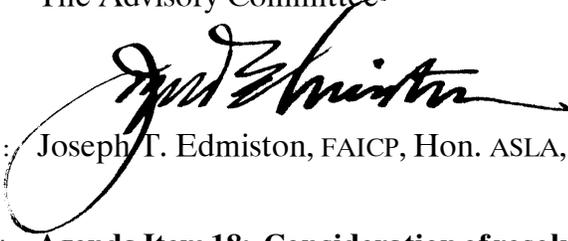


Memorandum

To : The Conservancy
The Advisory Committee

Date: September 22, 2008

From : 
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 18: Consideration of resolution authorizing the acquisition of APN 662-0-010-030 in the City of Thousand Oaks, and entering into agreements with public and private entities to complete said acquisition, Ventura County.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing the acquisition of APN 662-0-010-030 in the City of Thousand Oaks, and entering into agreements with public and private entities to complete said acquisition, Ventura County.

Legislative Authority: Section 33203 and 33211 (c) of the Public Resources Code.

Background: This unique parcel is 36.75 acres of wetland habitat located just south of the 101 freeway in Thousand Oaks. The property abuts the un-lined trapezoidal channel of Conejo Creek. The subject property is an important acquisition because it is one of the largest open wetland properties adjacent to Conejo Creek. The property is bounded by the 101 freeway to the north, a small commercial plaza to the southeast, and single-family homes along the remaining edges. Acquisition of the subject property for parkland will protect the open space and resources of the property, and provide for public use and access to low-impact recreational opportunities.

Currently, the owner is in litigation with Caltrans, City of Thousand Oaks, and at least one other private corporation. That corporation had been releasing water onto the property resulting in increased growth of riparian habitat. There is a possibility that the litigation can be settled and the Conservancy could act as the acquiring entity. The proposed action will not use Proposition 84 funds. Conservancy will be a facilitator in the acquisition of the property, funded by a potential settlement of litigation. There is also a possibility that the Mountains Recreation and Conservation Authority (MRCA) will be the acquisition entity if timing becomes critical to settle the litigation. In either case, the MRCA would manage the property. There is a good possibility that extra water for the wetland can be obtained from an offsite property owner.

Part of the Conservancy's ability to be the acquisition entity involves setting up a pathway so that if litigation is settled, the Conservancy is in a position to take title to the property and that the seller receives compensation. To paper such a pathway, agreements most likely will be necessary with the owner and potentially with some of the defendants, particularly if the transfer of rights to riparian mitigation credits is involved.

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Management objectives for the Borchard Wetlands include restoration of land and water resources; improvement of practices within the Calleguas Creek Watershed to improve water quality, reduce pollution, capture additional storm water runoff, and protect and manage groundwater better; reduction of pollution of rivers, lakes, streams, and coastal waters; provide habitat for fish and wildlife; creation of environmental interpretation opportunities, protection of scenic resources; and low-impact recreational uses.