sue Conley	Jan McFarland	John Dell'Osso
Steve Rabinowitsh	Gary Wysocky	John Nagle	Don McEnhill
Dennis Murphy	Bill Smith	Cary Fargo	

Members Absent

Kristin Thigpen Jeff Holtzman
Shanti Edwards

Staff Present Bill Keene, General Manager; Misti Arias, Acquisition Program Manager; Sheri Emerson, Stewardship Program Manager; Sue Gallagher, County Counsel; Mariah Robson, Advisory Committee Clerk

Public Attendees Nancy Summers, Susan Kirks, Elizabeth Coleman, Donna Spilman, Donna Norton, Susan Baritell

Public Comment

No public comments on items not on agenda.

Approval of Minutes

Chair Gallian asked for comments on the minutes of April 25, 2013. Motion by Steve Rabinowitsh to approve minutes and Jan McFarland seconded the approval of the minutes. Eight members were in favor, one abstention.

General Manager's Report

- The District proposed an alternative to next month's outing to North Slope Trail and asked the members if they would prefer to go to Taylor Mountain or Laguna de Santa Rosa Trails. Members chose Laguna de Santa Rosa Trails. More information on the event will be sent out as it gets closer.

- The Preservation Ranch acquisition will be closing next week, on May 31, as there is a deadline in the conservation fund purchasing agreement.
- Several Economic Valuation workshops were held at the District last week with David Batker from Earth Economics presenting. They were all well attended. Karen Gaffney, SCAPOSD Conservation Planning Program Manager, will bring information on this subject to a later Advisory Committee meeting.
- PG&E have completed their work at Coopers Grove and no trees were cut down. PG&E were responsive and there were numerous meetings with staff, and the District monitored the work PG&E were doing.
- Tom Robinson, SCAPOSD Conservation Planner, led a LIDAR and Vegetation Map consortium at the Sonoma County Water Agency this week that was well attended and successful. SCWA is going to help fund this project.

Summer Schedule: July Recommendation

Bill Keene, General Manager, discussed with members the Advisory Committee schedule for the summer. He recommended meeting in July and breaking for August. Members agreed. There will be no meeting in August.

Matching Grant Program

Misti Arias, Acquisition Program Manager, presented a PowerPoint presentation on the District Matching Grant Program. The PowerPoint presentation is available upon request at the District offices.

Mitigation Policy

Sheri Emerson, Stewardship Program Manager, presented a PowerPoint presentation on Mitigation Policy. The PowerPoint presentation is available upon request at the District offices.

Ms. Emerson explained that the District has had conversations with several people in the process of gathering input. The policy is controversial and there are many differing opinions. There are three types of comments that the District has received:

- a. The District should say no to mitigation entirely
- b. The District should be involved in mitigation as it is a good way to generate revenue, and accomplish restoration of protected habitat
- c. Concerns about the process of developing and implementing the policy

Ms. Emerson handed out a fact sheet that summarizes the policy highlights and asked that the members and public share with others. She will be receiving comments on the draft until June 1, 2013. The fact sheet will be going out to the Fiscal Oversight Commission at their next meeting on June 6th. There will be a public workshop later this summer and then the policy will be taken to the Board of Directors after that.

The Advisory Committee Members were asked if they had questions or comments for District staff.

ADVISORY COMMITTEE MEMBER COMMENTS/QUESTIONS

Member: Who is giving the secured approval? (on a mitigation project)

Staff: Projects will be approved by the planning commission and the Board of Directors. CEQA.

M: So all appropriate PRMD certificates will be in place first and then go forward?

S: Yes, only if all is prepared ahead of time. Better for the District to not consider a project until approvals are in place – less controversy – project should have land use approval and CEQA is done.

M: And is consistent with County planning requirement since District is closely tied to County? More specificity is needed in the policy. Maybe a flow chart would be helpful.

S: If they don't have what is stated in the policy that they need then they don't get to participate. Hopefully we don't spend more than an hour of staff time on initial review of a proposal.

M: The (revised) policy looks much better. Doing mitigation work on projects being transferred to other entities: if transferring why encumbering with mitigation projects instead of just transferring them? Between funding, recovering costs, contract administration, there will be a lot of work in trying to determine which projects to work on.

S: Part of the (District) mission is property and habitat enhancement. On Cresta the District planned to do a riparian enhancement on the creek since there were species on the brink of being lost, so we could do it on our lands before transferring. A mitigation proposal is sometimes a match for what we wanted to do anyway. We would consult the other entity regarding what we are going to do and the work should not impede what the other entity will do on the land once it is transferred. It is more challenging if we don't have anyone to take the property. The policy is a way to respond when a proposal comes to us. Some advice we received was to market our property to make money. But the District's mission is to preserve land, not make money. We are not creating a whole new program; rather, the policy helps us respond.

M: Mitigation folks may not come to us (since they have to have everything together beforehand).

S: Some may not want to go through the process. We would only get ones that had no other options, public projects that is.

M: Why is the District treating public and private so differently? Science and policy should dictate what we are doing.

S: We have had a lot of discussions with attorneys and if we base it only on science it is hard to know if it's a good project or not. It would still be controversial no matter how great the science to support it was. We have to be somewhere in the middle and limit it to just public agencies. This way it can be seen as a broad public benefit and we will avoid controversial projects. Other agencies such as the Land Trust avoid projects that are controversial.

M: It will limit use of mitigation.

S: We have to draw the line somewhere and strike a balance. It allows for one and not all.

M: The role of mitigation (see packet) should be adaptation, can we add that word? Are there legal issues to this?

S: Habitat mitigation sidesteps the carbon issue right now. Auction revenues go to the entity we work with. These will give us opportunities to leverage our funding. There is no policy that limits us in the carbon area. We wanted to leave out for flexibility and we could add it to the policy later on if we wanted to.

PUBLIC COMMENTS/QUESTIONS

Public: I have been a member of the Advisory Committee and was part of the first mitigation policy. It never got to the Board. Then Roblar Road happened and it was a different Board. In the presentation of the list of names of people the District met with, some say yes to mitigation and some say no. Who said yes and who said no?

Staff: The District did not ask the individuals spoken to if we could share the information and advice they gave us and we don't feel comfortable sharing that information.

P: I have submitted written comments and questions that have been passed out to members and public. I would like the mitigation policy to not go for a vote until more questions get answered. Can we hold off on going to the Board of Directors until questions are answered? I feel that members of the public do not come to the Advisory Committee meetings because they feel the District has already made up their minds.

S: We will answer some of the questions now: (Staff answered some of public's questions)

P: Are we original project proponent? Many restoration projects won't go beyond current program. Do all funds go back into property of existing easements?

Chair: This is a draft policy and more questions will need to be restated and sent to Ms. Emerson. This is a close of the public comment.

ADVISORY COMMITTEE MEMBER COMMENTS/QUESTIONS

S: We can agendize the Mitigation Policy item in the July meeting as an Action item and the Advisory Committee can send a letter to the Board of Directors with their recommendation if they would like.

M: This is controversial and we want to preserve the public trust. Will we have a formal report on how it is going down the road? Is it a time suck? Is it adding to the mission? Mitigation projects criteria for success—would the District be on the hook down the road, held liable? A report in a year or two would be good and it could show what projects have come to the District. I support the draft and feel that public versus private makes sense to avoid private projects which will be controversial. Private projects from the Board of Directors point of view could look like a sweetheart deal because the Board of Directors votes on land use and the mitigation policy. We need to avoid that. Avoid aiding and abetting. Public projects would be for the public good. It is a built in guard for future easements. Net beneficiary, will come out ahead in the way it's drafted. We do need more clarification in the policy. The policy prohibits the landowner from retaining mitigation rights? The landowner does not relinquish mitigation rights when selling property easements to the District?

S: They still have the ability to have mitigation rights retained only if they are thinking of doing private mitigation. The District will only take on mitigation projects that have public benefit.

Announcements From Advisory Committee Members

No Announcements from the Advisory Committee Members

Adjournment: 7:17 pm

Next scheduled meeting date: ~~August 22~~ July 25, 2013.

Respectfully submitted,

Mariah Robson,
Advisory Committee Secretary