

MEMORANDUM OF AGREEMENT REGARDING THE SACRAMENTO RIVER CONSERVATION AREA

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 (*1989 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 *1989 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 *1989 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.

5. Amendment Process

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

VI. Signatories

NOTE: Support for this MOA will be solicited and welcomed from each of the governments and agencies below. After signing the MOA, each county participant will appoint two representatives to the board of directors of the proposed nonprofit organization. The participation of four counties is required to ensure a large enough initial board. Italics indicate those state governments and agencies from whom signed support is critical for the success of the program.

Butte County
Colusa County
Glenn County
Shasta County
Sutter County
Tehama County
Yolo County
California Resources Agency
California Department of Fish and Game
Wildlife Conservation Board
California Department of Water Resources

California Department of Parks and Recreation
California Water Commission
The Reclamation Board
California State Lands Commission
California Department of Food and Agriculture
United States Army Corps of Engineers
United States Bureau of Reclamation
United States Fish and Wildlife Service
United States Natural Resource Conservation Service
National Marine Fisheries Service
City of Redding
City of Anderson
City of Red Bluff
City of Tehama
City of Colusa
California Environmental Protection Agency
California Department of Forestry and Fire Protection
California Department of Boating and Waterways
California Department of Conservation
Special Districts (e.g. reclamation, flood control, irrigation districts etc.)
State Water Resources Control Board
Central Valley Regional Water Quality Control Board
United States Environmental Protection Agency
United States Bureau of Land Management
United States Forest Service