



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Mammoth Lakes BOS Meeting Room, 3rd Fl. Sierra Center Mall, Suite 307, 452 Old Mammoth Rd., Mammoth Lakes, CA 93546

Regular Meeting January 21, 2014

TELECONFERENCE LOCATIONS: 1) First and Second Meetings of Each Month: Mammoth Lakes CAO Conference Room, 3rd Floor Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, California, 93546; 2) Third Meeting of Each Month: Mono County Courthouse, 278 Main, 2nd Floor Board Chambers, Bridgeport, CA 93517. Board Members may participate from a teleconference location. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the board during any one of the opportunities provided on the agenda under Opportunity for the Public to Address the Board.

NOTE: In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (760) 932-5534. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517), and in the County Offices located in Minaret Mall, 2nd Floor (437 Old Mammoth Road, Mammoth Lakes CA 93546). Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). **ON THE WEB:** You can view the upcoming agenda at www.monocounty.ca.gov . If you would like to receive an automatic copy of this agenda by email, please send your request to Lynda Roberts, Clerk of the Board: lroberts@mono.ca.gov .

UNLESS OTHERWISE SPECIFIED BY TIME, ITEMS SCHEDULED FOR EITHER THE MORNING OR AFTERNOON SESSIONS WILL BE HEARD ACCORDING TO AVAILABLE TIME AND PRESENCE OF INTERESTED PERSONS. PUBLIC MAY COMMENT ON AGENDA ITEMS AT THE TIME THE ITEM IS HEARD.

9:00 AM Call meeting to Order

Pledge of Allegiance

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

2. APPROVAL OF MINUTES

A. Board Minutes

Approve minutes of the Regular Meeting held on January 7, 2014.

3. PRESENTATIONS - NONE

4. BOARD MEMBER REPORTS

The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

5. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments
Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

6. DEPARTMENT/COMMISSION REPORTS

7. CONSENT AGENDA - NONE

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

8. CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are located in the Office of the Clerk of the Board, and are available for review.

A. USDA Forest Service

Letter dated January 7, 2014 from Debra Whitall, Acting Ecosystem Planning Director of the USDA Forest Service, informing the Board of the Forest Service's plan review process.

B. Proclamation Calling Statewide Direct Primary Election

Correspondence from the Office of the Governor, dated January 6, 2014, enclosing a Proclamation calling the Statewide Direct Primary Election on Tuesday, June 3, 2014.

9. REGULAR AGENDA - MORNING

A. Election of Chair Pro Tem to the Board

Departments: Clerk of the Board
5 minutes

(Supervisors) - Pursuant to the Board's Rules of Procedure adopted at the regular meeting of January 14, 2014, call for nominations to elect a Chair Pro Tem of the Board for 2014.

Recommended Action: Elect the Chair Pro Tem of the Board for 2014.

Fiscal Impact: None.

B. Tony Vaught report

Departments: Board of Supervisors

60 minutes (30 minute presentation; 30 minute discussion)

(Tony Vaught) - Board appearance by consultant Tony Vaught of Professional Aquaculture Services regarding his draft report pertaining to Conway Ranch aquaculture (entitled "Conway Ranch Aquaculture Site Evaluation and Plan"). Said report contains recommendations to assist the County in understanding and exploring concepts for maximizing the fish-rearing potential of Conway Ranch over time. Note that some of those concepts may or may not ultimately be feasible due to applicable grant restrictions, other land-use restrictions, and evaluation of potential environmental impacts (if any).

Recommended Action: Provide any desired direction to Mr. Vaught and/or County staff.

Fiscal Impact: None. Informational only.

C. Update re Conway Ranch Conservation Easement

Departments: County Counsel, Economic Development

45 minutes (30 minute presentation; 15 minute discussion)

(Marshall Rudolph, Dan Lyster, Karen Ferrell-Ingram) - Presentation by County staff and representatives of the Eastern Sierra Land Trust regarding the status of efforts to draft a conservation easement applicable to Conway Ranch, pursuant to the County's MOU with Caltrans.

Recommended Action: Provide any desired direction to staff.

Fiscal Impact: None (as a result of the workshop).

D. Mono County Fisheries Commission Organization

Departments: County Administrator

70 minutes (10 minute presentation; 60 minute discussion)

(Jim Leddy) - Follow-up presentation by Jim Leddy regarding future of Mono County Fisheries Commission due to request by Board to review and discuss scope, mission and composition of the Mono County Fisheries Commission.

Recommended Action: Review material presented and direct staff to update scope and composition of Mono County Fisheries Commission, if so directed by the Board.

Fiscal Impact: There should be no impact to maintaining current staffing of the Mono County Fisheries Commission.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

11. CLOSED SESSION

A. Closed Session--Human Resources

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, Leslie Chapman, Bill Van Lente and Jim Leddy. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

B. Closed Session - Conference With Legal Counsel

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Madrid v. Mono County.

C. Closed Session - Conference With Legal Counsel

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Government Code section 54956.9. Name of case: Worker's compensation claims of Mike McGovern.

REGULAR AFTERNOON SESSION COMMENCES AT 2:00 P.M.

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

13. REGULAR AGENDA AFTERNOON- NONE

ADJOURN



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 21, 2014

TIME REQUIRED

SUBJECT Board Minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Regular Meeting held on January 7, 2014.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[01-07-14 draft](#)

History

Time	Who	Approval
1/14/2014 5:02 PM	County Administrative Office	Yes
1/15/2014 6:24 PM	County Counsel	Yes
1/16/2014 8:55 AM	Finance	Yes



**DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA**

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St.,
Bridgeport, CA 93517

**Regular Meeting
January 7, 2014**

Flash Drive	#1003
Minute Orders	M14-01 to M14-09
Resolutions	R14-01 to R14-01
Ordinance	Ord14-01 NOT USED

9:00 AM Meeting Called to Order by Chairman Hunt.

*Supervisors present: Alpers, Fesko, Hunt, Johnston and Stump.
Supervisors absent: None.*

Pledge of Allegiance led by Marshall Rudolph.

*Break: 10:00 a.m.
Reconvene: 10:07 a.m.
Lunch/Closed Session: 12:31 p.m.
Reconvene: 2:04 p.m.
Closed Session: 2:46 p.m.
Adjourn: 3:05 p.m.*

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one spoke.

2. APPROVAL OF MINUTES

A. Board Minutes

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Action: Approve minutes of the Regular Meeting held on December 17, 2013.

Johnston moved; Stump seconded

Vote: 4 yes; 0 no; 1 abstain: Alpers

M14-01

3. PRESENTATIONS

A. Election of New Board Chair

Departments: Board of Supervisors

(Outgoing Board Chair) - The outgoing Board Chair will call for nominations to elect the Chair of the Board for 2014.

Action: Elect Supervisor Johnston as the new Chair of the Board for 2014.

Alpers moved; Fesko seconded

Vote: 5 yes; 0 no

M14-02

B. Election of New Vice-Chair to the Board

Departments: Board of Supervisors

(Supervisor Johnston)- The newly-elected Board Chair will call for nominations to elect the Vice Chair of the Board for 2014.

Action: Elect Supervisor Fesko as the new Vice Chair of the Board for 2014.

Alpers moved; Hunt seconded

Vote: 5 yes; 0 no

M14-03

Supervisor Hunt:

- Interested in creating a Chairman Pro-Tem position; will discuss at a later time. Maybe during the Board Rules and Procedures item.

C. Presentation to Outgoing Chairman Hunt

Departments: Board of Supervisors

(Board Chair) - Presentation to Chairman Hunt by newly elected Board Chair honoring Supervisor Hunt's service to the Board in 2013.

Action: None.

Chairman Johnston:

- Presented Supervisor Hunt with a plaque of recognition.
- Gave comments about upcoming year, what he hopes to accomplish. Feels a sense of optimism but realizes there are issues still needing to be overcome.
- Looking forward to a new year with innovative solutions.

Supervisor Hunt:

- Accepted plaque, gave brief comments about his years served and the year ahead.

4. BOARD MEMBER REPORTS

Note

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Supervisor Alpers:

- He feels that he is working with the best group of Supervisors ever; he has more trust now in his team than he ever has before. He also feels the management team is the best ever, the “dream team”. A lot of issues will be tackled in the next year.
- Excellent meeting with Conway Ranch working group on complicated issue. Meeting with Mono Basin RPAC Wednesday to discuss all issues.
- 12/24 – meeting at home with Ed Rosti, owner of June Lake Rodeo Grounds as a follow up to previous meeting. Mr. Rosti intends to do right by June Lake. At CAC meeting tonight, a discussion will be kicked off about the master planning ahead. He feels there is a consensus now to move forward in the community.
- Caltrans reopened Hwy 158 to Rush Creek; put in request to reopen Hwy 120, waiting to hear back.
- Mentioned that Ronnie Kovach recently passed from cancer.

Supervisor Fesko:

- Commented on previous year; looking very forward to this coming year.
- Thanked Lynda Salcido tremendously for stepping up as Acting CAO; thanked Marshall Rudolph for also stepping up.
- Attended a gathering at Walker Country Store for annual party; heard a lot of comments.
- 12/19 – wife’s birthday.
- 12/20 – attended Paramedics negotiations meeting; was great to see staff working in a different type of environment.
- Went to Sacramento then over to Santa Cruz area for New Years.
- Upcoming roundtable discussions where he will be present: 1/9 – Walker; 1/14 – Bridgeport; 2/18 – Mammoth.

Supervisor Hunt:

- Thanked staff and fellow board members; going into New Year we will be able to address a lot of issues and provide solutions.
- 12/18 – biomass meeting attended by Supervisor Johnston and himself. Moving towards Biomass Facility at MMSA; still having issues with Great Basin and air quality issues. Final report due out the end of this month.
- 12/19 – First Five had regular commission meeting; heard an update. Next week holding all day strategic planning meeting at Dr. Johnson’s home to determine 5 year plan.
- 12/20 – ESCOG meeting; updates on digital 395, sage grouse, more issues being discussed.
- Tomorrow headed to Yosemite Valley for Gateway Partners General meeting.
- Conway Planning Easement discussion.
- MMSA financial projection to date came out yesterday; down about 17% over last year for holiday.
- Flu Season is upon us; people need to take precautions.
- Took a week’s vacation in Arizona.

Supervisor Johnston:

- Attended ESCOG and Biomass meetings; were reported on by Supervisor Hunt.
- Has had discussions with commercial owners about Town; a bit gloomy but not all bad. People are finding other things to do.
- Mammoth Mountain Ski Team and the Mountain is benefitting a bit from no snow.

Supervisor Stump:

- Thanked management team, staff and employees. Hopes to continue with the positive momentum in terms of morale and teamwork. This past year he’s witnessed how hard everyone works in this county.
- Attended Memorial Services for Billy Anderson and Dan Dennis.
- Community meeting last night in Paradise to discuss general items.
- Attended meeting at Mammoth Fire with Paramedic Coordinator regarding data collection issues that are impacting services; all has to do with software platforms. Dr. Johnson will come and give presentation regarding LEMSA.

Note

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5. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

Jim Leddy:

- He's been here only six months, it's been an exciting time. Thanked Board and staff for last six months; a lot of challenges ahead with a chance to build something new. Still waiting to get snowed in.
- His sons went to June Mtn. and enjoyed the mountain and the area while they were here.
- 12/17 – Inyo County conducted a redesign meeting; over 50 people talking about what can be done in the shared services area – follow up meeting on 1/23. All a preview of what strategic planning should be about. Thanked Kevin Carunchio, Inyo's CAO.
- Same night, went with Tony Dublino to TOML where he presented the solid waste issues, did a great job.
- Property in Lieu of Taxes – making sure we're advocating on this. Realignment AB109 funding, also need to work on this issue.
- Strategic Planning started – website should be up soon; we will have meetings soon with employees, etc. to look ahead on sharing services. First quarterly meeting between the Clerk to the Board, Finance and CAO's office on Thursday.
- Fish and Wildlife is hosting a meeting here tomorrow afternoon to discuss endangered species – will take place between 1-3 p.m. Thanked Lynda Roberts for facilitating.
- Energy Task Force met and discussed items to bring back to the board. Meeting on 2/4 and probably 2/18, will be ongoing monthly meeting. Thanked staff involved.
- Supervisor Stump: AB109 issue; starting to see savings; already included in Governor Budget or we're hoping? (Leddy: we're hoping.)

6. DEPARTMENT/COMMISSION REPORTS

Tim Kendall, District Attorney:

- Introduced new employees: Paul Robles (contract investigator position); and Kevin Christensen, new Deputy District Attorney from Inyo County.

Sheriff Obenberger:

- AB109 – arrest percentages are up; we only have 37 out of 44 inmates currently. Only 7 AB109'ers; these are determined by charges filed by D.A.
- Inmate Welfare Account – governed by State Penal Code; has to be spent on the well-being of the inmate. Current balance is approximately \$114,000, collecting \$15,000 - \$20,000 per year. Have done some rehab projects using the inmates and teaching them useful tools. For this year, they'd like to purchase a bigger inmate property storage rack; they are very limited on storage.
- Yesterday, communications update project started.

Scott Burns:

- Update on workshop with Fish and Wildlife scheduled for tomorrow; received an agenda this morning (handed out to Board). Meeting scheduled from 1-3 p.m.

7. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. 2014 Mono County Legislative Platform

Departments: CAO

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Final review and potential adoption of the proposed 2014 Mono County Legislative Platform.

Action: Adopt 2014 Mono County Legislative Platform and direct staff to distribute to Mono County's state and federal legislators as well as to the California State Association of Counties, the Rural Counties Representatives of California and begin scheduling visits with legislators for Board members.

Hunt moved; Alpers seconded

Vote: 5 yes; 0 no

M14-04

Supervisor Stump:

- Spelling correction, p. 7 it currently says, "continue forest management", should say "forest management".

B. November 2013 Transaction Report

Departments: Finance

Treasury Transactions for the month of November 2013.

Action: The Board received the Treasury Transactions for the month of November, 2013.

Hunt moved; Alpers seconded

Vote: 5 yes; 0 no

M14-05

8. CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are located in the Office of the Clerk of the Board, and are available for review.

A. California Fish and Game Commission

Notices of Findings published in the California Regulatory Notice Register on December 27, 2013, pertaining to: 1) Townsend's big-eared bat (*Corynorhinus townsendii*); 2) Northern spotted owl; 3) American pika.

Supervisor Johnston:

- Made brief comments regarding this.

B. Mono City Fire Protection District

Letter dated 12/14/13 from the Mono City Fire Protection District pledging a maximum of \$25,000 for use exclusively in calendar year 2014 for work performed on the Mono City Emergency Road.

Supervisor Alpers:

- Wants this on a future agenda soon.

Jim Leddy:

- Working on safety issue and in getting answers to have agenda item; could be ready by 1/21/14 or the next meeting thereafter.

Note

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The Board acknowledged receipt of the correspondence.

9. REGULAR AGENDA - MORNING

A. Letter to State Water Resources Control Board regarding Petitions for Temporary Transfer of Water Rights

Departments: County Counsel

(Stacey Simon) - Letter to California State Water Resources Control Board regarding Petitions for Temporary Transfer and Change to water rights licenses 6000 and 9407 filed by the Walker River Irrigation District related to its stored water leasing program.

Action: Approve and authorize Chair to sign letter.

Hunt moved; Alpers seconded

Vote: 5 yes; 0 no

M14-06

Stacey Simon:

- Explained item.
- The county has been supportive of the proposed concept for a long time.
- Previous letter had asked for information which she doesn't feel we received.
- This letter is a response to the previous response. Draft letter explains that the District's original response didn't give appropriate information. Letter asks that concerns be addressed.

Supervisor Johnston:

- Letter is well written.

Supervisor Fesko:

- He had no issues with letter.

B. Inflationary Increase to Service Fee Floors for D&S Waste and Mammoth

Departments: Solid Waste

(Tony Dublino) - Amendment to Franchise Agreements with D&S Waste and Mammoth Disposal, reflecting inflationary increase to floor rates.

Action: Approve amendment to Franchise Agreements with D&S Waste Removal, Inc. and Mammoth Disposal, Inc. to reflect inflationary adjustments to service fee floor rates for waste collection services. Additionally, the language to be included on the statements should be amended to read, "This month's bill includes a 1.95% increase reflecting an inflation factor based on the Consumer Price Index and Producer Price Index for September 2012 - September 2013, and is not related to any increases caused by Mono County."

Alpers moved; Hunt seconded

Vote: 5 yes; 0 no

M14-07

Tony Dublino:

- Explained item. Has made a minor adjustment to the increases. The September reports should actually be used. Is now a 1.95% increase.

Note

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- He has re-worded statement based on previous comments by the Board.
- The statement presented to the 12/17 meeting did get included to the Mammoth Disposal customers; Rick will speak to that.
- We will need to renegotiate everything in June 2016.
- Asked if the haulers were ok with change in statement wording.

Rick Vahl, Mammoth Disposal:

- Handed out information to the board.
- Gave some highlights from Mammoth Disposal's perspective.
- He does not have any issues with wording changes; customers aren't going to read the wording, they're going to call. They'll have to deal with it then.

Darrol Brown, D&S Waste Disposal:

- Rick Vahl covered about everything, any further questions?
- Explained CPI increase and the reason for the increase in fees.
- Mono County is biggest taker of the fees.

Kevin Brown, D&S Waste Disposal:

- He can't believe having to justify this increase request.
- He is concerned about competitors if D&S raises its fees directly instead of the floor rate through the county.
- They don't have a problem with the statement on the invoices.
- D&S has no issues to putting the wording on as the board is requesting, assuming they can fit it on their bills.

Supervisor Fesko:

- Asked Mammoth Disposal about base charge.
- Doesn't like raising fees just for the sake of raising them.
- With this being a minor amount, is it making that much difference or are you going for the increase of 2% just because you can?
- Asked about gate fee increase.
- Asked about proposed amendments to the contracts.

Supervisor Stump:

- No one has reacted to proposed statement on invoices.
- Asked haulers why they would have any problem with wording in statement? Doesn't understand why/how it would be objectionable.
- Read proposed statement aloud to make sure that was what will be included in future bills.

Supervisor Hunt:

- He doesn't think the wording is an issue. If it will save grief he's for it.

Marshall Rudolph:

- The statement has to be included on the invoice as this is part of the negotiation.

C. Mono County Board Rules of Procedures

Departments: CAO, County Counsel, Clerk of the Board

(Jim Leddy) - The Board's current rules were adopted on February 6, 1978. Since that time, some changes in law and practice have occurred, one of which is addressed through a policy regarding items generated from outside the County and incorporated through Resolution No. 00-34 adopted May 2, 2000. Both of these documents have been included in your packet for reference. Once adopted, the new rules will supersede and replace all rules of procedure previously adopted by the Board. Attached for the Board's consideration is a copy of the draft Mono County Board Rules of Procedures. The Rules as drafted are consistent with law and generally reflect current practices of the Board. They were based substantially on Sonoma County's Board Rules.

Note

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Action: None.

Jim Leddy:

- Explained this item; highlighted change is creating greater level of succession by having a third in command.
- Document captured (in one place) the process when interacting with the Board; creates a clear process.
- Discussion about the concept of “straw votes”.
- These are set up to be reviewed annually.
- We will address the emailing issue and what the policy currently is.
- Rule 43 encompasses the spirit of Supervisor Johnston’s proposed Rule Z.
- Hopes to bring back on 1/21/14.

Supervisor Stump:

- Has thought for awhile that setting number of terms for Supervisors might be appropriate. Per Marshall that wouldn’t happen in the Board Rules.
- For Larry’s suggestion, add “with the concurrence of the board” to Rule 33, Planning Matters, Request for Continuance. The essence of Rule 33 is that each Supervisor has a say in matter of their district.
- Voiced concern about Supervisor Johnston’s Proposed Rule X.
- He agrees that Supervisors shouldn’t be voting on things that can directly outcome various things (CSAs, RPACs and Planning Commission).

Supervisor Alpers:

- Likes the Pro-Tem idea; it would make it so that business doesn’t get held up if there are only three supervisors.
- P. 7 – Rule 26 on voting.
- Agenda format, Rule 16, p. 4.
- Proposed Rule X – agrees with Supervisor Stump.

Supervisor Fesko:

- In regards to Rule 33 – he understands the need to protect their districts.
- P. 2, Rule 8 – doesn’t like the Chair “shall”. Should say with board consent or supervisor consent. Supervisors should not get assigned to committees at the chair’s discretion.
- P. 5, Rule 20 – asked for clarification.
- P. 10, Rule 40 – take out chair “shall determine”.
- He’s part of Antelope Valley RPAC – knows Supervisor Johnston doesn’t agree with that.

Supervisor Hunt:

- Rule 33 – Supervisors shouldn’t lose their autonomy.
- Discussed Supervisor Johnston’s proposed rule X.

Marshall Rudolph:

- The rule on p. 7, rule 26 – isn’t about adding a vote later; it’s about later votes that come up on the same issue. If you go back and reacquaint yourself with preliminary information then the supervisor can vote on subsequent issues. If a supervisor is absent they can’t vote again on a motion already concluded.
- The “straw vote” isn’t a motion adopting the action; more like verbal support showing opinion of a supervisor who may have missed the vote originally.
- Way he reads Rule 16 reflects essentially the format we have; although he sees a bit of a mismatch. Had not thought about chair moving things entirely around.
- For Rule 33, maybe put wording in to indicate it’s not a postponement tool, “The next applicable meeting that satisfies noticing requirements” or something.
- In general, the Board can revisit these at any time. If there turns out to be a problem, the Board can change/fix it.
- These are about the procedures of the Board of Supervisors; they don’t really have to do with Supervisor Johnston’s proposed rules X, Y and Z. That’s not to say they don’t have a say, just might not be appropriate spot.
- RPAC discussion is coming to the Board on 1/21. CSA resolution could be changed if

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necessary.

Supervisor Johnston:

- Change to “with the concurrence of the Board” for Rule 16, p. 4.
- For Rule 33, does not like the words “at his or her sole discretion”. The issue is, are we going to act as a team or give individual supervisors power for various things.
- Introduced proposed rules X, Y and Z (handout to be posted to web). Discussion followed about these proposed rules.

D. Board of Supervisors' Meetings--Change in Location of Third Regular Monthly Meeting

Departments: Clerk of the Board

(Lynda Roberts) - Location of the Board of Supervisors' third regular meeting of each month.

Action: Change the location of the Board's third regular meeting each month from Bridgeport to the Town of Mammoth Lakes making this change for an indefinite period of time rather than annually. Adopt Resolution R14-01 that will change the location of the third regular board meeting of each month for an indefinite period of time.

Hunt moved; Stump seconded

Vote: 3 yes; 2 no: Alpers, Fesko

M14-08

R14-01

Supervisor Stump:

- Should accept; only change is that it not be an annual review.

Supervisor Fesko:

- Would appreciate that it be continue to be reviewed once a year.

Supervisor Hunt:

- Should accept; doesn't need to be reviewed annually.

Supervisor Johnston:

- Concurs with Supervisors Stump and Hunt.

Marshall Rudolph:

- The rules could have suggested language to revisit.

E. Supervisors' Appointments to Boards, Commissions and Committees

Departments: Clerk of the Board

(Lynda Roberts) - Mono County Supervisors serve on various boards, commissions, and committees for one-year terms that expire on December 31st. Each January, the Board of Supervisors makes appointments for the upcoming year.

Action: Appoint Supervisors to boards, commissions and committees for 2014 as discussed.

Stump moved; Hunt seconded

Vote: 5 yes; 0 no

M14-09

Supervisor Stump:

- Proposes we keep everything the same as last year.
- He thinks the Supervisors are very involved with boards and commissions; doesn't think being a supervisor should be a full time job, especially for business owners.

Supervisor Alpers:

Note

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- Asks that he be removed as RCRC main person; asked that Tim Fesko be the main contact, Supervisor Hunt be the Alternate and have Supervisor Alpers as the 2nd alternate.

Supervisor Hunt:

- Asked to be removed from the Law Library and the MMSA Liaison groups as main contact. Usually it's the chair for those two groups so Supervisor Johnston should be listed.

Supervisor Johnston:

- Needs new alternate for LTC; leave blank for now.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

11. CLOSED SESSION

A. Closed Session--Human Resources

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, Leslie Chapman, Bill Van Lente and Jim Leddy. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

B. Closed Session - Conference with Legal Counsel

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Gleason v. Secretary of State et. al.

C. Closed Session - Public Employee Performance Evaluation: County Administrator

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrator.

REGULAR AFTERNOON SESSION COMMENCES AT 2:00 P.M.

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

13. REGULAR AGENDA - AFTERNOON

A. Communications Chapter - General Plan Update

Departments: Information Technology; Community Development

(Nate Greenberg; Scott Burns) - Provide a workshop that reviews the Goals and Objectives contained within the draft language of the new General Plan Telecommunications Chapter.

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Action: None.

Nate Greenberg:

- Follow up workshop on Communications Chapter for the General Plan update.
- Has a power point presentation

Communications Policy:

- Last Mile Provider Plan (two pronged approach: Internal and External).
- Policy Development Process.
- General Public Feedback.
- Communications Chapter: Focus Areas.
- Broadband Development and Adoption.
- Construction of Communications Infrastructure.
- Strategic Planning for Communications Infrastructure.
- Broadband Access, Adoption and Application.
- Additional Considerations.
- Overhead vs. Underground Costs.

Additional Comments:

- They've been hearing that wireless is quickest and cheapest. There's nothing in this plan that is especially difficult for wireless; maybe need to modify language.
- Satellite is Hughes Net or Wild Blue. Explained the satellite issues – not that useable and very expensive.
- We should also include mobile cellular data as well.
- Discussion about raising revenues; there are ways to raise various fees being charged.
- Mentioned that there is a section that involves consumers and providers (doesn't specify a web site), this section could be expanded.

Ron Day:

- Trying to make communications chapter easier to understand; get everyone onto the same platform.
- Nate did a great job; a lot of staff time has been spent on this.

Supervisor Stump:

- If communities don't already have infrastructure, we are driving people to wireless systems.
- It was our fault that the PUC modified its standards but we need to revisit the greater need for wireless systems.

Supervisor Fesko:

- You can get very fast speeds with wireless.
- Nobody is putting up wires; everyone is going wireless because it's available.

Supervisor Hunt:

- What is time frame with this?

Scott Burns:

- This is a component of our general plan update; about to release a notice of preparation.
- Maybe looking at adoption by next fall.

Supervisor Johnston:

- What is satellite? Hughes Net?
- Satellite pros and cons should be included in this plan.
- Reliability issue: it's always utilities that people complain about, they always go down. We should be looking long term for reliability.
- Headed in the right direction here.
- Revenue generating discussion.

Steve Kalish:

- Been out of town for last six months but has attended many meeting of the advisory committee.
- Didn't see something in outline that is part of a buy-in which is having the county maintain a website of all the available services available. This would show what's available, what they charge, etc. The county could occasionally do a speed test. This is consumer information.
- The consortium may kick in \$500 a year.

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

ADJOURN at 3:05 p.m. in memory of Ronnie Kovach who recently passed away

ATTEST:

LARRY JOHNSTON
CHAIR

SHANNON KENDALL
SR. DEPUTY CLERK OF THE BOARD

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 21, 2014

TIME REQUIRED

SUBJECT USDA Forest Service

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Letter dated January 7, 2014 from Debra Whitall, Acting Ecosystem Planning Director of the USDA Forest Service, informing the Board of the Forest Service's plan review process.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[USFS Letter](#)

History

Time	Who	Approval
1/15/2014 2:33 PM	Clerk of the Board	Yes



United States
Department of
Agriculture

Forest
Service

Pacific
Southwest
Region

Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9240 Text (TDD)

File Code: 1920

Date: JAN 7 2014

Dear Valued Stakeholder:

This letter is to inform you of the U.S. Forest Service's forest plan review process. As you may know, the Sierra, Sequoia and Inyo National Forests were selected as "early adopters" meaning they will be the first to revise their land management plans using the 2012 National Forest System Planning Rule. The planning rule provides the framework for Forest Service land management plans across the nation.

To date, the U.S. Forest Service has completed assessments for these three forests, a Bio-regional assessment, and a preliminary *Need to Change* document.

The public is invited to provide feedback on the *Need to Change* document, which will drive how the Forest Service revises its management plans. All of these documents may be viewed on-line at: <http://www.fs.usda.gov/main/r5/landmanagement/planning>.

The Forest Service is hosting public workshops to offer information about the forest plan revision process, explain the key themes of each forest plan to be revised, explore the unique roles and contributions of each national forest, and gather public feedback on the preliminary *Need to Change*. The public is welcome at any of the upcoming workshops:

- Sierra NF: Monday, January 27, 2014, Fresno
Holiday Inn Fresno Airport, 5090 E. Clinton Way, Fresno, CA 93727
- Sequoia NF: Tuesday, January 28, 2014, Bakersfield
Double Tree Hotel, 3100 Camino del Rio Ct., Bakersfield, CA 93308
- Inyo NF: Thursday, January 30, 2014, Bishop
Inyo NF Supervisor's Office, 351 Pacu Lane Suite 200, Bishop, CA 93514

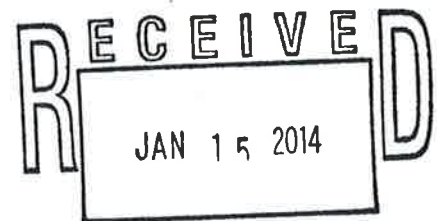
Each workshop will be held from 5 – 9 p.m. with presentations by Forest Service staff. There will be time for small group sessions to learn about specific topics addressed in the preliminary *Need to Change*, and time to offer feedback.

Public feedback received by January 24, 2014, will be incorporated into the public workshop discussions. Feedback on the *Need to Change* document is most useful if received by January 31, 2014, and may be submitted via e-mail or by hard copy. Written feedback should be addressed to: Land Management Plan Revision, U.S. Forest Service, Ecosystem Planning Staff, 1323 Club Drive, Vallejo, CA 94592. E-mail feedback may be submitted to: R5planrevision@fs.fed.us

For more information regarding forest plan revisions and documents to be shared at the public workshops, please visit the Pacific Southwest Region's planning website at: <http://www.fs.usda.gov/main/r5/landmanagement/planning>.

Sincerely,

DEBRA WHITALL, Ph.D.
Acting Ecosystem Planning Director
USDA Forest Service



OFFICE OF THE CLERK





**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 21, 2014

TIME REQUIRED

SUBJECT Proclamation Calling Statewide Direct
Primary Election

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Correspondence from the Office of the Governor, dated January 6, 2014, enclosing a Proclamation calling the Statewide Direct Primary Election on Tuesday, June 3, 2014.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
***PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING***

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

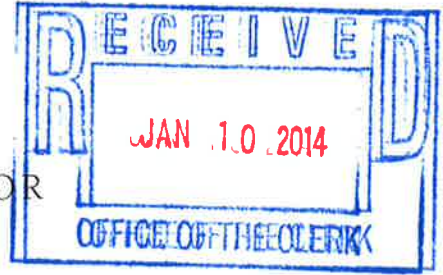
ATTACHMENTS:

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[Governor's Letter Re Election](#)

History

Time	Who	Approval
1/13/2014 11:22 AM	Clerk of the Board	Yes



OFFICE OF THE GOVERNOR

January 6, 2014

To the California County Boards of Supervisors:

Consistent with the requirement in Elections Code section 12000, enclosed please find a copy of the proclamation calling the Statewide Direct Primary Election on Tuesday, June 3, 2014.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan K. Renner".

JONATHAN K. RENNER
Legal Affairs Secretary

Enclosure



Executive Department
State of California

A PROCLAMATION

BY THE GOVERNOR OF THE STATE OF CALIFORNIA

I, **EDMUND G. BROWN JR.**, Governor of the State of California, pursuant to section 12000 of the Elections Code, proclaim that a Statewide Direct Primary Election will be held throughout this State on Tuesday, the 3rd day of June, 2014, at which the following offices are to be filled:

GOVERNOR;

LIEUTENANT GOVERNOR;

SECRETARY OF STATE;

CONTROLLER;

TREASURER;

ATTORNEY GENERAL;

INSURANCE COMMISSIONER;

MEMBERS OF THE STATE BOARD OF EQUALIZATION from each of the four equalization districts of the State;

REPRESENTATIVES TO THE CONGRESS OF THE UNITED STATES from each of the 53 congressional districts of the State;

STATE SENATORS from even-numbered districts of the 40 senatorial districts of the State;

MEMBERS OF THE ASSEMBLY from each of the 80 assembly districts of the State;

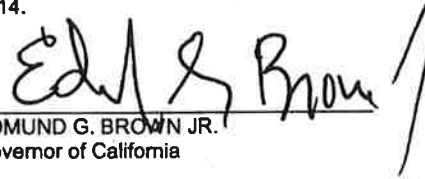
SUPERINTENDENT OF PUBLIC INSTRUCTION; and

All such other state, county, judicial, or other officers as are provided by law to be filled at such election.

I further proclaim that at such election there will also be submitted to the vote of the electors such proposed constitutional amendments, questions, and propositions as are required to be so submitted by the Constitution and laws of this State.



IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 12th day of January 2014.


EDMUND G. BROWN JR.
Governor of California

ATTEST:


DEBRA BOWEN
Secretary of State



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 21, 2014

Departments: Clerk of the Board

TIME REQUIRED 5 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD** Supervisors

SUBJECT Election of Chair Pro Tem to the
Board

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Pursuant to the Board's Rules of Procedure adopted at the regular meeting of January 14, 2014, call for nominations to elect a Chair Pro Tem of the Board for 2014.

RECOMMENDED ACTION:

Elect the Chair Pro Tem of the Board for 2014.

FISCAL IMPACT:

None.

CONTACT NAME: Lynda Roberts

PHONE/EMAIL: 5538 / lroberts@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time

Who

Approval

1/14/2014 5:10 PM	County Administrative Office	Yes
1/15/2014 6:24 PM	County Counsel	Yes
1/16/2014 8:55 AM	Finance	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 21, 2014

Departments: Board of Supervisors

TIME REQUIRED 60 minutes (30 minute presentation;
30 minute discussion)

**PERSONS
APPEARING
BEFORE THE
BOARD**

Tony Vaught

SUBJECT Tony Vaught report

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Board appearance by consultant Tony Vaught of Professional Aquaculture Services regarding his draft report pertaining to Conway Ranch aquaculture (entitled "Conway Ranch Aquaculture Site Evaluation and Plan"). Said report contains recommendations to assist the County in understanding and exploring concepts for maximizing the fish-rearing potential of Conway Ranch over time. Note that some of those concepts may or may not ultimately be feasible due to applicable grant restrictions, other land-use restrictions, and evaluation of potential environmental impacts (if any).

RECOMMENDED ACTION:

Provide any desired direction to Mr. Vaught and/or County staff.

FISCAL IMPACT:

None. Informational only.

CONTACT NAME: Marshall Rudolph

PHONE/EMAIL: (760) 924-1707 / mrudolph@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Vaught staff report](#)

[Vaught report](#)

History

Time	Who	Approval
1/15/2014 5:21 PM	County Administrative Office	Yes
1/15/2014 5:09 PM	County Counsel	Yes
1/16/2014 8:55 AM	Finance	Yes

County Counsel
Marshall Rudolph

Assistant County Counsel
Stacey Simon

Deputy County Counsels
John-Carl Vallejo
Christian Milovich

**OFFICE OF THE
COUNTY COUNSEL**

Mono County
South County Offices
P.O. BOX 2415

MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700
Facsimile
760-924-1701

Legal Assistant
Jennifer Senior

TO: Board of Supervisors

FROM: Marshall Rudolph

DATE: January 21, 2014

RE: Board appearance by consultant Tony Vaught of Professional Aquaculture Services regarding his draft report pertaining to Conway Ranch aquaculture (entitled "Conway Ranch Aquaculture Site Evaluation and Plan")

Recommendation:

Provide any desired direction to Mr. Vaught or County staff.

Fiscal/Mandates Impact:

None. Informational only.

Discussion:

In May of 2013, the County entered into a Memorandum of Understanding (MOU) with Caltrans which, if all conditions of the MOU are satisfied, would ultimately result in certain grant restrictions (EEMP Cycle 7 grant) being removed in a seventy-five (75) acre area of Conway Ranch where fish-rearing and other fishing activities are currently occurring, thereby allowing the County to more fully utilize that area.¹ Shortly after entering in the MOU, the County retained Professional Aquaculture Services (Tony Vaught) to assist the County in evaluating and planning for future aquaculture facilities and an interpretive site in that 75 acre area. Mr. Vaught prepared a draft report in November, which has since been provided to Board members, the Fisheries

¹County staff has been working diligently on effectuating the requirements of the Caltrans MOU, and an update by staff is also on the Board's agenda.

Commission, Mono Basin RPAC, the Eastern Sierra Land Trust, granting agencies whose grants will still apply in the 75 acres (i.e., State Parks and National Fish and Wildlife Foundation), and other interested parties and members of the public. But today's Board meeting will be the first time that Mr. Vaught has appeared publically to discuss his report (included in his original contract limit) and for the Board itself to discuss the report. Staff has notified the Fisheries Commission, RPAC, other interested parties about Mr. Vaught's Board appearance.

Attached is a copy of Mr. Vaught's report and his powerpoint presentation for the Board appearance. It is important to understand that Mr. Vaught's report is not a land-use plan and the Board will not be "approving" it at the meeting. It is intended solely as a means of generating ideas and concepts for the Board and other interested parties to consider regarding ways that the Conway Ranch's long-term fish-rearing potential could potentially be maximized. Among other things, it is not known yet whether the other granting agencies will have concerns about any of those ideas and concepts, nor what the outcome of any future CEQA analysis and actual land-use planning might be, nor where funding would come from, nor whether or when existing regulatory controls such as the current state Fish and Wildlife compliance cap on production of 45,000 pounds would be lifted.

Encl.

Professional Aquaculture Services

Conway Ranch Aquaculture Site Evaluation and Plan

Contact: tvaught@proaqua.com

Tony S. Vaught





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Introduction

The interest in the private production of fisheries products through aquaculture has seen unprecedented growth over the past 20 years. This growth is due to many factors which include; increased worldwide consumption, low supply due to environmental impediments, increase in recreational fishing pressures, and variable state and federal hatchery programs. The challenge, therefore, is to continue to meet the demand created by population growth while keeping environmental and financial sustainability in balance.

Recently, the number of commercial fish farms, both land-based and offshore, in almost all other areas of the world has out-stepped the growth of that in the United States. This current underperformance by the United States is largely due to regulatory impediments, financial constraints, and the lack of federal and state funding support. As a result, the supply of domestically produced fish must increase in order to keep prices within reach of the consumer. To accomplish this, the U.S. must significantly intensify aquaculture research, identify environmentally responsible resources appropriate for fish production, and support private business through research grants and low interest loans. Progress can be made not only by utilizing known production techniques and research that has been done elsewhere, but also by looking to new techniques using the resources available.

The question remains, however, where and how can this be done?

Each site evaluated for aquaculture has limitations and assets specific to the production of product. Primarily, these limitations are political, economic, or environmental in nature. Technology exists to solve environmental concerns; however, the challenge, then, often becomes financial. Political opposition has halted environmentally and economically sound projects even at the expense of improved prosperity of the community. As a solution, community involvement with regard to the project is essential.

Integrating a variety of environmentally different production areas, species, and research projects can help to focus on the production of fish for food and recreation.

The impacts on natural stocks of fish, despite increased fisheries management and regulation, have diminished the fishing success of anglers. This has directed the search for recreation away from fishing. The cost of fishing licenses, the complexity of regulations, and the success rate have all had an influence. Public stocking programs must modify stocking and production goals to meet environmental and political goals that, all too often, have negative impacts for anglers.

The public/private partnership allows for more flexibility and the opportunity to bring in entities to cooperate on the goal of providing not only catchable fish, but other fish to meet consumer demand mentioned above. This can be done in tandem with research on at-risk fish species and varieties of native fish that may be able to be produced to help meet the demand.

The goals of a program and plan outlined in this report are as follows:

- I. Provide recreational fish desirable to the public to assure improved and sustained angling success.
- II. Further research on native varieties of fish.



- III. Protect and promote wildlife habitat and improve conditions and opportunities on the ranch for anglers and non anglers to enjoy.
- IV. Inform and educate the public.

Site overview

Information is reviewed to identify the site potential, resources, and problem areas. Several key areas determine the success, profitability, and longevity of an aquaculture operation. Each area is linked to the other by financial, managerial, and biological components. Tying these components together creates a clearer picture of the business and assists in improving efficiency and developing plans for growth. Key components include location, permitting, water quality and quantity, water discharge and waste removal, appropriate species, stock sources, physical security and bio-security, and, most importantly, financial sustainability with sound marketing and business practices.

The Conway Ranch property (811 acres overall) was purchased by Mono County with grant funds from several funding sources in 1998 and 2000. In general, the purposes of these grants are to protect and preserve the natural, open space, scenic, historic, and public access values of the property in perpetuity, while allowing for the continuation of the existing fish-rearing, sheep grazing, and public access. Grant Agreements were signed by Mono County and each of these funding agencies, obligating the County to the protection of these values as a condition of receiving the grant funding. Within the aquaculture area, grants restrictions are in place for the protection of wildlife and plant habitats.

Location

The Conway is equipped with the components needed to support commercial aquaculture. The site has a history of fish production and has been successfully rearing fish under restrictions set forth by several public agencies. The sustainability of aquaculture is well documented. Production of a clean, healthy, local product with valuable byproducts on the site will improve the property aesthetically, while also stimulating commerce.

The climate for the majority of the year is conducive to cold and cool water fish. It should be noted, however, that drought conditions, extreme heat, as well as severe cold can limit and modify production. Securing a consistent supply of water is the best insurance to guard against these extreme conditions. Oxygen delivered in the water is critical to optimum growth. Higher temperatures can limit oxygen and severe cold can interrupt the flow of water; both conditions have the potential to starve fish of oxygen. Oxygen generators, which are being utilized in many remote locations to increase production and to guard against severe weather, may be required at this location.

Access and proximity to markets and supplies is an important economic factor. The site is relatively close to the market, which consists primarily of recreational lakes and streams, local restaurants and stores. Some of the locations are remote with limited access. Specialized transport trucks are needed to deliver to these remote locations. The site is close to major highways, where regular truckloads of fish feed are transported to state and federal hatcheries in the area.



Existing Infrastructure

Water supply structures, although recently improved, are inadequate. Also, screen maintenance is a major drain on personnel time. The current screens can be improved to self clean, which can guard against water flow restrictions due to debris as well as ice formation. Water control gauges and weirs should be improved to regulate and manage the flow of water. Raceway screens can be redesigned for ease of maintenance.

Electrical power has been installed on the property. Underground electrical lines should be extended to serve oxygen generators, aerators, and water pumps. Backup power should be installed to guard against power interruption.

The existing raceways that were constructed under restrictions, although well-designed and functional, have limited production due to the need to use existing ditches. As a solution, the existing raceways could serve an important function in combination with improved raceway and tank systems. The existing raceways can be used for fish conditioning before delivery, broodstock management, short term fish holding, and to spread out fish in lesser densities for overwintering. In addition, low flow raceways with oxygen enhancement can be used for other native fish production.

Other additional concerns are: There are limited support structures for storage, vehicle and equipment maintenance and decontamination, housing and office facilities. There are no facilities for hatching or rearing fingerling on the site. Feed storage is limited to modified storage containers. These containers are sufficient for bagged feed; additional bulk storage is recommended to help reduce feed costs and labor.

Risk Protection

One of the major risks at this location is upstream water contamination. The risk of leakage of contaminants from the power plant needs to be assessed and safeguards addressing contamination from highway accidents must be taken into consideration. Threats from vandalism to the water supply due to contamination or diversion of water are significant. All risk cannot be guarded against, securing the water control valves that are accessible to the public is imperative. Containment structures adjacent to highway drainage will limit contamination of the water source from highway accidents. Highway contaminants and vandalism is an immediate action item.

The site is subject to weather events including high winds, rain, snow, and extreme cold. Storms can be intense in the area during winter months. Appropriate safeguards, with appropriate backup power for extended outages, must be in place to protect outdoor areas and buildings against these events. Power, water, and the movement of water are the lifeblood of any aquaculture facility. The facility must run independent of any interruptions of power and water. Flow alarms and safeguards against water supply ice dams must also be in place.

Facility and stock insurance is available for catastrophic events; however, without proper risk management, costs can be high for protection. The aquaculture industry is relatively new to the insurance community and has unknowns related to disease and other business interruption factors. These unknowns are currently in the process of evaluation; however, risk factor multipliers are not available due to the diversity of products and sites. Protection may be expensive or unavailable for certain components of risk.



Permitting

The permitting process is undoubtedly the most expensive, unpredictable, and time-consuming portion of any aquaculture site. The process involves many different and overlapping agencies and groups, often with conflicting agendas and regulations. The site has several challenges in this arena that may initially complicate the improvements; however, each agency and group has the opportunity to utilize the resources for a number of beneficial and coexisting activities. This rare intersection of benefits has the ability to bring visitors and create jobs in all sectors, including tourism, aquaculture, and environmental stewardship. Some examples of positive interactions include:

- I. A long history of public and private of fish production.
- II. A community awareness of aquaculture and the need for economic development through recreational fishing.
- III. Local, state, and federal government approval and encouragement to pursue aquaculture uses that coexist with wildlife and the public.
- IV. Approved permits for the existing private growers.

The final determination of whether or not to move forward with improvements to a facility often comes down to the time and expense of agency, environmental, and land use permit approval. When this process is extended and costly, other sites that are environmentally and regulatory friendly are considered. A site Programmatic Environmental Impact Report (PEIR) or master permit is helpful to attract supporters and funding of an aquaculture production and interpretive center. The cost development of a site PEIR for aquaculture may be shared through local, state, and federal economic development funds. Since this is the largest impediment to aquaculture development in the U.S., an approved site plan will attract supporters due to ease of entry and reduced cost and risk of permit denial late in the process.

Water Supply

Water quantity, quality, and cost are often telling when evaluating a site for aquaculture. During a site evaluation it may be realized that other impediments overshadow the lure of abundant high quality water. The site has two water sources available. I will address each separately.

- I. **Untreated freshwater:** The untreated freshwater is undoubtedly the most abundant and available source for the site. The delivery infrastructure needs improvement and the supply is variable due to seasonal supply and multiple uses of the water. The water quality has proven to be adequate for cold water fish production although, due to cold temperatures, winter production is limited. Surface water poses several risks not associated with well or purified water, including disease from fish in the wild, contamination from upstream activities, temperature variation, and turbidity. Changes in supply agreements due to unforeseen environmental changes (drought, fisheries, and endangered species impact) can occur. Many state and federal facilities rely on surface water. New technology has improved the options for water disinfection and treatment. Most flow-through surface water facilities need extensive water treatment and disinfections processes to operate. The most successful flow-through farms use spring water that is of excellent quality and consistent in temperature and flow. These sites, however, are difficult to find and secure.



- II. Ground water: A small test well is present on the property and water quality tests and monitoring are underway. The quantity, quality, and temperature of this source are unknown and need to be investigated. The aquifer may contain an abundant supply of water. Additional wells need to be a top priority to secure an alternate source of water during drought years and to secure water with a consistent temperature for hatchery, fingerlings and the overwintering of trophy fish. Additional wells and the enhanced use of current wells for aquaculture would be developed based on analysis under the California Environmental Quality Act and that surrounding wetlands and water supply systems will not be negatively impacted by groundwater extraction.
- III. Water is the key element of any aquaculture site. There are limited sites available for aquaculture that have access to the quantity and quality of water such as the Conway site. Securing and improving surface water while developing alternate sources of water from wells make the Conway location an excellent choice for expansion. Aquaculture is a non-consumptive use and the resource can be used downstream for wetland development, recreation, and agriculture as well as provide much needed water for downstream natural bodies of water. Fish production, conventional agriculture, recreation as well as fauna and flora habitat can coexist when well managed. The key is to centralize communication and management so all parties are engaged and informed. Existing grant requirements must be satisfied while immediate improvements to secure the water source is implemented.

Tail Water Management

Tail water management and discharge permit requirements are becoming a larger concern in aquaculture production. In many places in the nation, flow-through systems are limited in their production due to water discharge limitations. The amount of fish fed as well as natural and mechanical waste removal are important factors to evaluate when establishing a new site or improving an existing facility.

In the case of the Conway Ranch, the tail water resource for the entire facility must be evaluated. All growing aquatic animals produce waste. Many of the waste products can be reduced by treatment processes and permitted for beneficial downstream uses. Freshwater solids may have value as fertilizer and may be incorporated into neighboring soil enhancement products. Fertile water is now being viewed as a resource rather than a pollutant. There are numerous examples of wildlife and agriculture benefiting from this resource.

At this time, runoff water from the facility supplies water for grazing irrigation, wetlands, and Wilson creek. Developing a strategy to utilize water for multiple downstream uses will help set production goals in line with these uses. The location of the property is ideal for use of the tail water resource without additional pumping. If designed correctly, the system can run with minimal management. This will reduce labor costs, while also efficiently utilizing the water. In addition to environmental benefits, a managed recreational stream fishing venue could bring in additional income over and above wetland mitigation bank monies.



Improvements

The following improvements are recommended to bring the facility into full production and to provide greater public access and use. These items are not in order of importance; however, I have indicated in my descriptions the items that need immediate attention. All structures should be designed to depict the historic uses of the ranch such as replicas of historic barns in the area, non reflective materials and natural landscaping. Production areas can be constructed to be hidden or to blend into the topography.

Water control and screening: All water regulation boxes and weirs need to be redesigned and improved to facilitate cleaning, meet DFW specifications and measure water delivery. By installing proper screens, maintenance is reduced and a proper barrier is established to prevent the introduction of wild fish. In addition, water flow and control can be recorded for use in production, stream flow regulation, and tail water resources uses. Designs will be specific to each location and the need for regulation and debris removal.

Backup wells: Installation of a minimum of three new irrigation wells located in areas that provide the maximum flow and elevation to serve the two major existing production areas, the proposed new hatchery and production units is recommended. Test the existing well for water flow and evaluate its use for a hatchery building. This will establish a backup source of water and provide for temperature regulation. In addition, systems using strictly well water can be used for the hatchery and offer bio-control against disease and contamination from surface waters. This is an immediate action item. Agricultural grants or funding through Southern California Edison may be available, as water flow can be impacted by power generation and other water usage.

Power distribution: An estimate of the cost of further power distribution should be completed, to extend the power to critical areas of production, support facilities, and the hatchery. Power is needed for wells, oxygen generation, predator control, security equipment, decontamination, oxygen and flow metering devices, surface aeration, shop, office, and housing. A cost estimate is an immediate action item.

All weather access roads: An all weather road must be constructed from the lower end of the property to the hatchery site in order to accommodate large feed trucks and fish transport trucks. County snow removal equipment should be available to clear roads in the event of heavy snowfall.

Interpretive center: An interpretive center will serve the public and provide educational activities at the site. A small classroom can double as a meeting place for community organizations and other public gatherings. Income can be generated for the use of this venue in certain circumstances.

Hatchery: One stationary hatchery and one mobile hatchery are needed to make the facility self-sustainable, allowing for egg and fry production for sale or cooperative programs. The mobile hatchery can be moved to different water sources for egg incubation and fry production. Temporary fry rearing tanks can also be set up in peak fish hatching seasons. The mobile hatchery can also be leased or loaned out for research projects or private production needs. A mobile hatchery can be disinfected and easily stored during down times.

Nursery: A nursery area adjacent to the hatchery will allow for fry and fingerling rearing. Conventional raceways, troughs, and circular tanks are being used in combination to allow for better bio-security and production. This site would be adjacent to, or could replace the current larger "D" raceway.



Production: Three new systems are recommended to enhance and complement existing sites to allow for diversity and production.

- **Production area 1:** is adjacent to the “C” raceways, taking off from the main water supply at the top to the facility. This can either be a raceway system, circular tank system, or a combination of both. Circular tanks may prove to be more economical and, with oxygen enhancement, more productive. They can be built at ground level, similar to the raceways, with minimal impact on site aesthetics. Circular tanks can be protected from birds and camouflaged.
- **Production area 2:** is on the back side of the float tube lake due to the elevation and the proximity to the road and wetland mitigation areas. This site is removed from the other production sites to allow for single species production such as Lahontan Cutthroats. Funding assistance may be available by cooperative programs with State and Federal fish programs for the research and production of threatened species.
- **The special projects area:** is a smaller remote system using tail water from the “A” raceways. This location has existing water delivery systems and has the elevation and fall to accommodate raceways or tanks. Water from this system can be used for an enhanced recreational stream and for wetland and pasture supply.

Recreational fishing can be improved with the addition of a managed recreational stream. This stream will provide a venue for stream fishing enthusiasts and for fly fishing instruction. It differs from the float tube or small bank fishing pond in that it offers a location for types of fishing that require a greater level of skill. Construction to allow paying recreational fishers a place to enjoy privacy with managed results will help to fund the project. Instruction on stream stewardship and fishing techniques can be taught and demonstrated.

Perch broodstock ponds are an example of coexisting projects related to other fish. The Sacramento Perch is a native fish to California. This fish is of interest to public and private aquaculturist and researchers. Cooperative programs between researchers and private fish farms have been successful in the past.

Feed storage is needed to reduce the cost and labor to handle the feed. In addition, different sizes and diets will need to be implemented for multiple programs on the site.

Farm office and housing can be combined to offer a place for recordkeeping as well as security during off hours.

UV disinfection stations are needed to guard against upstream contamination and to maintain disease certifications for stocking programs and research. Large UV system technology has improved to assure proper disinfection and operates with a lower cost and maintenance. These systems would be installed as needed with construction of a hatchery and additional production sites.

Oxygen generation is essential to meet the demands required for increased density and also to protect against low water flows. Funding may be available through Southern California Edison.



Plan and Siting

Siting considerations: When developing plans for siting it is important to consider the entire project, the opportunities, and any impediments to meeting the production goals. The development of phases that fit the needs of the market while planning for the future, establish a time line for progress that is essential. Permitting of the entire footprint of the site will allow for smooth transitions between phases and give operators and investors the confidence that there will be no unnecessary delays that will impact production goals.

The Conway site offers opportunities to have different production activities on one site that may be operated by different private or public entities. This can work well with support facilities such as maintenance, office, and storage.

Water and topography are the two most important aspects in sighting criteria. Introducing the water at the highest point of the property increases sighting options while reducing or eliminating pumping costs and maintenance. Gravity flow water should be used whenever possible.

Health and genetic bio-security will allow multiple projects for a variety of watersheds to be housed on the property. Proper safeguards against disease transmission will bring projects to the site. This includes strict security measures and restricted access to some areas. This can be difficult on property open to the public. Disinfection of boots, float tubes, nets, and fishing equipment is necessary.

Executive Summary

The resources of the site are impressive in nature and offer the possibility of several components to come together to make the site a successful production, research, interpretive and training center.

I recommend these actions:

- I. Secure the existing water source from contamination and vandalism.
- II. Begin the discussion with Caltrans about guarding the water source from highway accidents. Containment areas are effective.
- III. Test existing well water further and obtain costs for test wells in other areas of the property to determine quantity and quality. If an adequate amount of clean well water is available, site plans can be modified to match the new water supply.
- IV. Develop an alternative source of water by drilling irrigation wells on the property. This supply is useful in our current low-water year and will stabilize quality and temperature for winter production and fish incubation. Also, disinfection stations may be able to be phased in over time since well water has no disease risk associated with it.
- V. Start the process of permitting the site as laid out in the master plan.
- VI. Contact additional private and public fish producers to introduce the idea of cooperative production of different subspecies and varieties.
- VII. Initiate a public relations campaign to inform the public of plans for the site and the benefits to the area's economy. This identifies opposition, while also building support for the project. Bringing opposing groups together early will expedite the project.



- VIII. Initiate a marketing plan that includes recreational fish production, special projects, public fishing, public instruction and interpretive grants, and any other income-producing opportunities. Determine cost to benefit criteria.
- IX. Develop a plan to improve the property and engage the public with regard to additional recreational fishing venues as well as recreational fishing educational training facilities. These facilities can be an integral part with respect to increasing the draw for tourism in the area by enhancing the Conway ranch both aesthetically and environmentally.
- X. Evaluate the site for commercial aquaponics. The low requirement of water and the relatively low density of fish needed to drive production of a high value aquaponic vegetable farm make the site attractive. Demand for local organic products is generally high with local restaurants and grocery stores.
- XI. Invite restaurateurs, and members from the culinary field to discuss local supplies and demand for fish. Pristine fish from the eastern sierra may be branded for sale in upscale restaurants throughout the west.
- XII. Contact international businesses and organizations to investigate transfer of technology that may be available for application at the site.
- XIII. Host a symposium to draw together local businesses, academia, and researchers from a variety of institutions in an attempt develop a strategic plan for the area. What are the area strengths and weaknesses with regard to economic impact of recreational fishing, environmental education, hiking and camping?
- XIV. Research sources that will initiate progress with regard to increased fish production, development of a master plan, permitting, and public relations.

Conclusion

A multidimensional facility has the ability to produce much needed trophy fish, jobs, environmental education, and sustainable food sources for the future. The State is required, by law, to spend 33.33% of sport fishing license revenue on the Hatchery and Inland Fisheries Fund. Of these funds, the California Department of Fish and Wildlife (CDFW) is required to produce and stock 2.75lbs/year of fish per licensed fisherman in the State; of which, 2.25lbs are to be catchable size. The Department is below this production due to water shortages, disease, and elevated discharge requirements. Private contractors have been shown to produce fish for significantly less than State and Federal hatcheries. Producing fish for enhancement and recreation may be a catalyst for grant opportunities and cooperative programs.

The site offers diversity due to its unique location and the large supply of fresh water; if costs can be reduced or shared, opportunities should open up for further development. The site can be a model for the future, showcasing a partnership that offers benefits to a variety of public groups. Aquaculture is currently the fastest growing and most promising sector of agriculture and is one of the only food production systems that can grow food, enhance and protect heirloom fish, and provide a valuable recreational product. The two most significant impingements on the growth of aquaculture are the shortage of available sites and environmental constraints. Securing resources and sites for aquaculture is important to meet a growing demand.



By ignoring the opportunities at the Conway Ranch, the fate of local recreational fish lies in the hands of State fish production sites. Diversity and options are important to a secure source of trophy fish and special fisheries projects. Partnerships between public agencies and others are best facilitated by an organizational structure that is flexible enough to capitalize on opportunity, while securing its existence, well to the future. The Conway site has the resources and topography to provide recreational and native fish for the area.

DRAFT



Appendices

Freshwater Species

Rainbow trout are raised privately in northern and central California. State hatcheries are spread throughout the state, located at sites established for recreational enhancement. Although a small portion of privately grown fish are marketed as food fish, the majority of public and private fish are produced for stocking. A change in the product of fish to exclusively triploid fish has taken place over the past three years in order to satisfy environmental requirements and genetic comingling of wild and hatchery raised fish.



Rainbow trout (*Oncorhynchus mykiss*)

Lahontan cutthroat trout is the largest subspecies of cutthroat trout, and the state fish of Nevada. The Lahontan cutthroat is native to the drainages of the Truckee River Humboldt River. Carson River, Walker river, Quinn river, and several smaller river in the Great basin of North America, These were tributaries of ancient Lake Lahontan during the ice ages until the lake shrank to remnants such as Pyramid and Walker lake about 7,000 years ago, It is one of three subspecies of cutthroat trout that are listed as federally threatened.



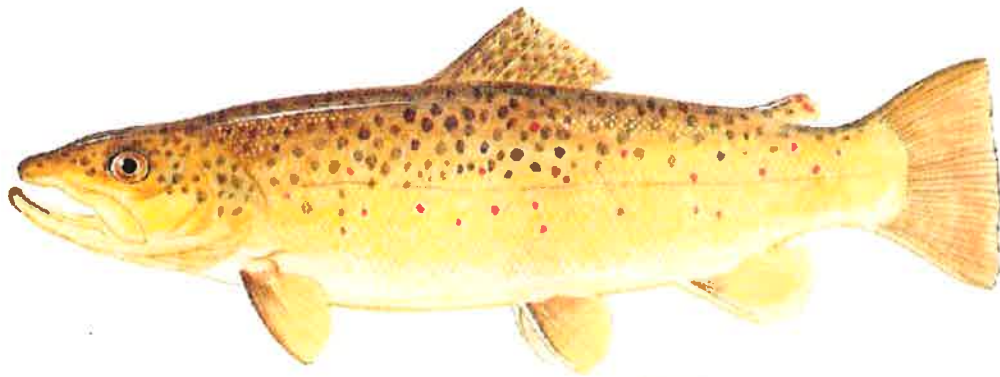
Lahontan cutthroat trout (*Oncorhynchus clarkii*)

The **California golden trout** is designated by the Legislature as the State Fish. They are found in Golden Trout Creek, a tributary to the Kern River, and the South Fork Kern River, which empties into Lake Isabella.



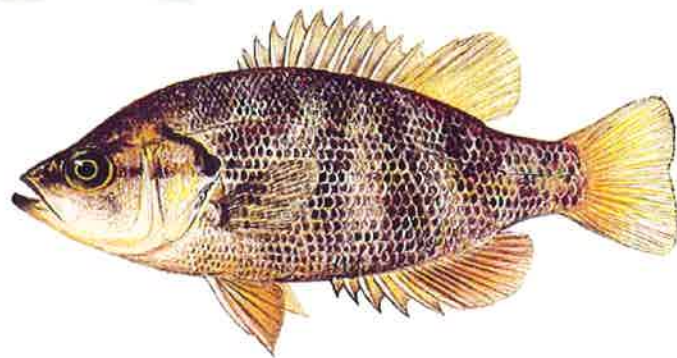
Golden trout (*Oncorhynchus mykiss aguabonita*)

The brown trout is a medium-sized fish, growing to 20 kg or more and a length of about 100 cm in some localities, although in many smaller rivers, a mature weight of 1 kg (2 lb) or less is common. *Salmo trutta lacustris* reaches an average length of 40-80 cm (16-32 inches) with a maximum length of 140 cm (55 inches) and about 60 pounds (27.2 kg).



Brown Trout (*Salmo trutta*)

Sacramento perch were historically abundant predators throughout the Central Valley of California, where they occupied sloughs, lakes, and slow moving rivers. Today they are rare in their native waters, but still exist in Clear Lake and Alameda Creek/Calaveras Reservoir, as well as in some farm ponds and reservoirs. They have been introduced through the state including the upper Klamath basin, upper Pit River watershed, Walker River watershed, Mono Lake watershed, and Owens River watershed, and may exist in Sonoma Reservoir in the Russian River watershed. Sacramento perch are most often found in warm reservoirs and ponds where summer temperature range from 18-28°C. Sacramento perch are capable of surviving high temperatures, high salinities (up to 17 ppt), high turbidity, and low water clarity. Though Sacramento perch are often found in clear water among beds of aquatic vegetation, they achieve greater numbers in turbid lakes absent of plants.



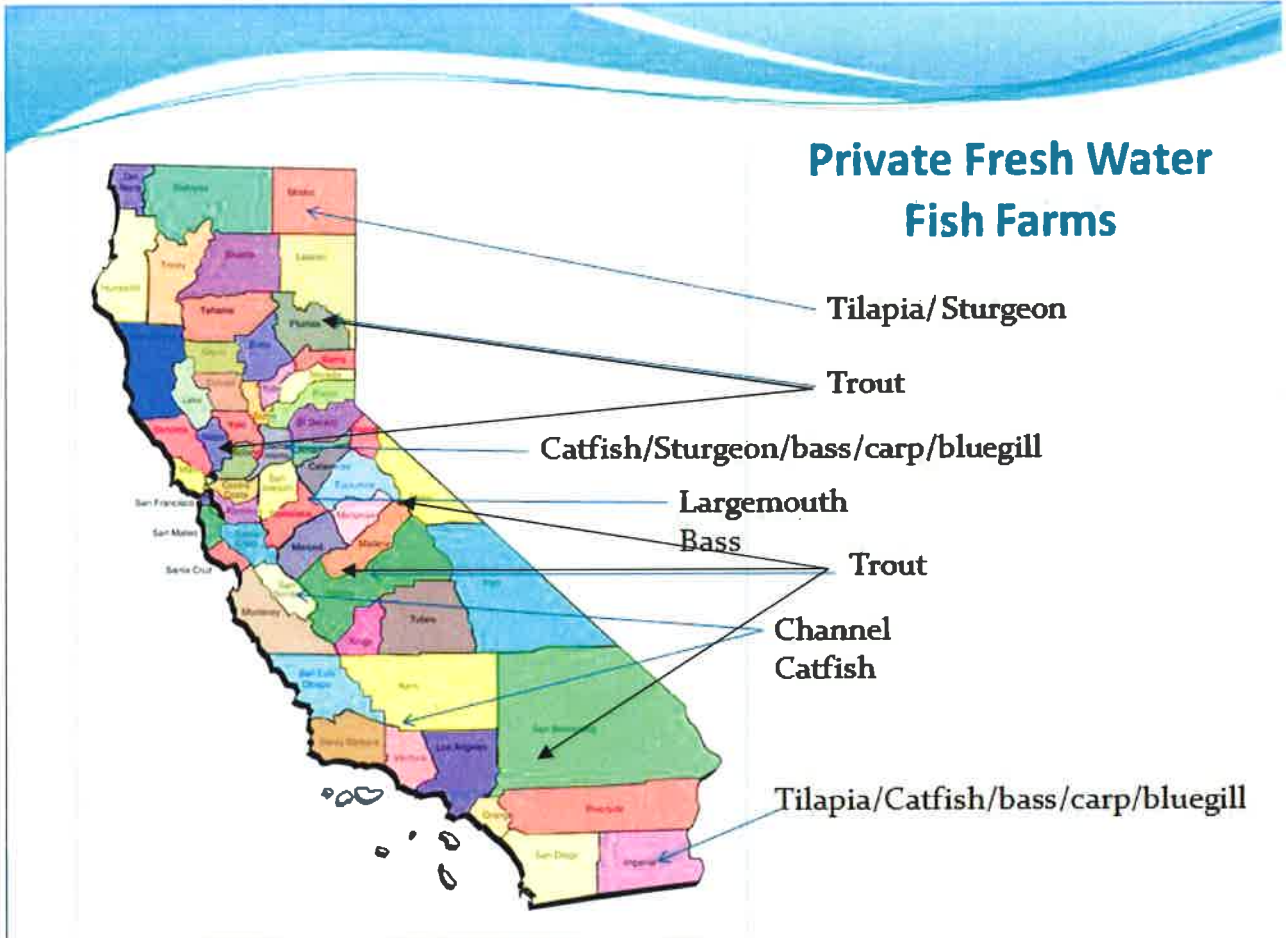
Sacramento perch (*Archoplites interruptus*)



Alternate Aquaculture Related Businesses and Uses

Attracting complementary business in one location can serve to not only to increase income for the site but to promote cooperative research. Tying together production, research, and marketing components will strengthen productivity.

- I. Research Park for the study of Aquaculture and the wild fish population.
- II. Egg and fry production facility.
- III. Public fishing and recreation.
- IV. Aquatic and wetland learning center.
- V. Wildlife viewing and study center.
- VI. Interpretive center to compliment the Mono lake interpretive center.
- VII. Recreational and environmental field camp for kids.
- VIII. Sacramento perch hatchery and rearing facility.
- IX. Community college field station.



Private Fresh Water Fish Farms

Tilapia/Sturgeon

Trout

Catfish/Sturgeon/bass/carp/bluegill

Largemouth Bass

Trout

Channel Catfish

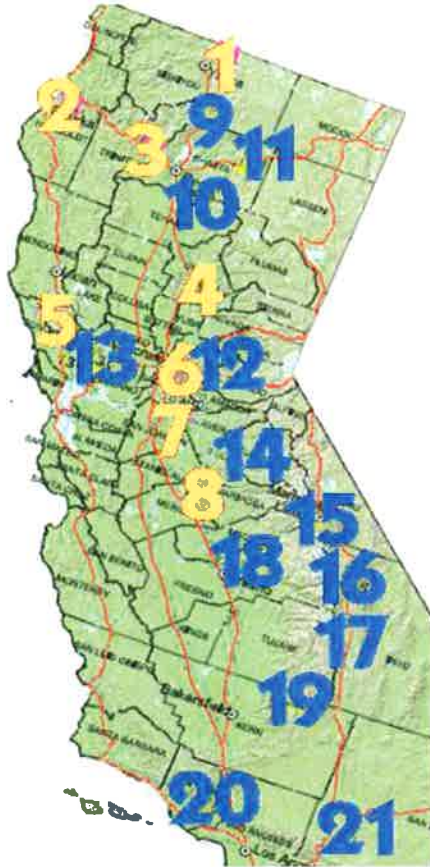
Tilapia/Catfish/bass/carp/bluegill



California Department of Fish and Wildlife Hatchery System

[Hatchery Overview](#) | [Fish Planting](#) | [Fish Counts](#)

Hatcheries 1 - 8 raise Salmon or Steelhead
Hatcheries 9 - 21 raise Trout

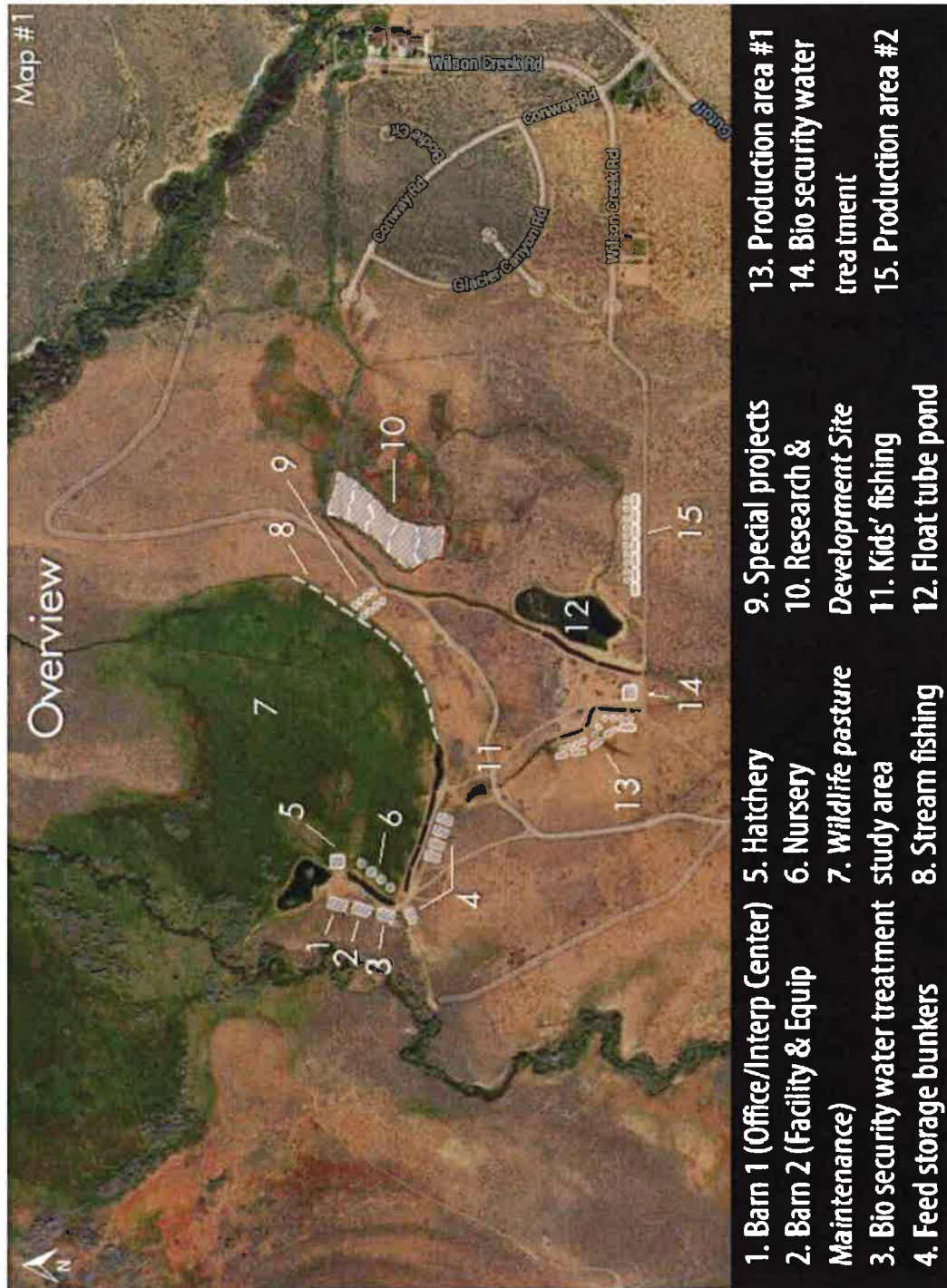


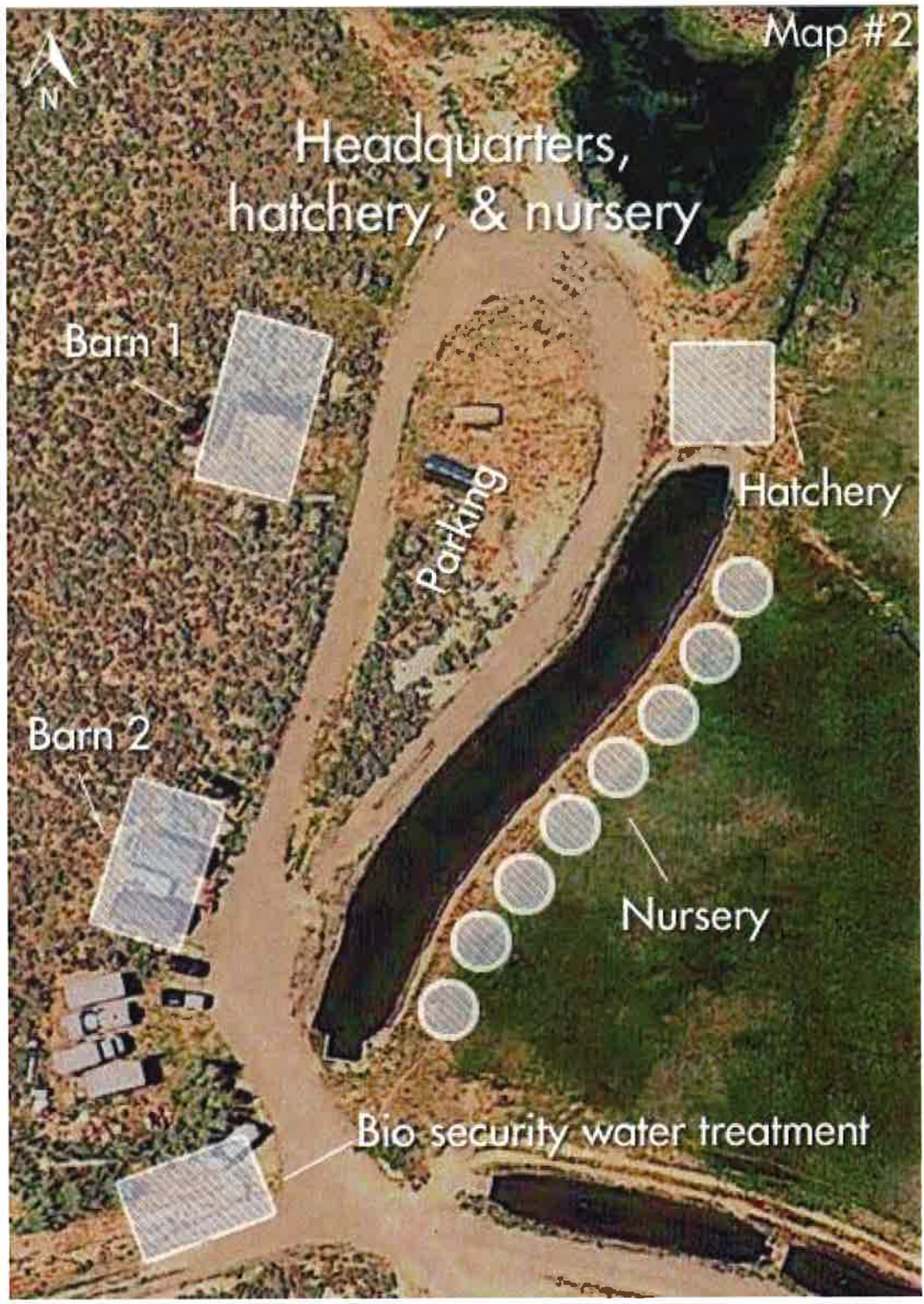
1. [Iron Gate Hatchery](#)
2. [Mad River Hatchery](#)
3. [Trinity River Hatchery](#)
4. [Feather River Hatchery](#)
5. [Warm Springs Hatchery](#)
6. [Nimbus Hatchery](#)
7. [Mokelumne River Hatchery](#)
8. [Merced River Hatchery](#)
9. [Mount Shasta Hatchery](#)
10. [Darrah Springs Hatchery](#)
11. [Crystal Lake Hatchery](#)
12. [American River Hatchery](#)
13. [Silverado Fisheries Base](#)
14. [Moccasin Creek Hatchery](#)
15. [Hot Creek Hatchery](#)
16. [Fish Springs Hatchery](#)
17. [Mount Whitney Hatchery](#)
18. [San Joaquin Hatchery](#)
19. [Kern River Hatchery](#)
20. [Fillmore Hatchery](#)
21. [Mojave River Hatchery](#)

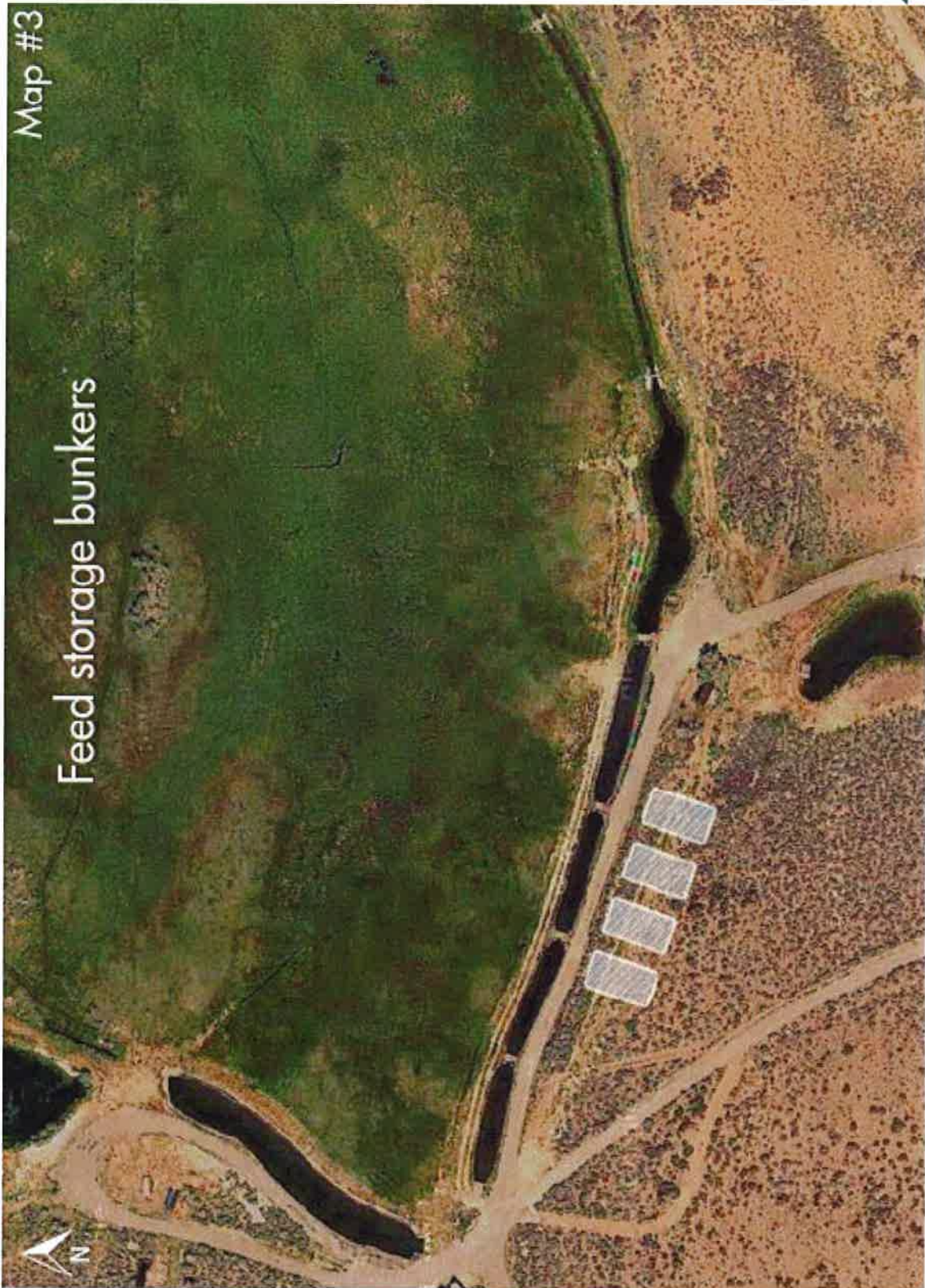


Maps

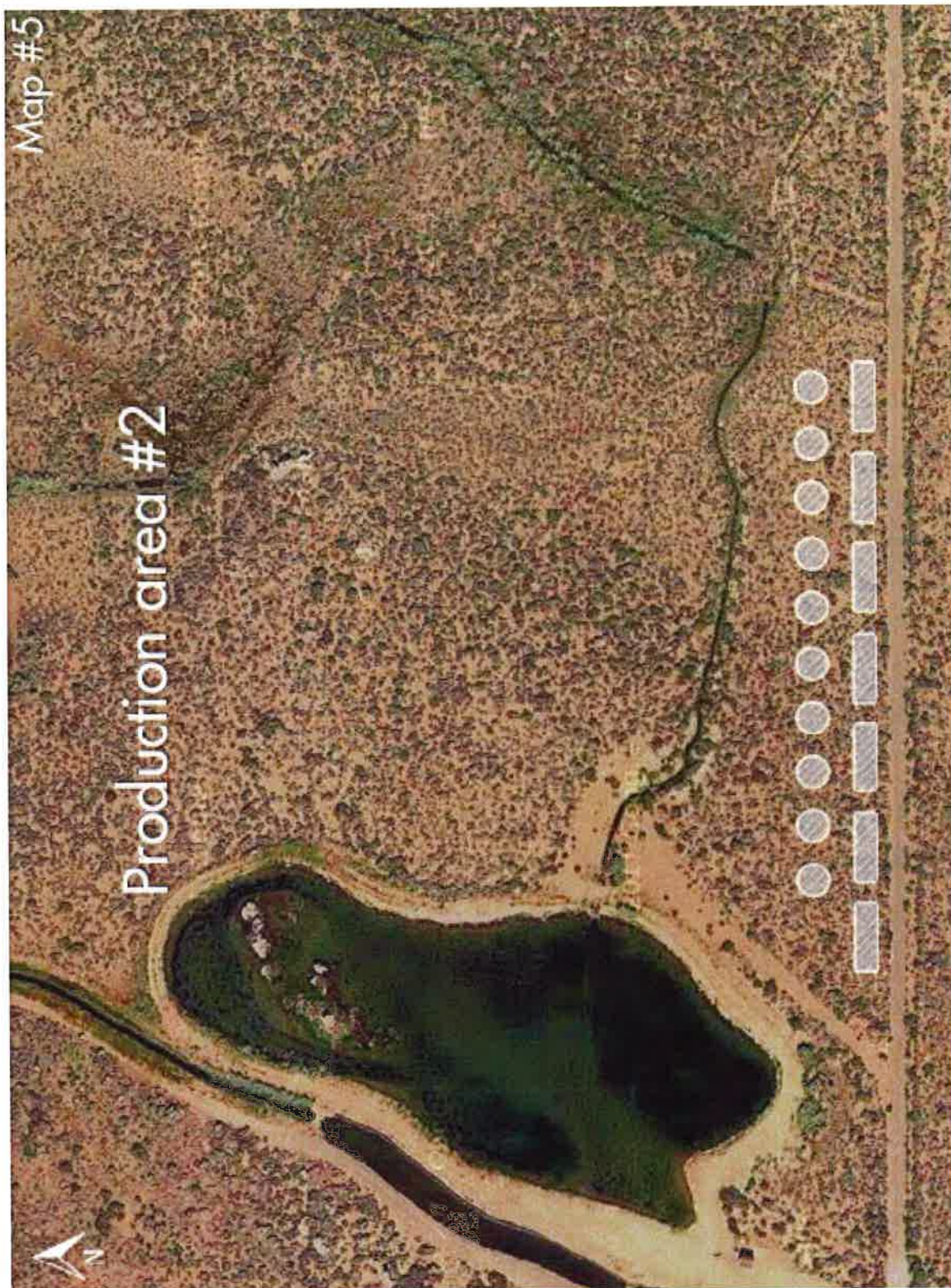
Maps show the general location (footprint) and size of improvements and project areas. Precise locations and sizes will be developed according to actual design and function. Where both raceways and tanks are depicted, both may be recommended or just a single culture method may be employed. Numbers and sizes of raceways and tanks are approximate and all areas are not to scale.





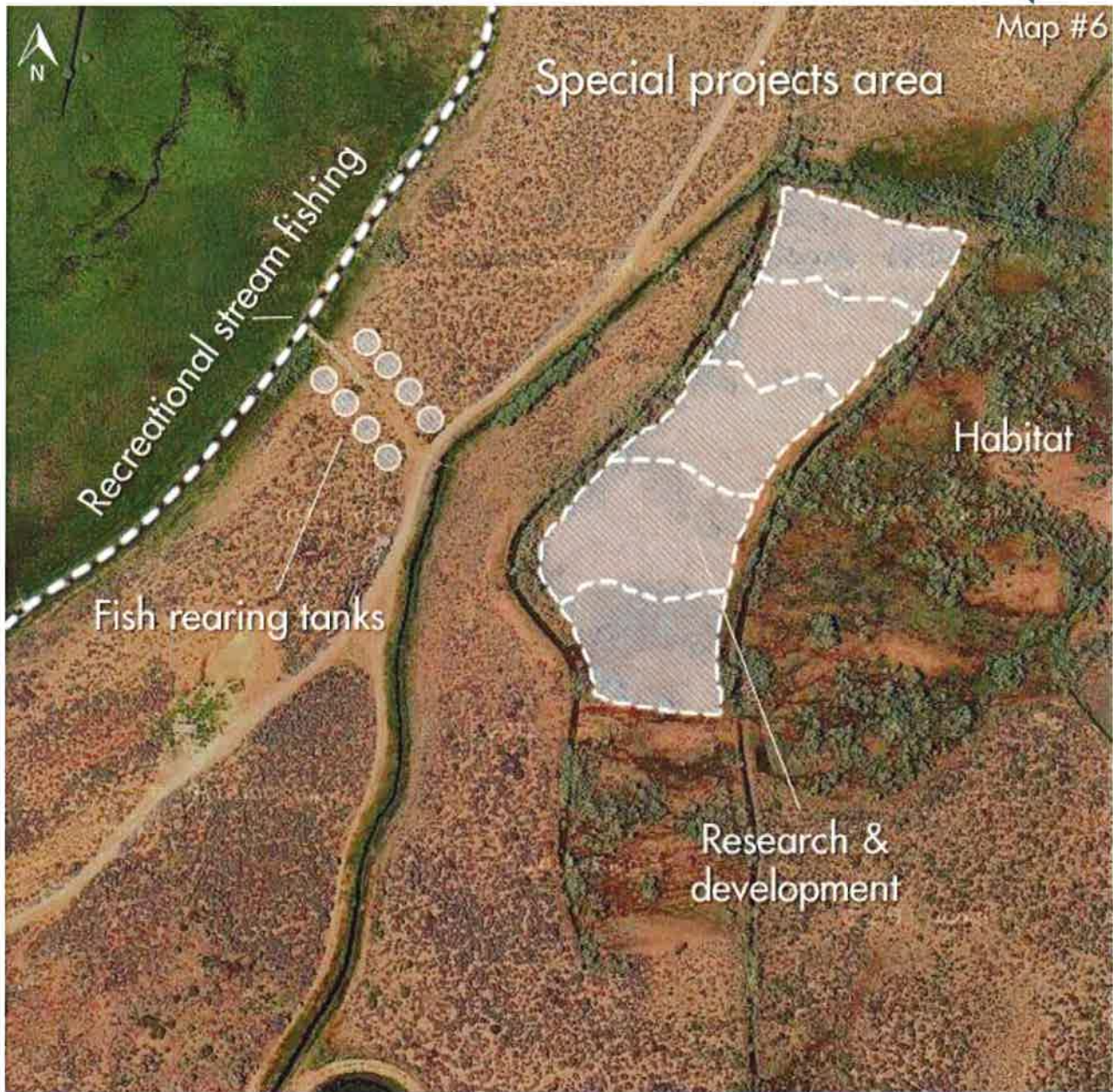








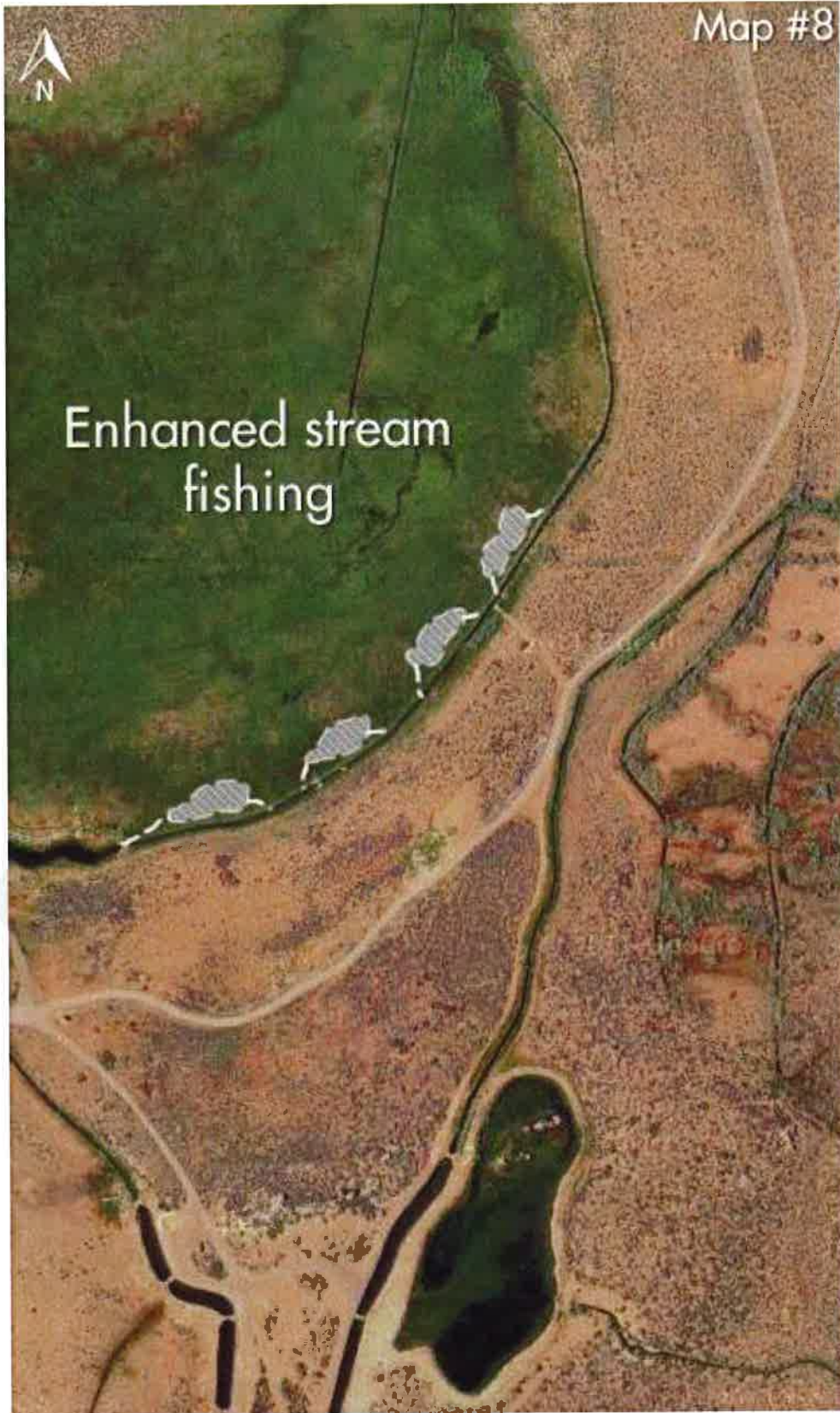
Map #6





Map #7







Map #9



Conway Ranch Aquaculture Site Evaluation and Plan



PROFESSIONAL
AQUACULTURE
SERVICES

TONY VAUGHT
PROFESSIONAL AQUACULTURE SERVICES
CHICO CALIFORNIA

Professional Experience

- 35 years in aquaculture.
- Development and production experience.
- Finfish culture and larval development.
- Management and supervisory skills.
- Industry advisor, feed, equipment, and supplies.
- Private farm advisor.

Education and Academic Experience

- **Biology/Agriculture Business at California State University, Chico.**
- **Technical, marketing, and production related professional seminars.**
- **Instructor, short courses at CSU, Chico.**
- **University of California at Davis, Research and Cooperative extension workshops.**

Professional Organizations

- California Aquaculture Association.
- US Department of Commerce Exchange of Foreign Expert Program.
- California Dept. of Fish and Wildlife Aquaculture Industry Advisory Committee.
- California Farm Bureau Aquaculture Commodity Committee.
- Cooperative Research Programs.
- California Association for Recreational Fishing.

Methodology



- Review of community and culture.
- Identify benefits and product end users.
- Evaluate impacts.
- Survey of demand and economic factors.
- Interviews.
- Site evaluation.
- Emerging technology.

Review of Community and Culture



Identify Benefits and Product End Users

Recreation



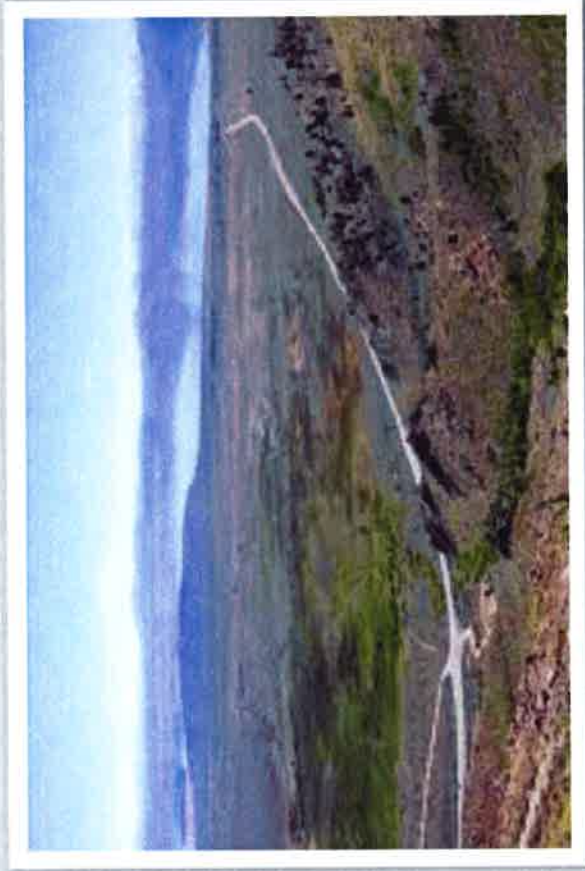
Food



Preservation



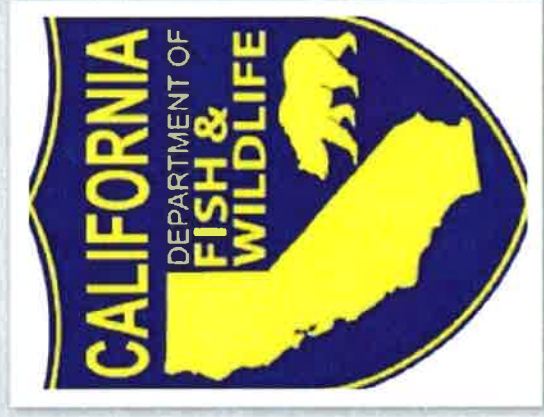
Evaluate Impacts



Survey of Demand and Economic Factors



Interviews



Site evaluation

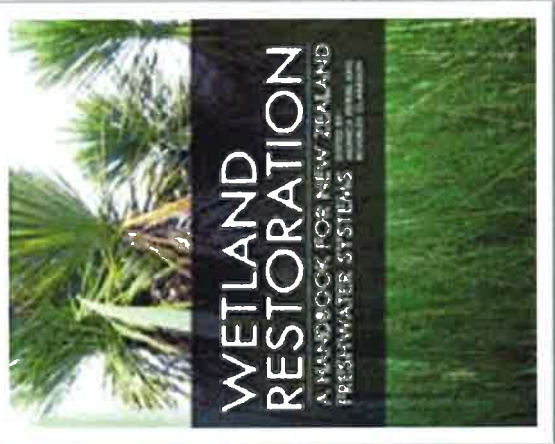


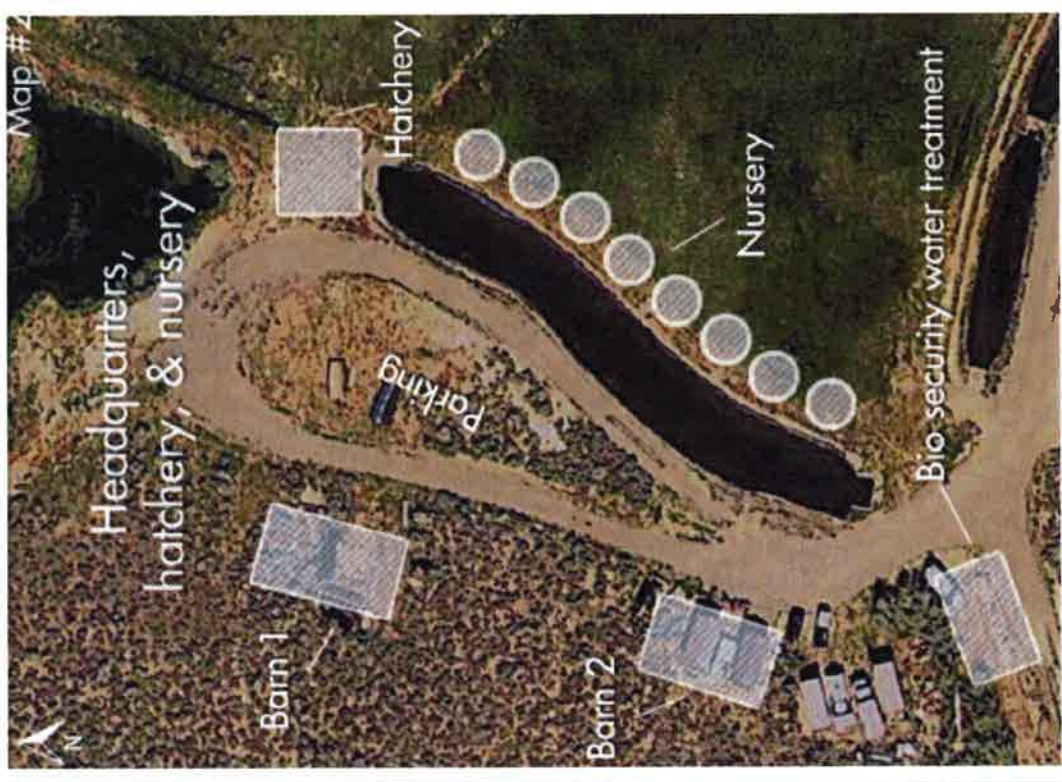
Overview



- 1. Barn 1 (Office/Interp Center)
- 2. Barn 2 (Facility & Equip Maintenance)
- 3. Bio security water treatment study area
- 4. Feed storage bunkers
- 5. Hatchery
- 6. Nursery
- 7. Wildlife pasture
- 8. Stream fishing
- 9. Special projects
- 10. Research & Development Site
- 11. Kids' fishing
- 12. Float tube pond
- 13. Production area #1
- 14. Bio security water treatment
- 15. Production area #2







Map #8

Enhanced stream fishing



Alternate Aquaculture Related Businesses & Uses

- Research Park for the study of aquaculture and the wild fish population.
- Egg and fry production facility.
- Public fishing and recreation.
- Aquatic and wetland learning center.
- Wildlife viewing and study center.
- Interpretive center to complement the Mono lake interpretive center.
- Recreational and environmental field camp for kids.
- Sacramento perch hatchery and rearing facility.
- Community college field station.

Conclusion

The site offers diversity due to its unique location and the large supply of fresh water; if costs can be reduced or shared, opportunities should open up for further development. The site can be a model for the future, showcasing a partnership that offers benefits to a variety of public groups. Aquaculture is currently the fastest growing and most promising sector of agriculture and is one of the only food production systems that can grow food, enhance and protect heirloom fish, and provide a valuable recreational product. The two most significant impingements on the growth of aquaculture are the shortage of available sites and environmental constraints. Securing resources and sites for aquaculture is important to meet a growing demand.

Please Consider



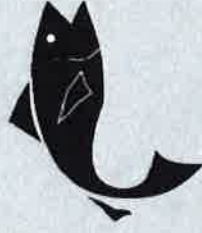
By ignoring the opportunities at the Conway Ranch, the fate of local recreational fish lies in the hands of State and Federal fish productions sites. Diversity and options are important to a secure source of trophy fish and special fisheries projects. Partnerships between public agencies and others are best facilitated by an organizational structure that is flexible enough to capitalize on opportunity, while securing its existence well to the future. The Conway site has the resources and topography to provide recreational and native fish for the area.

Tony S. Vaught



Aquaculture Specialist
Professional Aquaculture Services
Chico, California
info@proaqua.com

530-343-0405



PROFESSIONAL
AQUACULTURE
SERVICES



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 21, 2014

Departments: County Counsel, Economic Development

TIME REQUIRED 45 minutes (30 minute presentation;
15 minute discussion)

**PERSONS
APPEARING
BEFORE THE
BOARD**

Marshall Rudolph, Dan Lyster, Karen
Ferrell-Ingram

SUBJECT Update re Conway Ranch
Conservation Easement

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation by County staff and representatives of the Eastern Sierra Land Trust regarding the status of efforts to draft a conservation easement applicable to Conway Ranch, pursuant to the County's MOU with Caltrans.

RECOMMENDED ACTION:

Provide any desired direction to staff.

FISCAL IMPACT:

None (as a result of the workshop).

CONTACT NAME: mrudolph@mono.ca.gov

PHONE/EMAIL: (760) 924-1707 / mrudolph@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

- [staff report re Conservation Easement](#)
- [Caltrans MOU](#)
- [Caltrans MOU amendment](#)
- [map showing grants](#)

History

Time	Who	Approval
1/16/2014 7:09 AM	County Administrative Office	Yes
1/15/2014 6:24 PM	County Counsel	Yes
1/16/2014 8:54 AM	Finance	Yes

County Counsel
Marshall Rudolph

Assistant County Counsel
Stacey Simon

Deputy County Counsels
John-Carl Vallejo
Christian Milovich

**OFFICE OF THE
COUNTY COUNSEL**

Mono County
South County Offices
P.O. BOX 2415

MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700
Facsimile
760-924-1701

Legal Assistant
Jennifer Senior

TO: Board of Supervisors

FROM: Marshall Rudolph

DATE: January 21, 2014

RE: Presentation by County staff and representatives of the Eastern Sierra Land Trust regarding the status of efforts to draft a conservation easement applicable to Conway Ranch, pursuant to the County's MOU with Caltrans

Recommendation:

Provide any desired direction to staff.

Fiscal/Mandates Impact:

None (as a result of the workshop).

Discussion:

In May of 2013, the County entered into a Memorandum of Understanding (MOU) with Caltrans, a copy of which is enclosed for reference. In November, the parties amended the MOU to extend the deadline for implementation of MOU conditions until April 1, 2014. The MOU includes the following primary features, which are interrelated:

- Caltrans' removal of certain grant conditions applicable to a 75-acre portion of the property, including the area where fish-rearing has been occurring. Removal of those restrictions would allow the County greater flexibility to fully develop the fish-rearing potential of that portion of the property, such as eventual construction of a permanent "barn" structure. Note: the 75-acre portion would still be subject to the requirements or restrictions of two other grants not administered by Caltrans: namely, a National Fish and Wildlife Foundation (NFWF) grant and a Habitat

Conservation Fund (HCF) grant administered by the State Department of Parks and Recreation. Enclosed is a map showing generally which areas of the property were purchased with the different grants.

- The County's payment of \$95,800 to Caltrans and grant of a Conservation Easement over the remaining portion of the property (outside of the 75 acres) to the Eastern Sierra Land Trust (ESLT). The Conservation Easement would only be required to include provisions reiterating and potentially clarifying the existing restrictions and requirements of the Caltrans-administered grants that will still apply to the portions of the property outside of the 75 acres, and ESLT would only be responsible for ensuring that future uses and management of the property are consistent with those existing restrictions and requirements.
- Each party's one-time payment of \$17,500 for a Stewardship Fund to cover ESLT's costs of administering the Conservation Easement in perpetuity.
- Resolution of any existing issues or allegations by Caltrans regarding non-compliance by the County with grant conditions on the entire property.

County staff has been working diligently on this matter with the ESLT staff and two Supervisors (Hunt and Alpers) as an informal "working group" for this project since its inception, and with regular communications with Caltrans. I'm informed that ESLT may be close to having a draft Conservation Easement ready for review and comment. As a precursor to that document, staff and ESLT prepared another document entitled "Conservation Easement Overview," a copy of which is enclosed. It attempts to summarize and synthesize all of the key elements of the Conservation Easement, based on the MOU and the various grant conditions. Caltrans has reviewed the Overview as well and is now comfortable with it. This document has also been made available to interested stakeholders such as the Fisheries Commission, Mono Basin RPAC, other granting agencies (State Parks and NFWF), and members of the public.

For many months, we have also been in ongoing discussions with staff from NFWF and State Parks to determine (1) whether those agencies would approve of the proposed conservation easement (which is arguably required); (2) whether they wish to have their grant conditions and requirements rolled into that easement (in which case the easement would definitely also include the 75 acres); and (3) whether they believe that any components of the Tony Vaught report might violate those grant conditions or requirements. Thus far, we don't have definitive answers to any of those questions, which is unfortunate because some of them must be answered in order to complete and record a final version of the Conservation Easement.

Finally, it should be noted that the County has the ability to voluntarily include in the easement its own additional restrictions applicable to the 75-acre area, regardless and independent of whether NFWF and/or State Parks decide to have their restrictions included in the easement. (At the risk of being redundant, those granting agencies' restrictions will continue to apply to the 75-acre no matter what the County does, even if not reiterated in the easement.) Some members of the public have expressed a strong interest in the County including such restrictions in the easement, with the goal of thereby ensuring that the 75-acre area will never be developed at any future date (the easement is in perpetuity) except for some "acceptable" level of commercial aquaculture infrastructure beyond what is currently there and perhaps a compatible non-commercial use such as an interpretive center, all of which would be confined to a specific smaller portion of the 75-acre area.

Karen Ferrell-Ingram of ESLT, Dan Lyster, and I will provide more information about the status of our efforts at the meeting. If you have any questions or comments in the meantime, please contact me at (760) 924-1707.

Encl.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND
MONO COUNTY**

This Memorandum of Understanding (MOU) is entered into, by, and between the California Department of Transportation (Caltrans) and the County of Mono, a political subdivision of the State of California (sometimes referred to herein as "Mono County" or "the County").

RECITALS

Caltrans and Mono County wish to address land management and fish rearing issues at Conway and Mattly Ranches located in the County (and also described as including APNs 019-100-008, 019-100-019, 019-100-020, 019-110-016, 019-110-018, 011-200-010, 011-200-009, 011-280-021 and lots within the Conway Ranch subdivision also known as lots A, B, 5 through 14, inclusive, 17 through 21 inclusive and lots 24 through 108, inclusive, in tract number 34-13, in book 9, pages 53 to 53H, inclusive, of maps in the office of the County of Mono Recorder). Mono County purchased the Conway and Mattly Ranches (sometimes referred to collectively herein as "Conway Ranch" or "the property") in part using grants from Caltrans that identify certain restrictions and allowable uses of the land, some of which are set forth in an *Agreement Declaring Restrictive Covenants* that was recorded against a portion of the Conway Ranch property.

Through discussions with Mono County, it has become apparent that the restrictions imposed by the grants received by Mono County for the purchase of the property do not allow for full realization of the potential and needs of the fish rearing operation.

The current fish rearing facility located on Conway Ranch falls within a 185 acre area that was purchased with Environmental Enhancement and Mitigation Program (EEMP) Cycle 7 funding. The County's acceptance of the grant funds for use in purchase of the ranches came with certain resource protections and restrictions.

To help the County in realizing both the economic and tourist based fish rearing potential the ranches offer and to address land management concerns, Caltrans proposes to allow for repayment of a portion of the EEMP Cycle 7 grant received by Mono County, thereby removing approximately 75 acres of the Conway Ranch from the delineated grant area and freeing current restrictions imposed by the grant (see Exhibit A).

ROLES AND RESPONSIBILITIES

As a condition of approval by Caltrans for the removal of 75 acres from the grant restrictions and as agreed to by both parties, Mono County will grant a conservation easement for the remaining portions of both the Conway and Mattly Ranches to the Eastern Sierra Land Trust (see Exhibit A). For purposes of satisfying this condition, Mono County is only required to include in the *Conservation Easement* provisions reiterating and potentially clarifying the existing restrictions and requirements of the Caltrans-administered grants that will still be applicable to various

portions of the property (outside of the 75 acres) and the Eastern Sierra Land Trust will only be responsible for ensuring that future uses and management of the property are consistent with those existing restrictions and requirements.

The County will retain all of its current authority and control over the property (including its water rights). It is understood that the *Conservation Easement* will not confer on the Eastern Sierra Land Trust any authority to manage any portion of the Conway Ranch property nor to direct or compel the County or any third party to engage in any activity on the property (except to remedy violations of easement restrictions and requirements), nor to permit any third party to enter or occupy the property or to perform any activity there without County consent, in accordance with the *Conservation Easement*.

Caltrans understands that Mono County will be required to provide notice and/or seek approval of the *Conservation Easement* from one or more of the other agencies or entities who provided grant funding for the County's purchase of Conway Ranch property portions (e.g., the California Department of Parks and Recreation and the National Fish & Wildlife Foundation). If any such agency or entity objects to the *Conservation Easement*, then the parties shall meet and confer in an effort to resolve the situation, and neither party shall be deemed in breach of this MOU. If the parties are unable to satisfactorily resolve the situation, then either party may rescind this MOU. Caltrans also understands that one or more of the other agencies or entities who provided grant funding may wish for the County to incorporate into the *Conservation Easement* provisions reiterating and potentially clarifying the restrictions and requirements imposed by their respective grants, and Caltrans hereby consents to the County's inclusion of such provisions.

The cost of repayment for the 75 acres of the Conway Ranch that includes the fish rearing portion is \$95,800. The sum will not be due and payable unless and until Caltrans has approved the terms of the *Conservation Easement* as described below. The County will provide said payment by check payable to "the State of California Department of Transportation" and delivered in person or by mail to:

State of California
Department of Transportation
Cashiering Office - MS 58
P.O. Box 168019
Sacramento, CA 95816-8019

no later than 30 days after Caltrans has notified the County of its approval of the terms of the proposed *Conservation Easement*.

Caltrans will fund half of the cost of the Stewardship Fund to the Eastern Sierra Land Trust, which is not to exceed \$17,500, and will be payable directly to ESLT from Mono County from the \$95,800 due to Caltrans, thereby reducing the amount payable to Caltrans to \$78,300. Mono County is responsible for the remainder (also not to exceed \$17,500). It is understood that the cost of the Stewardship Fund is a one-time expense and that neither Mono County nor Caltrans will be obligated to fund any ongoing or future costs to the Eastern Sierra Land Trust related to the purposes of the Stewardship Fund. Funding of the Stewardship Fund shall occur within 30 days after recording of the *Conservation Easement*.

The existing *Agreement Declaring Restrictive Covenants* will be amended to change the legal description of the real property encumbered by said agreement (in order to exclude the subject 75-acre portion). Said amendment will be recorded against the affected portion of the Property either on the same day or prior to the recording of the *Conservation Easement*.

Caltrans must approve the *Conservation Easement* prior to amending the *Agreement Declaring Restrictive Covenants*. In the event that Caltrans and the County are unable to mutually agree to all of the terms of the *Conservation Easement*, despite their best efforts, then either party may rescind this MOU. In that event, neither party shall have any rights or obligations under this MOU.

Provided the County fulfills its obligations under this MOU, Caltrans agrees to withdraw its notice of noncompliance (and associated letters) and demand for repayment to Mono County for the Conway Ranch. In other words, Caltrans agrees that any issues or allegations that Caltrans actually raised or could have raised regarding the County's compliance with any Caltrans-administered grants applicable to Conway Ranch prior to the parties' entry into this MOU are hereby fully resolved and shall not form the basis of any future allegations or notices of noncompliance by Caltrans nor by any person or entity ostensibly acting on its behalf (e.g., the Eastern Sierra Land Trust).

This MOU becomes effective when fully executed by all parties. The parties have 180 days to implement all provisions of this MOU upon execution. The parties may separately agree to use the services of a third party or escrow to facilitate and coordinate any of the foregoing details of this transaction. This MOU can be terminated, modified, or amended by mutual written consent of all parties. This MOU does not replace or modify any other preexisting MOU between any or all parties. Likewise, future MOUs may be entered into between any or all of the parties notwithstanding this MOU.

EXECUTION

The parties have executed and entered into this MOU through their authorized representatives whose signatures are below.

Mono County



By: Byng Hunt, Chair
Board of Supervisors

Dated: 5-14-13

Approved as to form:



Marshall Rudolph, County Counsel

California Department of Transportation



THOMAS P. HALLENBECK
District 9 Director

Dated: 5/20/13

FIRST AMENDMENT OF THE CONWAY RANCH MOU

THIS FIRST AMENDMENT OF the Conway Ranch Memorandum of Understanding (FIRST AMENDMENT) is ENTERED INTO as of November 5, 2013, between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE", and the COUNTY OF MONO, a political subdivision of the State of California, referred to herein as "COUNTY". The State and County are sometimes referred to herein as "the parties."

RECITALS

1. The parties hereto entered into a Memorandum of Understanding (MOU) on May 20, 2013 defining the terms and conditions regarding the Conway and Mattly Ranches.
2. Implementation of the provisions of the MOU will not be completed prior to the original deadline of 180 days from date of execution as stated in the MOU (i.e., November 16, 2013).
3. The parties wish to extend that deadline until April 1, 2014, through this first amendment and to reaffirm their rights, liabilities and obligations assumed under MOU.

IT IS THEREFORE MUTUALLY AGREED


1. The second sentence of the last paragraph of the Roles and Responsibilities section of the MOU (on page 3) is amended in its entirety to read as follows:

"The parties have until April 1, 2014, to implement all provisions of this MOU upon execution."
2. All other terms and conditions of MOU not hereby amended remain in full force and effect and are herein incorporated by reference and reaffirmed by the PARTIES.


EXECUTION

The parties have executed and entered into this First Amendment through their authorized representatives whose signatures are below.

Mono County


By: Byng Hunt, Chair
Board of Supervisors
Dated: 11-5-13

Approved as to form:






Marshall Rudolph, County Counsel

California Department of Transportation





THOMAS P. HALLENBECK
District 9 Director
Dated: 11/12/13

Map of Conway Ranch Phases and Funding Sources

Exhibit B

-  Subject Property
-  Proposed Aquaculture Area
-  Highways
-  Hydrology

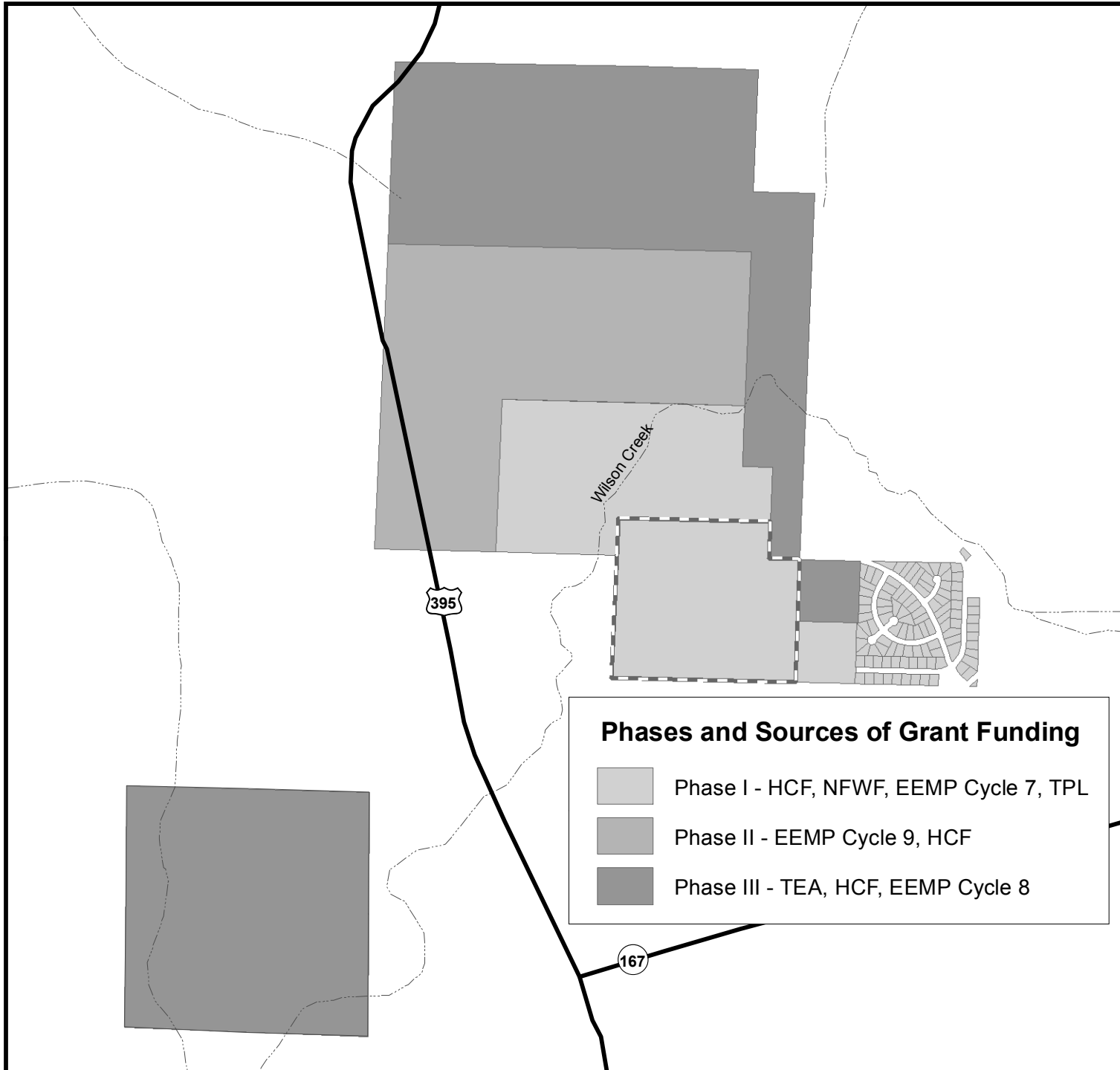
Phases and Sources of Grant Funding

-  Phase I - HCF, NFWF, EEMP Cycle 7, TPL
-  Phase II - EEMP Cycle 9, HCF
-  Phase III - TEA, HCF, EEMP Cycle 8



0 1,000 2,000 Feet

Data: Mono County, Caltrans, ESRI
Date: 12.12.13



Conway Ranch Conservation Easement Overview

Introduction

The scenic Conway Ranch property, approximately 770 acres just northwest of Mono Lake, contains an important wildlife migration corridor, in addition to critical wetland and riparian habitats. The property was homesteaded in the 1800s and is also the site of historic ranch buildings and prehistoric Native American resources. In the late 1990s, this property was the focus of a proposed large-scale housing and resort development, prompting concern among state and local entities.

To permanently protect this property, Mono County acquired Conway Ranch from the Trust for Public Land using grant funds from various sources. Specifically, grant funds came from the California Environmental Enhancement and Mitigation Program (EEMP), the California Transportation Enhancement Activities (TEA) Program, the California Department of Parks and Recreation – Habitat Conservation Fund (HCF), and the National Fish and Wildlife Foundation (NFWF). The property was acquired in phases through two distinct real estate transactions, one in 1998 and one in 2000. Money from EEMP and HCF grants was used in both transactions. Money from the NFWF grant was used only in 1998 transaction; and money from the TEA grant was used only in the 2000 transaction. The basic purposes of the various grants are compatible with each other and, in many instances, are duplicative or overlapping. In general, the purposes of these grants were to protect and preserve the natural, open space, scenic, historic, and public access values of the property in perpetuity, while allowing for the continuation of the existing fish-rearing, sheep grazing, and public access. Grant Agreements were signed by Mono County and each of these funding agencies, obligating the County to the protection of these values as a condition of receiving the grant funding.

Current Proposal - Conservation Easement with Caltrans Restrictions

Some of the grants used to purchase Conway Ranch – specifically, the EEMP and TEA grants - are administered by Caltrans. Through discussions between Caltrans and Mono County, it has become apparent that the restrictions imposed by the grants received by Mono County for the purchase of the property do not allow for full realization of the potential and needs of the fish rearing operation as desired by the County.

The current fish rearing facility located on Conway Ranch falls within a 185 acre area that was purchased with Environmental Enhancement and Mitigation Program (EEMP) Cycle 7 funding, along with funds from NFWF and HCF. The County's acceptance of these grant funds for use in purchase of the property came with certain resource protections and restrictions.

To help the County in realizing both the economic and tourist based fish rearing potential of the property, and to address land management concerns, the County and Caltrans have entered into a Memorandum of Understanding that describes a process for the repayment of a portion of the EEMP Cycle 7 grant received by Mono County, thereby removing approximately 75 acres of the

Conway Ranch from the delineated grant area and releasing current restrictions imposed by the Caltrans grant.

As a condition of approval by Caltrans for the removal of 75 acres from the grant restrictions and as agreed to by both parties, Mono County will grant a conservation easement for the remaining portions of Conway Ranch to Eastern Sierra Land Trust (ESLT). It is understood that the conservation easement will not confer on ESLT any authority or responsibility to manage any portion of the Conway Ranch property nor to direct or compel the County or any third party to engage in any activity on the property (except to remedy violations of easement restrictions and requirements, and to allow ESLT to perform annual monitoring), nor to permit any third party to enter or occupy the property or to perform any activity there without County consent. Caltrans must approve the conservation easement before the removal of grant restrictions on 75 acre fish-rearing area.

As provided by the existing grant agreements, Mono County is required to provide notice and/or seek approval of the conservation easement from the other agencies or entities who provided grant funding for the County's purchase of Conway Ranch property portions (e.g., the California Department of Parks and Recreation and the National Fish & Wildlife Foundation). These agencies may wish for the County to incorporate into the conservation easement provisions reiterating and potentially clarifying the restrictions and requirements imposed by their respective grants, and Caltrans has consented to the County's inclusion of such provisions. Unless otherwise agreed by NFWF and HCF, NFWF and HCF's grant restrictions would still apply to the 75 acres removed from the EEMP Cycle 7 grant restrictions.

Overview of Proposed Conservation Easement

Primary Conservation Values to be Preserved, Based on the Caltrans Grants

1. Historic resources: homestead, ranch buildings, corrals, gravesites (if any)
2. Fish, plant, and wildlife species and habitat: wildlife migration corridor (mule deer, mountain lions), resident wildlife, songbirds and waterfowl, plant and butterfly species
3. Wetlands, meadows, riparian habitats, perennial freshwater springs
4. Open Space and Scenic Resources: Preserve continuity of scenic view-shed spanning Mono Basin
5. Public Access
6. Connectivity to Other Public and Protected Open Space for Habitat and Recreation: USFS, BLM, CA Fish and Game, and County-owned/managed properties.

Reserved Rights of the Mono County:

1. Commercial fish rearing within the 75-acre designated area (which will be outside the Caltrans easement area)

2. Aquaculture Plan (to be developed), compatible with terms of HCF and NFWF grant restrictions and not impacting conservation values on surrounding land.
3. Commercial sheep grazing in accordance with the Management Plan (to be developed), and compatible with protection of conservation values
4. All rights not specifically restricted by the conservation easement or the existing grant agreements

Uses and Practices:

1. Habitat protection
2. Public recreation and education
3. Public enjoyment of open space and scenic resources
4. Historic resource protection
5. Sustainable use of portions of the property as a working landscape (sheep grazing and aquaculture), compatible with protection of conservation values

Development Rights:

1. Future development shall be limited to:
 - a. Fish rearing infrastructure in accordance with Aquaculture Plan
 - b. Public access infrastructure in accordance with Management Plan, not in conflict with the restrictions and requirements of the grants (and the conservation easement)
 - c. Other development (if any) not in conflict with the restrictions and requirements of the grants (and the conservation easement)

Prohibited Uses:

1. Subdivision is prohibited
2. Residential, commercial, or industrial uses of the property other than those specifically permitted by the grants and/or conservation easement and undertaken according to the Management Plan, which may be amended from time to time
3. Uses causing adverse impacts to historic resources
4. Dumping and storage (except for household uses) of hazardous materials
5. Uses causing adverse impacts to wetlands and riparian areas
6. Exploration or development and extraction of oil, gas, minerals by any method
7. Power generation, collection or transmission facilities, including solar or wind farms, beyond those designed to meet the needs of on-site facilities and/or a small-scale facility sized and located so as not to impact any conservation values, and not in conflict with the restrictions and requirements of the grants (and the conservation easement)
8. The erection of any billboards or other type of advertising, except as expressly allowed
9. Uses involving sale or transfer of water rights

Management Plan

1. A Management Plan will be developed by Mono County, with such public input as Mono County may deem necessary or appropriate, that sets forth the County's long term plans for the property, consistent with the protection of the conservation values identified in the easement. The Management Plan will address the following activities and uses of the property:

- a. Management of the property as a sustainable working landscape, compatible with protection of conservation values
 - a. Development of an Aquaculture Plan, involving the designated 75-acre fish-rearing area
 - b. Annual Irrigation Plan
- b. Sheep grazing
- c. Public access, public recreation, public education, and infrastructure related to such uses
- d. Protection of historic resources and, if desired, restoration of historic resources
- e. Any alternate commercial use of the property other than aquaculture or sheep grazing compatible with protection of conservation values and with any revenues allocated back into the support of Conway Ranch
- f. Construction, maintenance, and repair of the property's roads and trails
- g. Communications with funders, lessees, easement holder, and regulatory agencies
- h. Restoration, enhancement, and study of natural resources (if desired or required by the easement or regulatory agencies)
- i. Any other activities and uses that the County may wish to include which are not otherwise expressly addressed in the conservation easement

2. The Management Plan will be reviewed and approved by ESLT to ensure consistency with the terms of the conservation easement. Such approval will be timely and not unreasonably withheld. If agreement is not reached, the parties may mediate the disagreement. If mediation is not successful, legal action may be undertaken.

3. Mono County and ESLT will meet annually to review the Management Plan. The Management Plan will be amended by mutual agreement of ESLT and Mono County. If agreement is not reached, the parties may mediate the disagreement. If mediation is not successful, legal action will be undertaken.

Conservation Easement Monitoring

Mono County and Caltrans have agreed to make a one-time contribution to the ESLT Stewardship Fund at the time of recording the conservation easement. This fund will allow ESLT to monitor and enforce the easement restrictions in perpetuity. The easement will include monitoring and enforcement provisions.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 21, 2014

Departments: County Administrator

TIME REQUIRED 70 minutes (10 minute presentation;
60 minute discussion)

**PERSONS
APPEARING
BEFORE THE
BOARD** Jim Leddy

SUBJECT Mono County Fisheries Commission
Organization

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Follow-up presentation by Jim Leddy regarding future of Mono County Fisheries Commission due to request by Board to review and discuss scope, mission and composition of the Mono County Fisheries Commission.

RECOMMENDED ACTION:

Review material presented and direct staff to update scope and composition of Mono County Fisheries Commission, if so directed by the Board.

FISCAL IMPACT:

There should be no impact to maintaing current satffing of the Mono County Fisheries Commission.

CONTACT NAME: Jim Leddy

PHONE/EMAIL: (760) 932-5414 / jleddy@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

Mono County Fisheries Commission
Mono County Economic Development Department.

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

- [Fish Comm'n cover memo \(revised\)](#)
- [Mono County Fisheries Commission R02-107](#)
- [Mono County Fisheries Commission R06-71](#)

History

Time	Who	Approval
1/7/2014 5:10 PM	County Administrative Office	Yes
1/14/2014 3:33 PM	County Counsel	Yes
1/16/2014 8:38 AM	Finance	Yes



COUNTY OF MONO – County Administrative Office

P.O. BOX 696, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5410 □ FAX (760) 932-5411

Jim Leddy
County Administrative Officer

TO: Board of Supervisors

FROM: Jim Leddy, CAO

DATE: January 21, 2014

SUBJECT: Mono County Fisheries Commission

Recommendation: Review information requested by the Board on the history and current scope and composition of the Mono County Fisheries Commission. Discuss the potential change to the Commissions' scope, mission and composition and direct staff to enact if changes requested.

Fiscal Impact: Unknown at this time. Staffing of Fisheries Commission should remain at same cost levels.

Background: At the October 15th, 2013, Board of Supervisors meeting, the Board directed staff to agendize a discussion regarding the Fisheries Commission. On November 12th, 2013, the Board reviewed the MCFC history, scope and development. The Board expressed an interest in exploring potential changes to the scope, mission and staffing of the Commission and requested staff return the issue in January 2014.

On December 3rd, 2013, the Board made Commission appointments in advance of the January 2014 discussion.

History of the Mono County Fisheries Commission - In November of 2002, Mono County's ad hoc Fishing Enhancement Committee brought forward to the Board of Supervisors a recommendation to create a formal Mono County Fisheries Commission (MCFC).

As adopted, the MCFC is a 7 member body with each member of the Mono County Board of Supervisors being entitled to nominate one commission member and the other two may, but are not required to be, nominated by Board members. All appointees would have to be approved by a majority of the Board Supervisors vote at a public Board meeting.

The Fisheries Commission members serve in staggered four year terms and serve at the will of the Board.

Per the adopting Resolution (Mono County Resolution R02-107) the primary responsibility of the MCFC is to advise the Board of Supervisors on matters relating to the rearing and stocking of various trout species in Mono County. In addition, the MCFC, upon request of the Board, may assist in oversight of Conway Ranch aquaculture activities; the oversight and planning of the Mono County Fish Management Study; research and consultation with individuals of expertise and communication, as needed with elected officials and agencies at all levels of government.

The MCFC with the above conditions was created pursuant to Mono County Resolution R02-107 on December 10th, 2002 on a 4-0-1 vote (Supervisor Ronci was absent). On April 8th, 2003, the MCFC received it first appointments per Board Minute Order M03-53 (attached) and the appointees were Neil

McCarroll, John Webb, Tom Jenkins, Ed Inwood, Emile Rummel, Avery Gilliland, and Jim King.

On August 8th, 2006, the Board of Supervisors adopted Resolution R06-71 added additional duties. They included giving the MCFC:

- The ability to make recommendations on how to spend the Mono County fish and game fine fund;
- The ability to study and make recommendations relating to fish, wildlife, endangered species and methods of propagation and protection of those species if the Board of Supervisors assigned such a task.

R06-71 also declared for administrative cost purposes under state law (Fish and Game Code Section 13103(j)), the MCFC is the Mono County fish and wildlife commission.

As was previously discuss the MCFC has overlapping duties to other regional and previously existing bodies including the Eastern Sierra Fisheries Coalition and the Inyo-Mono Fish and Game Advisory Commission. The Board's October 15th discussion referenced the ESF Coalition and the IMFGA Commission and the role they have in supporting Mono County's fisheries. Background of the two other groups is below.

The Inyo-Mono Fish and Game Commission was created jointly by Inyo and Mono County on January 10th, 1984 to advise both Boards on matters relating to fish, game and endangered species and to develop recommendations for the best methods to propagate and protect those species in the Inyo-Mono area. These duties were moved to the MCFC with its creation in 2002.

The Eastern Sierra Fisheries Coalition is a collaboration of agencies and local businesses in the Eastern Sierra. The goals of the coalition are to:

- Increase awareness of world-class trout fishing in the Eastern Sierra.
- Attract fishermen during off-peak periods.
- Increase trout stocking through fundraising efforts.

Board consideration – Several ideas where discussed by Board members at the November and December Board sessions. The range of proposals included changing the scope of the MCFC to include wildlife, looking at expanding or changing the Commission composition and assessing the need for additional staffing resources (if any) for the Commission.

Scope – The Board has great flexibility is transforming the MCFC to be an advisory Body beyond fishery issues. It should be noted that the existing jurisdiction as established by Board actions allow the MCFC to be involved with wildlife issues.

Per Board resolution R02-107 purposes of the MCFC include:

- I. Advise the Mono County Board of Supervisors on matters relating and stocking of various trout species in Mono County waters;
- II. Upon Board of Supervisors request, the MCFC may also assist in:
 - a) Provision of oversight of Conway Ranch aquaculture activities;
 - b) Provision of oversight for the planning and implementation of the Mono County Fish Management Study;

- c) Coordination of the County Fish Enhancement Activities (*i.e.* Sierra Foundation; Alpers Trout) and department of Fish and Game stocking. Review on an annual basis all stocking plans including, but not limited to, stocking sites, quantity and quality of fish, species of trout stocking, etc.;
- d) Adequate research, necessary consultation with individuals of expertise, and necessary communication with elected officials and agencies at all levels of government;
- e) Preparation of recommendations regarding research and promotional projects which may require funding. Such recommendations may include determinations as to the scope of the project, the cost thereof, and the methods of obtaining adequate funding.

In 2006, Board Resolution R06-71 added the ability for the MCFC to make recommendations to the Board on how to spend monies in the Mono County fish and game fine fund and formally added that duty to the MCFC. Specifically from R06-71, the Board assigned the additional qualities the MCFC including:

1. The ability to study, and make recommendations to this Board (*Mono County Board of Supervisors*) concerning, such matters relating to fish, wildlife endangered species, and methods for the propagation and protection of same in Mono County as are assigned to it from time-to-time by this Board.
2. Periodically make recommendations to the Board on how the funds deposited into the fish and wildlife propagation fund in the Mono County treasury pursuant to Fish and Game Code Sections 13003 and 13100 should be spent; and such recommendation shall further pursue a purpose described in Section 13103 of the Fish and Game Code.
3. For purposes of Fish and Game Code Section 13103(j) which authorizes the expenditure of funds in the County's fish and wildlife propagation fund for certain administrative costs of the county's fish and wildlife commission, the Mono County Fisheries Commission is the Mono County fish and wildlife commission

The Board Resolution, R06-71 captures the ability of the Commission to address wildlife issues an envisioned. If the Board so chose to rename the Commission and direct the Commission to adjust the By-Laws to enhance the role in wildlife matters beyond fisheries, a Resolution before the Board could be crafted.

In regards to the actual composition of the Commission, the discretion of the Board remains. No particular composition is currently required by the Board resolutions (although the concept of requiring Commissioners to represent various geographic communities, resort owners, and/or areas of scientific expertise was mentioned in early documents recommending the creation of a Fisheries Commission).

There are many options the Board could exercise, including the following:

- 1) Leave the Commission as designed by R02-107;
- 2) Specify composition requirements for the Commission (e.g., require that members

- represent certain geographic communities, resort owners, and/or areas of expertise, or perhaps including a member of the Board of Supervisors on the Commission);
- 3) Redesign the Commission to reflect the broader aspects of the duties already reflected in Resolutions R02-107 and R06-71.

Per R02-107, the MCFC is not authorized to financially obligate the county without prior approval of the Mono County Board of Supervisors and the MCFC shall remain in existence until dissolved by formal action of the Board of Supervisors. Board Resolutions R02-107 and R06-71 are attached to this Board item as background.

If you have any questions regarding this item, please feel free to contact me at (760) 932-5414.

Enclosures: Mono County Resolution R02-107, December 12, 2002;
Mono County Resolution R06-71, August 8th, 2006;
Text of Mono County Fisheries Commission By-Laws, content of February 3rd, 2009

Mono County Fisheries Commission
HC 83 Box 2050
Bridgeport, California 93517-9602
(760) 932-7024 Tel/Fax

**BY-LAWS AND RULES OF PROCEDURE OF THE
MONO COUNTY FISHERIES COMMISSION**

ARTICLE I. NAME

The purpose of the commission shall be the “Mono County Fisheries Commission.”

ARTICLE II. PURPOSE

The purpose of the Commission shall be to advise the Mono County Board of Supervisors on fishing enhancement and related matters and to develop recommendations for the best methods for promoting and enhancing fishing in the Mono County area.

The purpose may be affected by any or all of the following:

1. The gathering and dissemination of information and promotional materials concerning fish rearing on the Conway Ranch and other trout rearing facilities, as well as the preparation of a fish management study for all of the waters of the Mono County area.
2. Adequate research, necessary consultation with individuals of expertise, and necessary communication with elected officials and agencies at all levels of government.
3. Preparation of recommendations regarding research and promotional projects that may require funding. Such recommendations may include determinations as to the scope of the project, the cost thereof, and the methods of obtaining adequate funding.
4. Upon proper authorization by the Mono County Board of Supervisors, through agreements or other available methods, the commission may administer those agreements or conduct other activities as directed by the Board of Supervisors.
The commission is not authorized to financially obligate the county without prior Approval of the Mono County Board of Supervisors.
5. Develop an annual Strategic Plan.
6. Develop a recommended budget and submit said budget to the Mono County Administrative Officer.

ARTICLE III. DURATION

The commission shall remain in existence until terminated in accordance with the provisions of the ordinance establishing the commission.

ARTICLE IV. MEMBERSHIP

The membership shall be provided for in the resolution establishing the commission.

ARTICLE V. OFFICERS

The commission shall elect a Chair, who shall preside over all meetings, designate any special assignments to members, and who shall have the authority to call special meetings when, in his other judgment, such a meeting is in the best interest of the commission to accomplish its purpose.

The term of the Chair shall not exceed one year.

The Chair will be elected by a majority vote of the members present at the January meeting each year.

The commission may elect a vice-chair to exercise powers of the Chair in the latter's absence.

The commission may hire a secretary to prepare and distribute agendas, minutes, correspondence, brochures, invoices, financial reports and roster.

ARTICLE VI. SUBCOMMITTEES

The Chair shall assign members to areas of commissions' responsibilities. The commissioners can volunteer to serve in a specific area; however, the Chair makes all appointments. The commissioners may solicit participation from citizens to provide input at the subcommittee level. The subcommittees or areas of responsibilities shall include, but not necessarily be limited to fish management plan, advertising, printed informational materials and electronic information, business participation and budget and revenue.

ARTICLE VII. MEETINGS

The commission shall meet monthly at such time and place as shall be designated by the Chair. A majority of members shall constitute a quorum. Meetings shall be open to the public and public comment will be taken. Meetings, both regular and special, shall comply with the Brown Act.

Commissioners shall accord the utmost courtesy to each other, to County employees and to the public appearing before the commissions, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

Members of the administrative staff and employees of the County shall observe the same rules of procedure and decorum applicable to members of the commission.

Members of the public attending commission meetings shall observe the same rules of order and decorum applicable to the commission.

Any Commissioner absent from three (3) consecutive meetings as recorded by the Commission, upon review and approval by the remaining Commissioners, shall be considered to have resigned. Subsequently, the position will be declared vacant.

ARTICLE VIII. VOTING PROCEDURES

Each member shall have one vote, and all motions must carry by a majority of the membership for passage.

An item may be brought up for reconsideration during the same meeting at which it was decided. A motion for reconsideration must be made by a commissioner who voted with the majority on that item and must pass by a majority of the commissioners present before reconsideration can take place. The requirements for the vote on the item to be reconsidered are the same as originally required for the item.

ARTICLE IX. ADOPTION AND AMENDMENT

These by-laws and any amendments thereto shall become effective when adopted by a majority vote of the commission and approved by the Mono County Board of Supervisors.

ARTICLE X. PARLIAMENTARY PROCEDURE

Except as herein provided, meetings of this commission shall be conducted in Accordance with "Robert's Rules of Order."



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RESOLUTION NO. R02- 107

**RESOLUTION TO CREATE THE MONO COUNTY
FISHERIES COMMISSION**

WHEREAS, the Mono County Board of Supervisors acknowledges the critical importance of recreational fishing as a primary component of the County's tourism and economic health; and

WHEREAS, the Conway Ranch property was purchased by Mono County for, among other uses, the Fish Enhancement Program (rearing of trout) to augment the ongoing fish stocking program of the California Department of Fish and Game (CDFG); and

WHEREAS, the Mono County Board of Supervisors has expressed the importance of community-based, multi-disciplinary input on the species, quantity and stocking locations for the Fish Enhancement Program and for the CDFG Fish Stocking Program; and

WHEREAS, representation for such input from a wide geographical base within the County is desired;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mono that:

1. The Mono County Board of Supervisors formally establishes the Mono County Fisheries Commission which shall consist of seven members appointed by the Board of Supervisors. Each Supervisor shall be entitled to nominate one Commission member. The other two Commissioners may, but need not, be nominated by a Supervisor.

The members shall serve at the will and pleasure of the Board of Supervisors in staggered four-year terms, with four members initially appointed for four years and three members initially appointed for two years and then may be subsequently re-appointed for an additional four years.

2. The primary purpose of the Commission shall to be advise the Mono County Board of Supervisors on matters relating to the rearing and stocking of various trout species in Mono

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County waters. In addition, upon request by the Board of Supervisors, the Commission may also assist in any of the following activities:

- a. Provision of oversight of Conway Ranch aquaculture activities.
- b. Provision of oversight for the planning and implementation of the Mono County Fish Management Study.
- c. Coordination of County Fish Enhancement Activities (*i.e.* Sierra Trout Foundation; Alpers Trout) and Department of Fish and Game stocking. Review on an annual basis all stocking plans including, but not limited to, stocking sites, quantity and quality of fish, species of trout stocking, etc.
- d. Adequate research, necessary consultation with individuals of expertise, and necessary communication with elected officials and agencies at all levels of government.
- e. Preparation of recommendations regarding research and promotional projects which may require funding. Such recommendations may include determinations as to the scope of the project, the cost thereof, and the methods of obtaining adequate funding.

3. The Commission is not authorized to financially obligate the county without prior approval of the Mono County Board of Supervisors.

4. The Commission shall remain in existence until dissolved by formal action of the Board of Supervisors.

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5. The Commission may adopt by-laws, elect offices, and carry out other organizational functions not inconsistent with this Resolution.


PASSED, APPROVED and ADOPTED this 10th day of December, 2002, by the following vote, to wit:

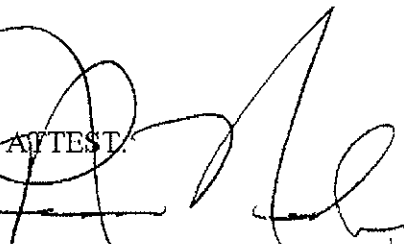
AYES: Supervisors Cecil, Farnetti, Hunt & Pipersky

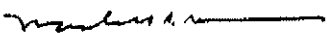
NOES: NONE

ABSENT: Supervisor Ronci

ABSTAIN: NONE


TOM FARNETTI, Chair
Mono County Board of Supervisors

ATTEST:

RENN NOLAN, Clerk of the Board

APPROVED AS TO FORM:

COUNTY COUNSEL



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5 **RESOLUTION NO. R06 - 71**

6 **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF**
7 **MONO, STATE OF CALIFORNIA, ADDING TO THE DUTIES OF THE MONO**
8 **COUNTY FISHERIES COMMISSION THE DUTY TO MAKE**
9 **RECOMMENDATIONS TO THE BOARD OF SUPERVISORS ON THE**
10 **EXPENDITURE OF FISH AND GAME FINE FUNDS**

11 **WHEREAS**, in January, 1984, this Board, in conjunction with a resolution adopted by
12 the Inyo County Board of Supervisors, adopted Resolution No. 84-05, thereby creating
13 the Inyo-Mono Fish and Game Advisory Commission, which Commission has
14 subsequently made recommendations to both boards of supervisors on how to spend
15 monies in the fish and wildlife propagation funds (a/k/a fish and game fine funds) of
16 each county, which funds are provided for in §§ 13003 and 13100 *et seq.* of the Fish and
17 Game Code; and

18 **WHEREAS**, in December, 2002, this Board adopted Resolution No. R02-107, thereby
19 creating the Mono County Fisheries Commission, the primary purpose of which is to
20 "advise the Mono County Board of Supervisors on matters relating to the rearing and
21 stocking of various trout species in Mono County waters;" and

22 **WHEREAS**, this Board has determined that it would be more appropriate for the
23 Mono County Fisheries Commission, rather than the Inyo-Mono Fish and Game
24 Advisory Commission, to make recommendations to this Board on how to spend
25 monies in the Mono County fish and game fine fund, and that that duty should be
26 formally added to the duties of the Fisheries Commission.

27
28 **NOW, THEREFORE, BE IT RESOLVED** as follows:

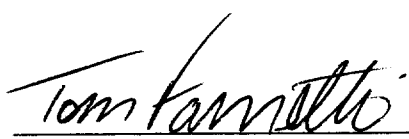
1 1. In addition to the duties assigned to it in Mono County Resolution No. R02-107,
2 the Mono County Fisheries Commission shall study, and make recommendations to
3 this Board concerning, such matters relating to fish, wildlife, endangered species, and
4 methods for the propagation and protection of same in Mono County as are assigned
5 to it from time-to-time by this Board.

6
7 2. Further, the Commission shall periodically make recommendations to this
8 Board on how the funds deposited into the fish and wildlife propagation fund in the
9 Mono County treasury pursuant to Fish and Game Code §§ 13003 and 13100 should be
10 spent; any such recommendation shall further a purpose described in § 13103 of the
11 Fish and Game Code.

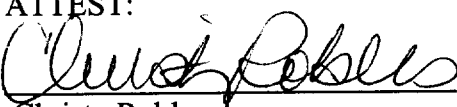
12 3. For purposes of Fish and Game Code § 13103(j), which authorizes the
13 expenditure of funds in the County's fish and wildlife propagation fund for certain
14 administrative costs of the county's fish and wildlife commission, the Mono County
15 Fisheries Commission is Mono County's fish and wildlife commission.

16
17 **PASSED AND ADOPTED** this 8th day of August, 2006, by the following vote of
18 the Mono County Board of Supervisors:

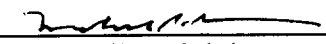
19
20 **AYES:** Supervisor Bauer, Farnetti, Hazard, Hunt.
21 **NOES:** None.
22 **ABSTAIN:** None.
23 **ABSENT:** None.
24 **VACANT:** District #4.



Tom Farnetti, Chairman
Board of Supervisors
County of Mono

25
26
27 **ATTEST:**


Christy Robles
Acting Clerk of the Board

28 **APPROVED AS TO FORM:**


Marshall Rudolph
County Counsel



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 21, 2014

TIME REQUIRED

SUBJECT Closed Session--Human Resources

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, Leslie Chapman, Bill Van Lente and Jim Leddy. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time

Who

Approval

1/6/2014 3:24 PM	County Administrative Office	Yes
1/14/2014 2:56 PM	County Counsel	Yes
12/5/2013 2:26 PM	Finance	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 21, 2014

TIME REQUIRED

SUBJECT

Closed Session - Conference With
Legal Counsel

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Madrid v. Mono County.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time	Who	Approval
1/14/2014 5:02 PM	County Administrative Office	Yes
1/14/2014 3:02 PM	County Counsel	Yes
1/16/2014 8:38 AM	Finance	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 21, 2014

TIME REQUIRED

SUBJECT Closed Session - Conference With
Legal Counsel

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Government Code section 54956.9. Name of case: Worker’s compensation claims of Mike McGovern.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
1/16/2014 9:10 AM	County Administrative Office	Yes
1/16/2014 9:10 AM	County Counsel	Yes
1/16/2014 8:55 AM	Finance	Yes