

County of Santa Clara
Office of the Clerk of the Board of Supervisors



24-5516

DATE: May 7, 2024 (Item No. {{item.number}})

TO: Board of Supervisors

FROM: Curtis Boone, Acting Clerk of the Board of Supervisors

SUBJECT: Fish and Game Commission Funding Request for San Francisco Bay Bird Observatory

RECOMMENDED ACTION

Approve Request for Appropriation Modification No. 198 - \$9,856 transferring funds and increasing estimated expenditure appropriations in the Fish and Game Commission budget, relating to request from the San Francisco Bay Bird Observatory for funding for the western snowy plovers monitoring and banding program. (4/5 Vote) (LA-1)

COMMITTEE RECOMMENDATIONS

The Housing, Land Use, Environment and Transportation Committee (HLUET) considered the recommendation on March 28, 2024 (Item No. 12), and forwarded it to the Board of Supervisors as part of the Consent Calendar.

FISCAL IMPLICATIONS

There are sufficient monies in the Fish and Game Commission Fines and Forfeitures Fund managed by the Office of the Clerk of the Board. Approval of this funding request will not impact the General Fund.

REASONS FOR RECOMMENDATION AND BACKGROUND

Under County Ordinance Code Section A33-80, the Fish and Game Commission “shall investigate all requests for the expending of the moneys in the County fish and game propagation fund and shall make written recommendations to the Board of Supervisors appertaining thereto. Requests may be initiated by members of the Commission or by any member of the public. Any investigation shall be for the purpose of determining whether the expenditure is in the interest of propagation and conservation of fish and game within the County. The Board of Supervisors may provide by resolution for the expenditure of funds by the Commission for specified purposes. The Commission shall investigate and shall make written recommendations to the Board of Supervisors on all other fish and game matters within the County which are declared by state law to be within the authority of the Board of Supervisors.”

Pursuant to the California Fish and Game Code, Section 13100, funds deposited in a county fish and wildlife propagation fund shall be expended for the protection, conservation, propagation, and preservation of fish and wildlife, under the direction of the Board of Supervisors. In addition, Fish and Game Code Section 13103 establishes certain purposes for which expenditures may be made from the fund, including:

- (a) Public education relating to the scientific principles of fish and wildlife conservation, consisting of supervised formal instruction carried out pursuant to a planned curriculum and aids to education such as literature, audio and video recordings, training models, and nature study facilities.
- (i) Scientific fish and wildlife research conducted by institutions of higher learning, qualified researchers, or governmental agencies, if approved by the department.
- (m) Other expenditures, approved by the department, for the purpose of protecting, conserving, propagating, and preserving fish and wildlife.

San Francisco Bay Bird Observatory (SFBBO) is a 501(c)3 nonprofit that works in the conservation of birds and their habitats through science and outreach, including in the San Francisco Bay and its surrounding environments.

SFBBO has requested funding in the amount of \$9,856 for the western snowy plovers monitoring and banding program, in which SFBBO staff will conduct plover breeding surveys and associated predator surveys in Crittenden Marsh. The Fish and Game Commission reviewed the request and approved funding in the amount of \$9,856 on February 26, 2024, and forwarded the request to the Board of Supervisors through HLUET.

Expenditures for scientific research and conservation require approval by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code Section 13103(i) and (m), respectively. The Clerk of the Board received CDFW approval for this expenditure on March 14, 2024.

The Board of Supervisors has previously approved recommendations from the Fish and Game Commission to fund this program, in the amount of \$8,536 on September 14, 2021, and \$8,850 on May 24, 2022, and \$9,365 on June 26, 2023.

The attached documents provide an overview of the organization and the funding request from the SFBBO.

The Clerk of the Board serves as the ex-officio secretary of the Fish and Game Commission, and this recommendation is forwarded on behalf of the Commission.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action would support the Board of Supervisors' Natural Resources and the Environment priority area, by supporting scientific research and conservation of a species listed as threatened under the Endangered Species Act.

CONSEQUENCES OF NEGATIVE ACTION

The County would lose an opportunity to utilize funding from the Fines and Forfeitures Fund to support the effort relating to fish and wildlife conservation.

STEPS FOLLOWING APPROVAL

The Clerk of the Board will notify Commissioners of action taken by the Board of Supervisors, and ensure that funds are appropriately disbursed.

ATTACHMENTS:

- SFBBO F85 No 198 Fish and Game SF Bird Observatory
- SFBBO Fish and Game Commission Grant Request 2024
- SFBBO W9 2024
- SFBBO Levine Act Contractor Form Signed