



Date: December 7, 2010 at 3:00 pm

To: Board of Directors

From: Bill Keene, General Manager

Subject: Roblar Ranch Conservation Easement:
Request for Interpretation and/or Amendment

On October 19, the District's Board of Directors initially considered the applicant's request to interpret and/or amend the Roblar Ranch Conservation Easement to allow for establishment of a mitigation preserve on the Roblar Ranch property for protection of California Tiger Salamander (C.T.S.) and California Red Legged Frog (C.R.L.F.). The Board continued the matter to November 9, 2010, and directed District staff to work with the project applicant to contact the U.S. Fish and Wildlife Service (U.S.F.W.S.) and the California Department of Fish and Game (C.D.F.G.) for feedback on alternative configurations for the proposed preserve. As of November 9, however, District staff had received no formal response from either agency. To allow for additional time for the regulatory agencies to provide further information, the Board continued the matter to December 7, 2010 to determine what, if any, legal steps might be necessary or appropriate to allow for the proposed preserve. For additional background, the District's staff report for November 9 is attached.

On November 2, District staff submitted a letter to the regulatory agencies requesting an evaluation of the mitigation value of two alternative configurations for the proposed preserve. During subsequent telephone conversations, staffs from both agencies have indicated that they would decline to comment on the proposal at this time. The District has now received a copy of a letter from C.D.F.G. (attached) confirming that the agency will not respond to inquiries at this time, as no formal application has yet been submitted. District staff met with the Quarry Project applicant and representatives on November 22 to discuss options. As of November 29, no further information from the regulatory agencies had been received.

The Board has expressed interest in considering alternatives to allow for establishment of the preserve. These options include 1) an interpretation of the conservation easement and 2) an amendment to the conservation easement. Attached are draft resolutions for each alternative. The General Manager continues to recommend that an amendment to, rather than an interpretation of, the conservation easement would be the appropriate option to allow for establishment of the preserve.

On File with Clerk

Roblar Ranch Conservation Easement

Staff Report to Board of Directors, April 6, 2004, Acquisition of CE over Roblar Ranch

Staff Report to Board of Directors, October 19, 2010, Request for Exchange and Amendment to the Roblar Ranch Easement

Easement Amendment Policy (excerpt from District Stewardship Manual)

Attachments

1. Staff Report to Board of Directors, November 9, 2010, Request for Amendment to the Roblar Ranch Easement
2. Letter from California Department of Fish and Game to Kathy and Joe Tresch, dated November 15, 2010
3. Proposed Resolution amending the Roblar Ranch Conservation Easement
4. Proposed Resolution interpreting the Roblar Ranch Conservation Easement