

BOARD OF SUPERVISORS
Yolo County, California

Meeting Date: May 23, 2000

To: CAO
County Counsel
Auditor ✓
Plan & Pub Works ✓
Cnty. Part.
Health Services
Human Resources
Social Services
Burt Bundy ✓

Agenda Item No. 33
Sacramento River Conservation Area

Minute Order No. 00-183: At the conclusion of a presentation by Burt Bundy, representing the Non-Profit Organization (NPO) overseeing the Sacramento River Conservation Area, regarding their role and goals concerning the Sacramento River, the Board took the following actions:

- A. Received and filed the report on the Sacramento River Conservation Area.
- B. Approved and authorized the Chair to sign **Agreement No. 00-122**, Memorandum of Agreement, to enable Yolo County to participate on the governing board of the NPO.

MOTION: Pollock. SECOND: Wolk. AYES: Stallard, Rosenberg, Pollock, McGowan, Wolk.

Minute Order No. 00-184: Supervisor Rosenberg moved an amendment to the above minute order that language be added in a cover letter accompanying the Memorandum of Agreement to indicate that the County's membership is subject to appropriate language being included in the by-laws relating to the ability of members to withdraw.

MOTION: Rosenberg. SECOND: Stallard. AYES: Stallard, Rosenberg, Pollock, McGowan, Wolk.

Minute Order No. 00-185: Appointed Supervisor Lynnel Pollock as the Board's representative to the governing board of the NPO.

MOTION: McGowan. SECOND: Stallard. AYES: Stallard, Rosenberg, Pollock, McGowan, Wolk.

Minute Order No. 00-186: Appointed Supervisor Tom Stallard as the Board's alternate representative to the governing board of the NPO.

MOTION: Rosenberg. SECOND: Pollock. AYES: Stallard, Rosenberg, Pollock, McGowan, Wolk.





County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT
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JOHN BENCOMO
DIRECTOR

TO: THE HONORABLE LOIS WOLK, Chair,
and the Members of the Board of Suoervisors

FROM: JOHN BENCOMO, Director, 
David Morrison, Assistant Director, 
Planning and Public Works Department

DATE: May 23, 2000

SUBJECT: Presentation and Actions Regarding the Sacramento River Conservation Area

RECOMMENDED ACTION:

Staff recommends that the Board of **Supervisors** take the **following** actions:

1. Receive the presentation by Burt Bundy, representing the Non-Profit Organization (NPO) overseeing the Sacramento River Conservation Area, regarding their role and goals concerning the Sacramento River;
2. Authorize the Chair to sign the enclosed Memorandum of Agreement (see Attachment A) to enable the County to participate on the governing board of the NPO; and
3. Appoint representative(s) and alternate(s) to the NPO governing board.

REASON FOR RECOMMENDED ACTION:

The proposed actions will allow for Yolo County to participate in the planning and decisions made by the NPO as they affect the future of the Sacramento River and adjoining lands

BACKGROUND:

In 1986, the California State Legislature passed Senate Bill 1086, introduced by State Senator Jim **Neilson**. The law called for the development of a management plan for the Sacramento River and its tributaries that would protect, restore, and enhance both fisheries and riparian habitat. The law established an Advisory Council, composed of representatives of state and federal agencies, county supervisors, and representatives of landowners,

water contractors, commercial and sport fisheries, and general wildlife and conservation interests.

After more than 50 meetings and workshops, the Council and its teams developed specific and action-oriented fisheries plans and conceptual riparian habitat plans. These plans comprise the Upper Sacramento River Fisheries and Riparian Habitat Management Plan, published in 1989. Four Years later, the Secretary of Resources reconvened the Advisory Council to develop a specific implementation program for the 1989 Plan.

The Advisory Council has since developed a draft Sacramento River Conservation Area Handbook (Attachment **B**) to guide riparian habitat management along the river, including a set of principles and guidelines, as well as recommended actions. The Council is developing a locally based nonprofit management group that will coordinate riparian habitat management activities on the river. This organization will be tied to the various agencies and organizations involved with riparian habitat on the river through a Memorandum of Agreement. The proposed Memorandum has six areas of general agreement, as follows:

- We endorse the goals of the 1989 Plan.
- We agree to the goals, six principles, and Handbook.
- We agree to maximize coordination and consistency of the programs and policies of our agencies with the goals, and management objectives in the 1989 Plan and Handbook.
- We agree to recognize the proposed Conservation Area as delineated and described in the Handbook.
- We recommend and agree to the creation of a NPO as detailed in Attachment A. The NPO will oversee implementation of the goals and restoration priorities stated in the 1989 Plan and Handbook.
- We agree that any potential breach of the inner zone boundary will be addressed quickly and with our full cooperation. The manner in which the breach will be addressed will depend on the specific site, and may range from the placement of rock or other appropriate material to the acquisition of land.

Although staff shares some of the concerns expressed by the Family Water Alliance regarding the Sacramento River Conservation Area proposal (see below), the NPO offers an opportunity for Yolo County to coordinate with other upstream local governments regarding issues of mutual interest. Membership on the governing board of the NPO consists of fourteen representatives appointed by the seven County Boards of Supervisors and one appointee from the California Secretary of Resources. As a result, the proposed NPO represents a regional alliance of counties affected by the Sacramento River, and its voice will carry farther in future debates regarding state and federal policies than its individual components.

BUDGET IMPACT:

There will be a minor impact to the County General Fund associated with this proposal. Incidental costs associated with staff time and expenses will be required to support the County's participation in the non-profit organization for the Sacramento River Conservation Area

OTHER AGENCY INVOLVEMENT:

The Memorandum of Agreement has already been signed by Colusa County, Glenn County, Shasta County, Sutter County, Tehama County, California Resources Agency, California Department of Fish and Game, California Department of Water Resources, California Department of Parks and Recreation, California State Lands Commission, California Reclamation Board, California Wildlife Conservation Board, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and U.S. Bureau of Reclamation. The Board of Supervisors for Butte County will be considering the MOA at their May 16, 2000, regularly scheduled meeting.

The Family Water Alliance has expressed concerns regarding the Sacramento River Conservation Area effort (see Attachment C). Their areas of concern may be summarized as follows:

- . Greater regulated flows of the Sacramento River will be required to enhance and maintain riparian habitat.
- Reforestation of the floodplain will reduce channel capacity and increase river seepage, resulting in damage to public and private property, as well as higher crop losses due to predation,
- Acquisition of private land for habitat will result in farmland being taken out of production and resulting property tax losses to local government.
- Development of meander zones and the removal or relocation of levees will reduce the level of flood protection and threaten the health and safety of residents along the Sacramento River.
- . Participation in the NPO will result in a loss of local control for County governments in decision making within the Conservation Area.

The Family Water Alliance has asked that the Board of Supervisors adopt the MOA on a six-month trial period, during which amendments to the Handbook and program can be adopted to better address agricultural and landowner concerns.

ATTACHMENTS:

- Attachment A – Memorandum of Agreement
- Attachment B – Sacramento Area Conservation Plan Handbook (on file with Clerk of the Board)
- Attachment C – Family Water Alliance comments

FILED

MEMORANDUM OF AGREEMENT
REGARDING THE SACRAMENTO RIVER CONSERVATION ~~AREA~~ PLAN 1 2000

PATRICIA CRITTENDEN, CLERK OF THE BOARD

BY Patricia Crittenden
DEPUTY

I. Preamble

Background

In 1986, the California State Legislature passed Senate Bill 1086. The law called for development of a management plan for the Sacramento River and its tributaries to protect, restore, and enhance both fisheries and riparian habitat.

The law created an Advisory Council, composed of representatives of state and federal agencies, county supervisors, and landowner, water contractor, commercial and sport fishery, and general wildlife and conservation representatives. The Council and its action teams developed a plan which included a specific and action-oriented fisheries plan, and a more conceptual riparian habitat plan. This plan, the Upper Sacramento River Fisheries and *Riparian Habitat Management Plan*, was published by the State of California Resources Agency in 1989 (7989 Plan).

Many of the fisheries action items have since been or are currently being implemented, such as fish bypass structures at diversions on Sacramento River tributaries, and the Shasta Dam temperature control structure. A Riparian Habitat Committee was created in 1993, when the Advisory Council was reconvened by the Secretary of Resources to "complete its earlier work concerning riparian habitat protection and management, including the development of a specific implementation program."

The Riparian Habitat Committee is an informal and consensus-based planning group. It includes landowner representatives, environmental group leaders, and agency personnel who are working toward on-the-ground implementation of the 7989 Plan. They have developed The *Sacramento River Conservation Area Handbook (Handbook)* as a guide for riparian habitat management along the Sacramento River. The Committee has worked to ensure that the *Handbook* addresses both the dynamics of riparian ecosystems as well as the realities of local agricultural economies.

Through the work of the Riparian Habitat Committee, the Advisory Council proposes the formation of a largely locally-based nonprofit entity to coordinate implementation of the riparian habitat management and restorations goals and objectives of the 7989 Plan and *Handbook*. Actions implemented by the nonprofit should also be coordinated with the Central Valley Project Improvement

Act, the CALFED Bay-Delta Program, and the U.S. Army Corps of Engineers Sacramento-San Joaquin Basins Comprehensive Study, and other ongoing related activities. The work of this nonprofit organization would be supported by the various agencies and organizations interested in the Sacramento River through this Memorandum of Agreement (MOA).

Goal of the Sacramento River Conservation Area Program

The goal of the Sacramento River Conservation Area Program as outlined in the 1989 *Plan* is "to preserve remaining riparian habitat and reestablish a continuous riparian ecosystem along the Sacramento River between Chico and Redding, and reestablish riparian vegetation along the river from Verona to Chico." The goal will be met in a manner that follows these six guiding principles:

- . Utilizes an ecosystem approach that contributes to recovery of threatened and endangered species and is sustainable by natural processes;
- . Uses the most effective and least environmentally damaging bank protection techniques to maintain a limited meander, where appropriate;
- Operates within the parameters of local, state and federal flood control and bank protection programs;
- . Encourages participation by private landowners and affected local entities that is voluntary, never mandatory;
- . Gives full consideration to landowner, public and local government concerns;
- . Provides for the accurate and accessible information and education that is key to sound resource management.

II. Purpose of MOA and Disclaimers

The purpose of this MOA is to:

- A. Document broad endorsement by the signatories of the decisions and recommendations made by the Advisory Council embodied in the 1989 *Plan*.

- B. Document signatory commitment to support the goals, six principles and Handbook.
- C. Improve coordination and cooperation between public agencies in the implementation of the 1989 *Plan* and *Handbook*.
- D. Identify the agreements of the signatories and relationships among the signatories and the new nonprofit organization (NPO) in implementing the 1989 *Plan* and Handbook.
- E. Document signatory support of the establishment of a NPO as described in Goal, *Role and Structure of a Nonprofit Organization* (Attachment A).
- F. Identify the role and responsibilities of the NPO as detailed in Attachment A.

Disclaimers

- A. Nothing in this MOA is intended to expand or limit the legal authority of any signatory, agency, entity or organization. This document does not modify or supersede other existing agreements, programs, **MOUs**, plans, regulations or executive orders.
- B. Nothing herein alters the existing authorities or responsibilities of any party nor shall be considered as obligating any party in the expenditure of funds or the future payment of money or providing services.
- C. This MOA is intended to embody general principles, and does not create contractual relationships, rights, obligations, duties or remedies between or among signatories.
- D. All activities implemented by the NPO under the 1989 *Plan* and Handbook, including site specific agreements, will be in compliance with all applicable existing and future local, state, and federal laws and regulations.
- E. The signatories acknowledge that the California Environmental Quality Act requires consideration of the environmental

consequences of an activity as early as feasible in the planning process to enable environmental considerations to influence project program and design. All activities implemented under the 1989 *Plan* and *Handbook* will comply with CEQA and the National Environmental Policy Act (NEPA) on a site-specific basis. The signatories will also consider the appropriateness and potential benefits of programmatic approaches to CEQA and NEPA compliance.

III. Relationship between Signatories and Nonprofit Organization

- A. We will support the NPO in implementing the *1989 Plan* and *Handbook*, and will work with the NPO on specific projects. We will maximize coordination and consistency of policies and programs with the 1989 *Plan* and *Handbook*.
- B. We will assist the NPO in identifying and obtaining funding sources for the activities of the NPO including, but not limited to, a voluntary land transaction or management program. This program may include activities such as development of site specific land management plans within the inner zone; bank stabilization that is consistent with the *1989 Plan* and *Handbook*; revegetation of levees and other areas where natural revegetation will not occur; and control of trespass and vandalism.
- C. We will coordinate with the NPO in the land management planning process for lands within the Conservation Area delineated in the *Handbook*.
- D. We will coordinate with the NPO when acquiring lands within the Conservation Area delineated in the *Handbook*.
- E. We will conduct land management practices on public lands within the Sacramento River Conservation Area in a manner that is consistent with the *1989 Plan* and *Handbook*.
- F. We may contract with the NPO.
- G. Signatories will work with the NPO to develop a streamlined/ coordinated permit process for individual project agreements.
- H. Appropriate signatories will participate in a technical advisory

committee for the NPO. They will assist the NPO with technical information on issues, such as erosion/deposition data, flood control activities, and habitat protection and restoration methods and programs.

- I. Appropriate signatories will work with the NPO to coordinate and maximize **law** enforcement activities regarding trespass and vandalism along the river and for participating properties within the Conservation Area on both private and public lands.

IV. General Agreements

- A. We endorse the goals of the 1989 *Plan*.
- B. We agree to the goals, six principles, and *Handbook*.
- C. We agree to maximize coordination and consistency of the programs and policies of our agencies with the goals, and management objectives in the 1989 *Plan* and *Handbook*.
- D. We agree to recognize the proposed Conservation Area as delineated and described in the *Handbook*.
- E. We recommend and agree to the creation of a NPO as detailed in Attachment A. The NPO will oversee implementation of the goals and restoration priorities stated in the 1989 *Plan* and *Handbook*.
- F. We agree that any potential breach of the inner zone boundary will be addressed quickly and with our full cooperation. The manner in which the breach will be addressed will depend on the specific site, and may range from the placement of rock or other appropriate material to the acquisition of land.

V. Amendment Process

This MOA may be supplemented, amended, or modified by the written agreement thereto of the signatories.

VI. Signatories

**MEMORANDUM OF AGREEMENT
REGARDING THE SACRAMENTO RIVER CONSERVATION AREA**

**ATTACHMENT A
Goal, Role and Structure of a Nonprofit Organization**

I. Goal

The SB 1086 Advisory Council recommends the creation of a local nonprofit organization (NPO) to implement a Sacramento River Conservation Area Program as described in the *Upper Sacramento River Fisheries and Riparian Habitat Management Plan (1989 Plan)* and the *Sacramento River Conservation Area Handbook (Handbook)*.

The goal of the NPO and the Sacramento River Conservation Area Program is to preserve remaining riparian habitat and reestablish a continuous riparian ecosystem along the Sacramento River between Chico and **Redding**, and reestablish riparian vegetation along the river from Verona to Chico. The goal will be met in a manner that follows these six guiding principles:

- Utilizes an ecosystem approach that contributes to recovery of threatened and endangered species and is sustainable by natural processes;
- Uses the most effective and least environmentally damaging bank protection **techniques** to maintain a limited meander, where appropriate;
- Operates within the parameters of local, state and federal flood control and bank protection programs;
- Encourages participation by private landowners and affected local entities that is voluntary, never mandatory;
- Gives full consideration to landowner, public and local government concerns;
- Provides for the accurate and accessible information and education that is key to sound resource management.

The following outlines the role and structure of the NPO.

II. Role

Numerous factors were identified as being critical in the creation of a management entity to implement the 1989 *Plan* and *Handbook*. These responsibilities and factors, listed and described below, provide the basis for outlining the role of the NPO.

- Enhanced Communication
- Coordination and Consistency
- Voluntary Land Transactions
- Riparian Habitat Restoration
- Flood Management
- Land Management
- Limiting River Meander (including Bank Stabilization)
- Mitigation
- Public Information and Technical Assistance
- Public Safety and Law Enforcement on Public and Private Lands
- Monitoring and Research
- Funding Sources and Financial Authority

Enhanced Communication. The NPO will provide a forum to enhance communication among the numerous agencies and interests along the river. The NPO will serve as a liaison between landowners, conservationists and local, state and federal agencies. The NPO will assist with conflict resolution regarding property management issues, and will facilitate timely distribution of information regarding permitting and regulations.

Coordination and Consistency. The NPO will work with public and private entities (individual landowners and non-governmental organizations) to maximize coordination and consistency of policies and programs with the 1989 *Plan* and *Handbook*, to the extent allowable by law and agency mandates.

Examples of policies and programs needing increased coordination and consistency include:

- integration of non-governmental, federal, state or landowner acquisitions made to implement the 1989 *Plan* (e.g. federal refuges, State ecological reserves, conservation easements, State wildlife areas, mitigation bank sites);

- mitigation banking;
- agreements to establish consistent mitigation guidelines, to the extent allowable by law and agency mandates;
- consolidation of permit application forms;
- development of programmatic or master permits for a region or **repeated** activity;
- development of long-term permits, and/or authorizations;
- coordination with County general plans;

Some of the tools available to the NPO to maximize coordination and consistency include:

- direct input from state and federal agencies represented on the NPO governing board as nonvoting members and agency staff acting as technical advisors to the NPO;
- contracts and agreements (such as conservation easements or **set-**aside arrangements) on individual properties which contain enforcement provisions if the contract is violated by either party; and
- When appropriate, development of regional habitat conservation plans pursuant to applicable laws.

Voluntary Land Transactions. The NPO will have the authority to buy and sell land and conduct or engage in other land transactions or agreements with willing participants consistent with the goals of the 7989 *Plan and Handbook*. These activities may include full fee acquisition, conservation easements, set-aside agreements, land trades, private donations, land management contracts, mitigation banks, and transfer of development credits. The NPO will work closely with local landowners to facilitate mutually agreeable land protection arrangements, and will be able to act quickly to protect lands and compensate landowners, as appropriate.

Signatory agencies and the NPO will cooperate to identify and obtain funding to support a voluntary land transaction program. Funding could be provided to the NPO to carry out the transactions or the agencies could contract with the NPO to carry out the program.

Rioarian Habitat Restoration. The NPO will facilitate and carry out riparian habitat restoration as part of the site - specific planning process. Evaluation of restoration projects within the inner river zone must follow

the six guiding principles of the program. The site should then be assessed using the basic principles, management guidelines and restoration priorities described in the Handbook Chapter 1:

- 1) Protect physical process where still intact.
- 2) Allow riparian forests to reach maturity.
- 3) Restore physical and successional process.
- 4) Conduct reforestation activities.

By focusing on river process, the priorities are designed so that projects are carried out in a manner consistent with the guiding principle on ecosystem management. They are listed in order of their significance to ecosystem management of the Sacramento River and its floodplain.

Flood Management. While it will not have any legal flood control authorities, the NPO will be in a unique position to provide effective support for actions that:

- maintain proper functioning of flood protection works, and
- are consistent with the goals and principles outlined in the 7989 *Plan and Handbook*.

The NPO will be able to assist landowners in obtaining site specific approvals, assisting project sponsors and regulatory agencies in identifying individuals or entities interested in establishing mitigation banks, assisting in the establishment of such banks, and identifying efficient practices that will minimize the cost and/or acreage of mitigation needed. As a non-regulatory, but interested party, the NPO will be able to monitor progress toward riparian habitat restoration goals, and present an assessment of that progress to local decision makers.

The roles of the NPO in regard to flood protection purposes are to:

- help ensure that flood protection projects accomplish their primary purposes of alleviating flood and erosion damage and protecting lives and property while considering the overall habitat restoration objectives of the 7989 Plan;
- maintain communication among all interested parties when it is necessary to maintain and repair levees and flood distribution facilities;

- reduce confusion and delay in obtaining project approvals;
- promote floodplain management and habitat conservation practices that maintain the economic and environmental values of the Sacramento River corridor;
- encourage landowner participation in non-structural flood control methods that are economical;
- facilitate a coordinated funding program for projects, and actively encourage creation of, or access to, new funding sources that will accelerate the implementation of the 7989 *Plan*; and
- support and assist local maintenance authorities on projects consistent with the goals of the 7989 *Plan* and *Handbook*.

Land Management. The NPO and signatory agencies will coordinate **land management practices** on **public** and **participating private** lands to provide for consistency of their practices with the 7989 *Plan* and *Handbook*, to the extent allowable by law and agency mandate. The NPO and signatory agencies will cooperate in identifying and obtaining funding sources for land management activities. Examples of land management activities include: development of site specific land management plans within the inner zone; bank stabilization that is consistent with the 7989 *Plan* and *Handbook*; revegetation of levees and other areas where natural revegetation will not occur; and control of trespass and vandalism.

The NPO will have the authority to manage lands under three different arrangements:

- 1) to manage whatever land it acquires;
- 2) to oversee land management by private landowners if those landowners are under management agreements with the NPO; and
- 3) to manage lands under contract for other entities such as Department of Fish and Game or The Nature Conservancy. The NPO will work with the various entities to help to coordinate the acquisition and management of current and future landholdings in the Conservation Area in order to achieve the objectives of the 7989 *Plan* and *Handbook*.

If an agency is unable to begin or finish a project that is consistent with their land management plan, the NPO can offer to complete such a

project with the agency's permission. Once the agency has approved an action by the NPO, the NPO will be allowed to complete that action. Such actions may include the enforcement of conservation easement provisions on mitigation sites.

* Limitina River Meander (including bank stabilization). The NPO will assist in securing the appropriate agency to address limiting river meander within the boundary of the inner river zone as described in the *Handbook*. Responsibility for maintaining the boundary of the inner zone would be negotiated on a case-by-case basis as part of individual agreements/contracts.

In some cases, maintaining the inner zone boundary will require bank stabilization. Responsibility for bank stabilization will also be negotiated on a case by case basis as part of agreements/contracts. The NPO may take responsibility for bank stabilization as part of an individual land management agreement, and will be responsible for identifying funding for the work and for ensuring the work is completed as agreed. The Army Corps of Engineers, the Reclamation Board or the Department of Water Resources will act as lead agency for bank stabilization only when it is within the agency's legal authority (such as the Sacramento River Bank Protection Project) and the goals of the 7989 *Plan* and *Handbook*.

Funding for bank stabilization could come from a variety of sources such as a funding pool for maintaining the river within the inner zone, river restoration/habitat fund or flood control funds (see *Handbook* Chapter 9). Under a funding pool, funding for future needs could be created by the establishment of a retainer (a percentage of each project cost) to be placed into a pool for bank stabilization or other activities. This pooled account would provide the property owner with an assurance that river meander beyond an established point would be promptly addressed. The NPO would establish and administer this account and determine its use with the assistance of a technical team.

When bank stabilization is conducted on public and private lands within the Conservation Area, the NPO will actively promote the most effective and least environmentally damaging techniques as per the site specific agreements and/or contracts, and all applicable laws and regulations. The NPO will encourage and promote further research and evaluation of alternative bank stabilization techniques, and promote revegetation of levees and rocked areas, where appropriate.

The NPO will also work with the regulatory agencies to adopt, when appropriate, a comprehensive habitat plan for threatened and endangered species which could reduce the impact of Conservation Area projects that are consistent with the *7989 Plan and Handbook*.

Mitigation. It is anticipated that implementation of the *7989 Plan and Handbook* will provide a net increase in benefits to the environment and to species that currently exist, or may become established in the Conservation Area. Localized or short term impacts may occur, but it is a goal of the NPO that the net environmental benefits will outweigh these adverse habitat impacts and that mitigation of these impacts would be minimized or not required. The NPO will work with regulatory agencies to avoid, minimize or compensate for habitat impacts associated with proposed projects should impacts occur. If mitigation is required, it will be the responsibility of the NPO to work with the regulatory agencies to satisfy the requirements and include the costs as part of the total project cost.

When the NPO is the project proponent, the NPO will be responsible for mitigation, if required, as part of the project unless specific arrangements are made for the landowner to provide mitigation. The NPO will coordinate obtaining permits and/or authorizations as part of the landowner agreement/contracts. If certain project elements, such as bank stabilization, are planned for implementation in the future, the NPO will obtain permits and/or authorizations up front, to the extent possible, to ensure that bank stabilization or other activities can occur as intended, and the landowner and NPO can have certainty that the project can be implemented as was agreed.

Public Information and Technical Assistance. The NPO will provide public information and technical assistance to private and public landowners within the Conservation Area and to the general public on issues such as erosion and deposition, flood control projects, habitat protection and restoration, public access, and recreation. The NPO will serve as a local information clearinghouse but will refer technical questions such as emergency flood information and legal or regulatory requirements to the appropriate agency. The NPO will also provide information to the public and local communities regarding the benefits of the Conservation Area and of balancing habitat restoration/protection with agricultural land use/protection. Increasing local and regional appreciation of the river system will support the goals of the program and may lead to financial support.

Public Safety and Law Enforcement on Public and Private Lands.

The NPO will work with the local, state and federal agencies which have public safety and law enforcement authority to coordinate and maximize enforcement activities within the Conservation Area on both private and public lands. The NPO will work with the enforcement agencies to identify and **implement** methods to maximize existing enforcement resources. The enforcement activities needing additional attention include vandalism and trespassing on public and private lands.

Monitoring and Research. The NPO will monitor and prepare annual reports on the implementation of the riparian management objectives of the *Handbook* and the success of the protection and restoration efforts within the Conservation Area. Monitoring will help guide future restoration/protection actions within the Conservation Area and help support future funding requests for the program.

The NPO will assist the agencies in furthering research priorities as outlined in the *Handbook* (see pages 9-10 and 9-11).

Funding Sources and Financial Authority. To implement the 7989 *Plan and Handbook*, the NPO will need funding for all the responsibilities listed above, as well as funding for annual administrative support. Local, state, and federal agencies will assist the NPO in identifying existing or new agency authorities and funding sources which can support implementation of the 7989 *Plan and Handbook*. The NPO will seek funding from federal, state, local sources, and private donations; revenue from leased lands; and land transactions, to support annual administrative costs. The NPO will support agency funding in order to ensure effective technical support from the respective agency representatives. The Advisory Council is opposed to the NPO having local property tax authority; however, local funding could be sought through other means.

In order to attract the participation of private landowners, the NPO, in coordination with involved signatory parties, must take a leadership role in seeking and supporting the availability of incentives which include some aspect of river engineering such as bank protection placed to ensure that the meander is limited. Because project components associated with engineering and construction are often more expensive than acquisition or active revegetation, it is anticipated that a significant portion of Riparian Conservation funding will be devoted to such project elements.

It is a goal of the NPO to ensure that adequate funding is obtained for necessary bank protection and other engineered construction. The NPO will work closely with signatory parties to distribute funds appropriately among all aspects of river management. Specifically, all parties will work toward a balanced effort to fund bank protection in order to establish a limited meander while maintaining an ecosystem. The NPO will encourage funding for all activities so the balance can be maintained over time. Furthermore, when site-specific project plans include multiple components such as acquisition, active planting, bank stabilization or flood protection, the NPO will review the project plans to ensure that all aspects are accurately represented in the project budget.

For a guideline on funding elements for various aspects of a restoration project, refer to the *7989 Plan* and the *Riparian Habitat Committee Report on 7999 Costs of Easements, Acquisitions, Restoration and Bank Protection along the Sacramento River* (Appendix J in *Handbook*).

The annual report of the NPO will include, at a minimum, a summary of activities and expenditures the NPO has supported in the following categories:

1. Landowner incentives, including set asides, **easements**, **levee**, bank stabilization, flood control projects construction and maintenance
2. Fee title land acquisition
3. Habitat restoration
4. Administration
5. Trespass
6. Education
7. Reimbursement of taxes to local government

III. **Structure**

The *7989 Plan* recommended creation of a governing board... “(with a) balanced representation of participating landowners and public interest groups”. The Advisory Council supports management entity options that are best able to reflect this board representation. An NPO would provide broad flexibility to create a non-governmental board with both landowner and public interest representation. The Advisory Council recommends the establishment of an NPO with a board of directors that will have up to 15 voting members, and six ex-officio (nonvoting) members.

Appointing the First Board of Directors. To ensure a large enough initial board, a minimum of four participating counties is required.

The County Board of Supervisors of the participating counties in the Conservation Area (Shasta, Tehama, Glenn, Butte, Colusa, Sutter, and Yolo) will appoint up to 14 of the voting members. Each county will appoint one landowner representative and one public interest representative. One voting member will be chosen by the Secretary of the Resources Agency. This "at large" board member shall not serve as a government representative. As additional counties decide to participate (after the initial four), the Supervisors of that new participating county will appoint representatives to serve on an equal basis with those already appointed.

The Ex-officio nonvoting board members will be:

Director, California Department of Fish and Game
Director, California Department of Water Resources
General Manager, Reclamation Board of California
California-Nevada Operations Manager, U.S. Fish and Wildlife Service
District Engineer, Sacramento District, U.S. Army Corps of Engineers
Area Manager, U.S. Bureau of Reclamation

It is expected that the ex-officio board members from state and federal agencies will help increase the **visibility** of the nonprofit organization and maintain the linkage to state and federal government which in turn will help increase the likelihood of continued state and federal government support in the future.

Criteria for Nominating/Appointing Board Members. Landowner directors must reside on, own, or manage property in the Conservation Area. **He/she** must have a demonstrated interest in supporting the goals and objectives of the NPO.

Public Interest directors must reside in the county from which he/she is appointed. He/she must have a demonstrated interest in supporting the goals and objectives of the NPO.

Terms. The first board members will serve 2 and 3-year terms as described below. Thereafter the board members will serve 2-year terms

2-year term-public interest appointees from Shasta, Glenn and Sutter counties, landowner appointees from Tehama, Butte, Colusa and Yolo.

3-year term--landowner appointees from Shasta, Glenn, and Sutter counties, public interest appointees from Tehama, Butte, Colusa, and Yolo.

Agency Technical Advisors. Federal, state, and local agencies with an interest in the Sacramento River will provide technical staff support, upon request and within their existing resources for planning, implementation, and monitoring of the plan. It is expected that the technical support will be from those agencies signing the MOA. Input from technical advisors could be provided individually and/or by forming a technical committee.

Chairperson. The board elects the chairperson who will serve a 1 year term. The Chairperson will alternate between landowner and public interest board members.

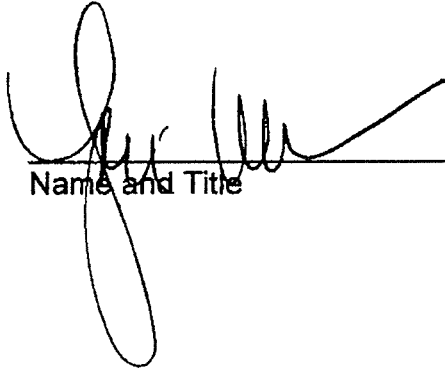
Quorum. a majority of representatives of the participating counties will represent a quorum. A quorum of a fully appointed board shall consist of eight board members. A vote in favor of a motion by eight board members present at a meeting shall constitute the act of the Board as long as those voting in favor include at least three landowner board members and three public interest board members.

Manager/Executive Director. A Manager/Executive Director will be selected by the Board.

Board Meetings. Board meetings will be held in either a central location or will be rotated among different locations within the Conservation Area.

Memorandum of Agreement
Regarding the Sacramento River Conservation Area

SIGNATURES

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Name and Title

Yolo county
Agency

May 23, 2000
Date