

Cape Mohican Trustee Council
FINAL Meeting Minutes

October 14, 1999
California Department of Fish & Game Office
Cordelia, California
8:30 am to 3:45 pm

Attendees:

Tammy Whittington, Terri Thomas, Nick Franco, Dan Welsh, Don Lollock, John Tarpley, Ed Euber, Chuck McKinley, Kathy Verrue-Slater

Introduction.

- Ed Euber volunteered to be the scribe for today's meeting.
- Minutes were accepted from the September 2, 1999 meeting.
- Minutes from the June 24th meeting will be edited and submitted at the next meeting. John Tarpley will complete the minutes, therefore, comments are due to John by October 22, 1999.

Administration

- Tammy will be updating the CM contact list. Please provide current address, phone, and other information.
- The GGNRA's \$850K use of interest was discussed. The Council agreed that the Council has discretion to decide how to spend any interest that is earned. Use of the interest, including interest earned on any money that might be allocated to the GGNRA Crissy Field project, is not restricted to any specific project, and can be allocated by the Council to any existing or new project(s), or to any agency on the Council, for costs of planning and/or implementing restoration.
- E:mail attachments are difficult for all to receive. Tammy will run test messages to determine who can read what languages.
- The DRAFT budget plan for FY00 was discussed. The State trustees need to get their estimates to John and the Federal trustees should get their estimates to Tammy for FY2000 by November 14, 1999. Also, trustees need to turn in their FY99 expenditures.
- The newspaper advertisement reimbursement to CDFG will be made with the FY00 resolution.
- It was suggested that Tammy be able to request allocation of money from the NRDAR Fund for Council-approved restoration projects or restoration planning tasks, without the trustees having to sign a resolution. One way this could be done would be to rely on written meeting summaries as proof that the Council has approved the allocations. Tammy will discuss the process of getting allocations from the NRDAR Fund with Bruce Nesslage to determine what he requires in the way of documentation of Council approval.
- Kathy Verrue-Slater reported back that a transfer of \$ to a state account such as OSPR would accrue an 18 - 20% overhead charge. A contract would also be required.

- Chuck McKinley reported back that \$17K California AG litigation fee can not come out of the NRDA fund. The court decision in the challenge to the NRDA regulations under OPA 90 disapproved treating attorney fees related to litigation activities as "reasonable assessment costs".

Restoration Plan Development

- Tim Laughlin of Harding Lawson Associates (HLA) joined the Trustees for a discussion on the Statement of Work for the Restoration Plan/Environmental Assessment (RP/EA) that HLA will be preparing.
- Trustees would like to see an index for the RP/EA taken from previous accepted plans.
- CEQA compliance statement will be developed by Kathy Verrue-Slater and Don Lollock for inclusion in the RP/EA. The RP/EA will meet CERCLA and NEPA requirements for restoration. Each project funded will have to comply with NEPA and other environmental laws as appropriate for the specific actions involved with the project.
- Need description of environmental compliance including permit analysis of discretionary action permits.
- Add a bibliography, including references used.
- Gaps will be identified by HLA who will inform Tammy. A list could be made and submitted to appropriate sponsors at the end of the process.
- The Statement of Work will be adjusted to reflect the Trustees comments. A new SOW will be done by November 3, 1999, providing the Trustees get current comments to Tammy by October 28, 1999.

Proposed Restoration Project Review

- Discussed rescoring of proposals and what to give HLA. We also looked at injuries vs. entire project scope.
- Dan Welsh reported that the FWS has obtained other funding for the Entry Triangle Marsh project and is therefore withdrawing it from consideration for funding by the Council.
- Discussion of feasibility of projects was held... the following steps were agreed to:
 1. With the exception of Entry Triangle Marsh, the entire list of projects will be given to HLA to include in the RP/EA, including the projects submitted by the public during the public comment period on the Public Scoping Document. The RP/EA will specify that the Herring Stock Assessment and Treasure Island projects did not meet the Trustee's threshold criteria and are not considered preferred alternatives. HLA will be instructed to evaluate the Artificial Herring Spawning Habitat and Eeelgrass projects based on the information contained in the descriptions of these projects in the Public Scoping Document, without collecting additional information or data on these low-scoring projects.
 2. A meeting will then be held with HLA to kickoff the work. 1) Preferred projects... some \$ could go to them; 2) Non-Preferred projects... no \$ would go to those projects.
 3. Restoration Plan to be developed.

- Red Rock proposal. An appraisal needs to be done. A discussion was held as to how this should be paid for. An appraisal could cost between \$15 - \$20k. It was agreed that the Red Rock proposal were rewritten in a manner consistent with the other proposed projects, that the Council would authorize an appraisal. No other agreement was made except for the proposal to be developed and sent on to HLA.
- The lack of seabird projects was discussed. Dan Welsh agreed to work with San Francisco Bay NWR to identify potential seabird restoration projects on Farallon National Wildlife Refuge and present them to the Council for consideration.

The Next Step?

- Complete SOW, Tammy to issue Task Order to HLA, kick-off meeting with HLA.
- Next meeting to be held on January 13, 2000 at Ed Euber's office.