

Background

At the March 2012 Board meeting, staff provided an update on discussions with the California Department of Fish and Game (DFG) and Inyo County regarding the potential transfer of ownership of the Mt. Whitney Fish Hatchery from DFG to the Sierra Nevada Conservancy (SNC). The potential transfer is being considered due to the fact DFG no longer operates the facility as a hatchery due to several constraints and would like to dispose of the site. SNC, as a sister state agency, was identified as a possible third party for temporary ownership of the property.

Current Status

Since the March 2012 Board meeting, staff has participated in a series of discussions with staff representatives from DFG, Inyo County and Wildlife Conservation Board (WCB) to identify issues and areas of concern related to a potential transfer of ownership. WCB is now involved in the discussion as they would authorize a transfer from DFG to SNC, should that occur. A list of key issues has been developed and includes clarifying the actual process to be used in the event of a transfer, existing restrictions and/or encumbrances on the property, water rights and future management and uses of the property. A draft Action Plan has been developed to address the key questions and assign tasks. This Action Plan has been distributed among participating parties and will be finalized with assignments and due dates for completing specific tasks.

SNC staff has researched the issue of the organization's legal authority to accept the property and to convey the property to another party. The SNC is authorized to take such actions, provided they meet the statutory purposes of the SNC, which appears to be the case in this instance.

SNC staff has conveyed the position that we would only be interested in taking ownership of the property as a temporary owner, with a clearly defined plan for transferring ownership in place.

Next Steps

The Action Plan contains deadline dates for completing identified tasks and responsibilities and is focused on two areas. The first area is the process that would be utilized for a potential transfer of the property, including any specific conditions and/or restrictions that DFG would require affecting the future use of the facility. It is anticipated this work will be completed by July 30, 2012.

The second area is the future use of the facility. SNC staff is working with Inyo County staff to outline a process that will develop a plan for the future use of the facility. This process will be defined and beginning by July 30, 2012, once the foundational issues described above are addressed. The process will include participation from the Friends of Mt. Whitney Fish Hatchery and an opportunity for public input. The development of this future use plan will be a key determining factor in SNC's decision as to whether to

accept temporary ownership of the property. It will identify options for ownership and management structure that are needed to facilitate the desired future use of the facility.

A future action by the Governing Board will be required before ownership would be accepted. In the coming weeks, the SNC will conduct adequate due diligence to identify any implications of ownership, including any potential liabilities. The SNC is working closely with Inyo County and will only proceed with acceptance of the property with a clear plan for conveyance that is acceptable to all key parties.

Recommendation

Staff recommends that the Board authorize the Executive Officer to take the following actions:

1. To expend up to \$50,000 to conduct site surveys, planning, and analysis with respect to the future management and utilization of the Mt. Whitney Fish Hatchery property and adjacent State landholdings (“the Properties”), including analysis of future project alternatives, in preparation for a possible transfer of State jurisdiction over the Properties to the Conservancy; and
2. As necessary or appropriate to facilitate such surveys, planning, and analysis, to enter into memorandums or letters of understanding with any or all of the following entities: the California Department of Fish and Game (DFG); the Wildlife Conservation Board (WCB); the County of Inyo; and the Friends of the Mt. Whitney Fish Hatchery.