



Attachment "A"

***SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE
DISTRICT ADVISORY COMMITTEE***

May 26, 2016 MINUTES

5:05 pm Meeting convened at the District office, 747 Mendocino Avenue,
Suite 100, Santa Rosa, California

Members Present

Cary Fargo	Bill Smith	Laurie Gallian
Jan McFarland	John Nagle	John Dell'Osso
Sue Conley	Steve Rabinowitsh	Curt Nichols

Members Absent

Don McEnhill	Jeffrey Holtzman
Gary Wysocky	Kristin Thigpen
Doug Lipton	

Staff Present

Bill Keene, General Manager; Sheri Emerson, Stewardship Program Manager; Kathleen Marsh, Stewardship Coordinator; Bob Pittman, County Counsel; Mariah Robson, Advisory Committee Clerk

Chair Rabinowitsh called the meeting to order at 5:05 pm.

Public Comment

Duane DeWitt spoke about the Roseland neighborhood in Santa Rosa. The District has helped protect many areas of Roseland and Mr. DeWitt expressed his gratitude toward the District for helping this disadvantaged area of Santa Rosa. However, he feels that the City of Santa Rosa is not taking care of the protected areas to stay in a natural state, but instead are developing the land. He asked that the Advisory Committee and District staff help him and the Roseland neighbors to keep the parks and nature areas natural and undeveloped.

Approval of Minutes

Chair Rabinowitsh asked for the approval of the minutes. Bill Smith motioned for approval, and Cary Fargo seconded the motion. The minutes of April 28, 2016 were approved with one correction submitted by Laurie Gallian. She asked that in the announcement of the Mayors' and Councilmember's meeting, the wording should change from 'will have Measure AA on the agenda' to 'will endorse Measure AA which is on the agenda'. Mariah Robson, Advisory Committee Clerk, will make the change.

General Manager's Report

- The District's budget will go to the Board the second week of June.
- There will be a small Board meeting the week of budget hearings, on June 14, 2016, and the District is taking two items on consent calendar: a Contract with NBS which is a small government finance group to help develop a fee schedule when monitoring properties and to be able to recover costs and an amendment to Cooley Ranch.
- On July 12, 2016 two more items will go to the Board: a revision to easement enforcement guidelines and a wireless WiFi relay unit installation at Jenner headlands.
- The Sears Point Bay Trail ribbon cutting ceremony and walk took place last Sunday May 15, 2016. The newest portion of the trail was dedicated to Wendy Eliot of Sonoma Land Trust. A couple hundred people attended and the trail is now open.
- The East Washington Park ball fields in Petaluma and the Irwin Creek Matching Grant projects were both approved on May 24, 2016 by the Board.
- The Matching Grant Program is now in the evaluation stage. The subcommittee will meet for the first time on June 9, 2016 and then a second time on June 23, 2016. The item will come back to the Advisory Committee on August 25, 2016. The Fiscal Oversight Commission will be updated at their September meeting and then the selections will be taken to the Board for approval.
- Karen Gaffney, Conservation Planning Program Manager, has been working with NASA on a LiDAR survey to see how it is being used. So far the people who have been using it love it. Once the report is complete, it will be sent to the Advisory Committee members as well as the Mayors' and Councilmembers'.
- The next Advisory Committee meeting on June 23, 2016 will be a site visit to Tierra Vegetables farm near the Santa Rosa Airport. A van will be leaving the District at 4:30 for anyone who would like to carpool and others can meet at the farm at 5:00. This will not be an official meeting, but a site visit only.
- The Sonoma Valley region was recently filmed for the OpenRoad program that will air in June. Montini and the Sonoma Garden Park will be featured, and Leslie Lew, Stewardship Associate Planner, is the spokesperson for Montini. Staff will let Advisory Committee members know when it will air in the near future.

Sub-committee Report Outs

Sue Conley, Chair of the Ag Subcommittee, reported that they reviewed phase one of the business plan for finding new office space for the District. Six or seven options were presented and discussed and Ms. Gaffney will rewrite the proposal with new information from the subcommittee. It will go to the Fiscal Oversight Commission at the July 7, 2016 meeting and brought to the Advisory Committee on August 25, 2016.

Legislative

Mr. Keene had handouts passed out in the beginning of the meeting from Conservation Strategy Group, who represent the District in Sacramento. The handout is a summary of the legislation the District is tracking. There are several high priority park and open space bonds, one being the SB 317 Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016. The District is working closely with the Bay Area Open Space Council on many of these legislative items.

Estero Mitigation Project

Sheri Emerson, Stewardship Program Manager, presented an Estero Mitigation Project proposal to the Advisory Committee members that came from Caltrans to Dan York, Director of the Wildlands Conservancy, who manages and stewards the Estero Ranch. Sonoma Land Trust owns the land and the District has an easement over the land. Mr. York was at the meeting to help answer questions on the mitigation proposal.

The proposal is for habitat restoration at the Estero Americano which is a coastland preserve at the mouth of the Estero. Caltrans' proposal includes replacing the old bridge at Highway 1 in Valley Ford that will help with flooding issues in that area, but it will also result in some habitat loss. Caltrans would like to mitigate for impacts in the same water shed. The bridge work will be done even if there is no mitigation agreement. The funding would come from Caltrans to the Wildlands Conservancy who would use it to fix an erosion problem and clean up an old garbage dump next to the Estero. The District staff are currently in process of reviewing the easement language to see if a mitigation project could take place on this property. It would require a Board action if it is to move forward. The District does not have a mitigation policy and is currently taking mitigation proposals on a case by case basis and bringing them to the Advisory Committee for review and input. Mitigation is one way to get funds to improve a property.

Chair Rabinowitsh opened up the meeting for the public to share concerns, comments and questions. Then the Advisory Committee had a short discussion. Mr. York answered questions from both the public and the members.

For more information on the mitigation proposal, the PowerPoint presentation is available at the District upon request or you can contact Sheri Emerson with any questions.

Projects in Negotiations

No report out.

Announcements From Advisory Committee Members

John Dell'Osso

Good news, the City of Cotati is moving forward on the Falletti property. Ground is being moved in late summer or early fall 2016.

Laurie Gallian

Ms. Gallian visited the Sunset Magazine's marketplace and gardens at Cornerstone Sonoma. Their focus is on the quality of life, lifestyle, plantings, gardens, etc. There is not a lot of parking but there may be a shuttle in the future.

John Dell'Osso

Took part in the 18th Annual Sunset Celebration at Cornerstone in Sonoma and co-hosted the National Parks Jeopardy.

Adjournment: 6:21 pm

Site Visit to Tierra Vegetables Farm: June 23, 2016 (leave the District at 4:30 or meet there at 5:00)

Next scheduled meeting date: August 25, 2016

Respectfully submitted,

Mariah Robson,

Advisory Committee Secretary

SHOULD OPEN SPACE APPROVE EASEMENTS FOR OFF-SITE MITIGATION USE?
Estero OS Easement for Caltrans Hwy. 1 Mitigation

PLEASE ALLOW FOR A 60 DAY PUBLIC COMMENT PERIOD ON AGENDA ITEM 6.

PLEASE PROVIDE ANSWERS TO THE FOLLOWING QUESTIONS:

1. Does the action described below violate the public trust?

The purchase of the Estero property was funded by the State, County OS money and a foundation. OS is considering permitting a commercial use on their easement which would, in part, financially benefit Wildlands Conservancy LLC (WC), not the tax payer.

Background: According to IRS publications, in regards to WC, this proposed transaction appears to be "unrelated trade or business. ("Commercial use, off-site mitigation" is outside the scope of WC's mission.)

2. Is the plan below the new business model for Open Space (OS)?

- *OS (and possibly a partner like the Coastal Conservancy) fund land purchase with public funds.
- *the property is transferred to Wildlands Conservancy, LLC (WC).
- *WC restores the land and sells mitigation for off-site infrastructure and development projects thereby generating income for WC.

It appears that there is a possible conflict with tax payers' interests because the Coastal Conservancy (State) may influence the Coastal Commission (State) to only issue the permit to Caltrans (State) if Caltrans uses the Estero Ranch (Privately Held) for mitigation.

The mitigation for the Caltrans Estero bridge project should go out to bid so tax payers get the best mitigation at the least cost.

It appears that Wildlands Conservancy, LLC (a corporation registered in Pennsylvania) would benefit financially from the arrangement described above.

3. Do the organizations involved with the Estero property (OS, WC, Coastal Conservancy, SLT) apply for restoration grants?

It appears that the Estero property would be an ideal candidate for grants and would qualify for restoration grants.

Mitigation funding from Caltrans can then be used on private land that does not qualify for grants thus enabling more private land to be restored and protected by conservation easements.

4. What specific "administrative policies adopted by the DISTRICT" give the executive director (ED) of OS the authority to approve the use of this, or any, OS easements for off site mitigation use?

See language in Estero OS Easement, Dec. 2015.