

Mono County Fisheries Commission

Regular Meeting

Monday, April 8, 2013 ~ 10:00 a.m.

June Lake Community Center

June Lake ~ California

Minutes of Meeting

I CALL TO ORDER

Meeting was called to order at 10:00 a.m. The Pledge of Allegiance was recited.

II ROLL CALL

Present were Commissioners Steve Marti, John Webb, Gaye Mueller, Bob Dunn, Dan Anthony, and Gary Jones; and Supervisors Tim Alpers and Byng Hunt. Staff present was Dan Lyster, Marshall Rudolph and Nancy Alaniz.

III COMMENTS FROM THE PUBLIC

None

IV APPROVAL OF MINUTES

March 11, 2013

Motion by Anthony to accept the March 11, 2013 minutes. Second by Mueller. Passed unanimously.

V STAFF/COMMISSIONERS REPORTS

None

VI F&W UPDATE

There was a meeting of the Fisheries Management Committee. At that meeting there was a discussion about the proposed W. Walker regulation change. The committee proposed additional alternatives of catch and release as presented by FC, and a bag limit. The general reason for these alternatives was to keep regulation consistency. Dunn asked whether the winter alternative would include bait; Erdman said he would have to get clarification.

Erdman also reported that several backcountry lakes were still frozen.

VII FUND BALANCES

The F&G Fine Fund balance was reported by the Finance Department as \$19,371.42. The MCFC regular budget is \$22,949.04. The Conway Ranch Fund was reported as \$51,074.97.

VIII BUSINESS MATTERS

- 1. Presentation regarding a proposed MOU between the County and CalTrans, which would remove certain CalTrans grant restrictions on a 75-acre portion of Conway Ranch where fish-rearing is occurring in exchange for County repayment of grant money applicable to that portion and establishment of a conservation easement over the remaining area of Conway Ranch. The conservation easement would reiterate existing grant restrictions, not create new restrictions, and would be granted to (and administered by) the Eastern Sierra Land Trust. Representatives from the County, CalTrans, and Eastern Sierra Land Trust will be present to not only explain the concept and answer any questions, but also to receive any feedback that the Commission and public may wish to provide at this time.**

County Counsel Marshall Rudolph presented the proposed MOU that would enact a conservation easement on parts of the Conway Ranch. Also available for feedback were Supervisors Alpers and Hunt, CalTrans Management representatives and Eastern Sierra Land Trust representatives. The MOU has not yet been drafted. The details are still being worked on as part of a settlement agreement with CalTrans regarding their grant restrictions on Conway Ranch.

The County's main goal of this concept is the ability to construct a barn structure for fish rearing on the Conway Ranch. Rudolph gave a brief background of the Conway Ranch purchase. Conway Ranch was purchased in phases using various grants, some of which came from CalTrans. Each grant has different restrictions. There have been discussions with CalTrans regarding disagreements of permissible land use. Several issues have been resolved, yet some remain; including the ability to build a barn. CalTrans proposed a conservation easement as an avenue to address the disagreements. CalTrans was not required to make this proposal and the County is not in a position to make demands. Also the County does not have an "option to buy" itself out of the grant. Lyster reported that he has communicated with the other granting agencies and they were not interested in joining in the conservation easement at this time. Neither of the other granting agencies have stated concerns about the current types of land use on the ranch.

Rudolph explained the proposed MOU deal terms. The key area of discussion is a 75-acre parcel where the fish rearing is located. There would be a partial grant repayment to CalTrans which would provide for a release of the CalTrans administered grant restrictions. However, a key non-negotiable point is that all CalTrans grants be included in the conservation easement, including those outside the 75-acre parcel. The MOU will allow for complete resolution of all disputes regarding the CalTrans grants. The partial grant repayment of \$95,800 was based on a formula in the grant and negotiations. The 75-acre parcel was determined through negotiations with CalTrans.

The conservation easement is a critical component of the deal with CalTrans and will be a recorded document that would reiterate the existing grant restrictions with administration by the land trust. The conservation easement may also provide an opportunity to clarify the restrictions. If the other granting agencies agree to join the conservation easement it would allow for a local, single point of contact for the County. In response to a question by Marti, Rudolph and Lyster explained it is the grantor's responsibility to ensure the grantee is complying with the restrictions. The land trust would take over that role, administering the easement and monitoring the restrictions, just as CalTrans currently monitors the grant. Conservation easements exist in perpetuity and there is a one time associated cost of \$35,000, that based on negotiations will be split in half with CalTrans. Once the MOU is entered into, then the easement will be drafted. The MOU will have a clause that will allow for rescission by either party if the easement is not acceptable.

Following this FC meeting there will be a presentation at the Mono Basin RPAC. After that a final version of the MOU will be taken to the BOS for proposed approval in a public meeting, which could occur as soon as May. Once there is approval, there will be implementation of the MOU by drafting a conservation easement. At this point the other granting agencies may gain further interest by viewing the documents. A management plan can be woven into the easement.

Karen Farrell-Ingram spoke and stated that Rudolph gave a good overview of the process. She stated that Eastern Sierra Land Trust is not involved in the negotiations between CalTrans and Mono County. ESLT is awaiting a point they can provide their services. She also clarified that ESLT is not a property manager, only managers of the conservation easement.

Supervisor Alpers spoke about the history of the County's acquisition of the Conway Ranch. He added his experiences in aquaculture, fishing and the fishing industry's importance to the Eastern Sierra. Alpers recommended the hiring a consultant, to analyze the potential future needs and uses of Conway Ranch and produce a management plan. Alpers has been in contact with a consultant who proposed the cost of the review as \$15,000. Alpers recommended that the Conway Ranch include a future production and education facility with an interpretative center, appropriate storage and a disinfection station.

Supervisor Hunt wanted to reiterate that everyone is working together toward the same goal. He added there are a lot of details to work out and Mono County needs to preserve the heritage as well as provide fish for the County and encourage tourism.

Tom Hallenback, CalTrans, said he believed everything had been covered, but he was available for questions. He stated the CalTrans grant program has goals of preserving habitat and wetlands. Since there have been issues with the Conway Ranch grants, the easement is a way to provide for those goals as well as allowing the County to achieve its potential on the ranch. In response to Webb, Hallenback stated Mattly Ranch was funded with a different grant and there may be opportunities for future discussion regarding that grant, but as of now he prefers to deal with the current issue. In response to Frederickson, the conservation easement will not affect the highway easement. Marti asked Hallenback about the creation of additional wetlands and Hallenback agreed that would be a supported concept. Marti asked about adding ditches for water flow and Hallenback said he would need more detail, but the goal is to protect and encourage wetlands and riparian habitat.

Webb asked Rudolph if the IAG contract would be revised in light of the MOU. Rudolph said the MOU would not necessitate any changes. Webb asked Farrell-Ingram what action would be taken in the case of non-compliance. She responded that ESLT works with landowners for compliance and if necessary, as a last resort, legal remedies could be taken. Anthony asked Farrell-Ingram if there was anyone on ESLT who had a background in aquaculture. She replied they are responsible for the management of the easement, but they would not be involved in the management of the aquaculture. Marti asked how long it takes to develop the easement. She responded that the process depends on the involved parties and their ability to come to an agreement. Rudolph added that in the draft MOU there is a clause to finish the easement within 180 days following the signing of the MOU. Alpers and Hunt both stated they planned for it to be completed in a timely manner. Marti asked about working on projects on the Conway Ranch during this negotiation period. Rudolph said the County had made the decision to delay infrastructure projects until there was an agreement. Webb asked about the use of an existing test well pump. Rudolph and Lyster said that was not part of this agreement because it is an existing facility. Dunn expressed concern that he would like to ensure any future items that may be needed on the ranch are listed as permissible in the easement.

Following the presentation there was a consensus of the FC members for the BOS to move forward with the proposed MOU.

2. Discussion & Possible Approval of \$19,150 Expenditure from the Trophy Trout Account for Additional Fish Stocking - Marti

his was a continued discussion from the last meeting where the FC voted to spend \$19,150 of excess funds that exist in the Trophy Trout Account pending confirmation of availability. After the discussion there was still confusion as to whether the monies were available for expenditure. Marti stated he would follow up with the acting CAO to make a determination and if available, proceed as necessary.

ADJOURNMENT

Meeting adjourned at 12:52 pm.

The next regular meeting of the MCFC will be held in the June Lake Community Center, June Lake on Wednesday, May 1, 2013 at 10 am.

Respectfully Submitted,

Nancy Alaniz, Secretary