

Resolution No. 2011-02
BOARD OF DIRECTORS
SACRAMENTO RIVER CONSERVATION AREA FORUM

At the meeting of the Board of Directors of the Sacramento River Conservation Area Forum ("Forum") on December 15, 2011 in Willows, California, the following resolution was adopted by the board:

WHEREAS, the Forum desires to enter into a Programmatic Safe Harbor Agreement ("PSHA") with state and federal wildlife agencies to obtain regulatory assurances in regard to habitat restoration projects that may be implemented on private lands pursuant to individual landowner agreements executed under the PSHA; and,

WHEREAS, the Forum desires to ensure that such projects are executed in a manner which is respectful to private property rights, maintains landowner privacy to the maximum extent possible, and allows for the continuation of routine and ongoing agricultural operations; and,

WHEREAS, the Forum desires to adopt an internal administrative policy that guides the Forum in its administration of the PSHA;

NOW, THEREFORE, BE IT RESOLVED that the Forum hereby adopts the attached Administrative Policy for Programmatic Safe Harbor Implementation (the "Administrative Policy");

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Forum may modify said Administrative Policy by subsequent board resolution as may be found necessary by the board.

Certification

I hereby certify that the foregoing is a true and correct copy of a resolution passed by a majority of the Board of Directors of the Forum on December 15, 2011.



Ron Warner, Chairman

Attest



Jane Dolan, Executive Director

SACRAMENTO RIVER CONSERVATION AREA FORUM
ADMINISTRATIVE POLICY
PROGRAMMATIC SAFE HARBOR AGREEMENT IMPLEMENTATION

A Safe Harbor Agreement is a voluntary agreement whereby a willing landowner receives formal assurances under the federal Endangered Species Act that covered actions which contribute to the recovery of protected species will not result in additional regulatory liability. Under such an agreement, a farmer or rancher undertaking beneficial habitat actions may receive assurance of the ability to continue routine and ongoing agricultural operations.

A Voluntary Local Program is the State of California's analogue to a Safe Harbor Agreement, whereby a participating landowner receives similar regulatory assurances with respect to the California Endangered Species Act for such beneficial habitat actions. Under such an agreement, a farmer or rancher may receive complementary regulatory protections for routine and ongoing agricultural operations as they relate to beneficial habitat actions and their effect on state-listed species.

The Sacramento River Conservation Area Forum ("Forum") desires to enter into, implement and administer a Programmatic Safe Harbor Agreement ("PSHA"), whereby individual landowners may enter into subordinate Cooperative Agreements for beneficial habitat actions and receive corresponding regulatory protections. Additionally, the Forum will enter into, implement and administer Neighboring Landowner Agreements, in which adjoining landowners will be protected from regulatory liability for the third-party impacts, if any, of PSHA-covered habitat projects. The PSHA is a voluntary program that shall be offered to landowners within the Sacramento River Conservation Area. The PSHA has mutual goals of providing for the protection of the continuation of routine farming practices typical to those of the Northern Sacramento Valley, and to foster voluntary landowner conservation activities for the benefit of covered species.

It is the goal of this Administrative Policy to ensure that the PSHA is implemented to the benefit of agricultural landowners and the conservation of habitat in a manner respectful to the property rights of any cooperating landowner and adjoining landowners.

1. The Forum shall retain legal services on its own behalf throughout the duration of the PSHA program. The Forum shall also maintain General Liability and Directors & Officers Insurance.
2. The implementation of the PSHA shall be carried out in a manner respectful of private property.
3. Program implementation shall follow a careful progression anticipated to enroll one to three willing property owner agreements each year.
4. The development of any Cooperative Agreement or Neighboring Landowner Agreement shall ensure the continuation of lawful routine farming activities typical to the cultural practices of agricultural throughout the Sacramento Valley for the term of the agreement.
5. Neighboring landowners shall be advised of the potential of a Cooperative Agreement covering land adjoining their property. This consultation shall be done as early as is appropriate in the process of drafting a Cooperative Agreement.
6. Consideration of the property rights and existing and planned land uses of adjoining properties shall be considered in writing any Cooperative Agreement.
7. Landowners subject to a Cooperative Agreement or a Neighboring Landowner Agreement shall be encouraged to seek legal counsel on their own behalf.
8. Landowner information and land data shall be kept confidential unless and until the landowner voluntarily enters in a Cooperative Agreement or Neighboring Landowner Agreement.

9. Landowner information and land data shall be kept confidential throughout the term of the PSHA and individual Cooperative Agreements and Neighboring Landowner Agreements, to the maximum extent possible. The Forum shall ensure that proprietary information is not accessible to the public via a Public Records Act request or a Freedom of Information Act request, to the extent possible. Cooperative Agreements, Neighboring Landowner Agreements, compliance reports, surveys, baseline reports, and other information and reports in the files of the Forum are to be kept confidential to the extent possible.
10. The Forum shall organize a PSHA Administrative Committee to provide oversight during the process of the development of any Cooperative Agreement or Neighboring Landowner Agreement. This committee shall be composed of two members of the Board. This committee shall also ensure the confidential nature of a landowner's consideration of entering into an agreement, and shall advise the Forum on implementation of this Administrative Policy.
11. The Forum Board representatives of a county shall be advised of any possible agreement within their county. The respective county representatives shall agree to maintain confidentiality of the landowner, and may provide comments and concerns with the agreement.
12. The Forum shall communicate with the respective Resource Conservation District (RCD), as applicable, and seek assistance and coordination of resources for the benefit of the cooperating landowner and the program.
13. The Forum shall seek technical assistance from state and federal agencies, and county departments, including the County Agricultural Commissioner.
14. The Forum Board shall have the authority to approve or decline any proposed Cooperative Agreement or Neighboring Landowner Agreement, and shall do so in a manner that protects the privacy of the landowner.

15. At the end of the second full year of program implementation, the Forum Board shall conduct a program review to consider the effectiveness of the program both for the agricultural community and the conservation of habitat for covered species. The Forum Board shall review the scope of the program and determine if the PSHA requires modification or termination.

16. This Administrative Policy may be modified from time to time, as may be found necessary by the Board.