

**Sacramento River Conservation Area Forum  
Board of Directors Meeting  
Summary**

March 18, 2010  
3:00pm

Monday Afternoon Club  
Willows, CA

Chair Brendon Flynn called the meeting to order at 3:00 p.m., followed by self-introductions. It was determined there was a quorum of voting members present (underlined). Names listed in parentheses represent absences.

<u>County</u>	<u>Public Interest</u>	<u>Landowner</u>	<u>Agency (non-voting)</u>
Butte	(Jane Dolan)	<u>Shirley Lewis</u>	
Colusa	<u>Gary Evans</u>	<u>Walt Seaver</u>	
Glenn	<u>Leigh McDaniel</u>	(Don Anderson)	
Shasta	(Glenn Hawes)	<u>Dan Gover</u>	
Sutter	(James Gallagher)	<u>Brian Fedora</u>	
Tehama	<u>Ron Warner</u>	<u>Brendon Flynn</u>	
Yolo	<u>Lynnel Pollock</u>	(Marc Faye)	
Resources Agency	<u>Jim McKeivitt</u>		

DWR	Curtis Anderson
DFG	Kent Smith
Central Valley Flood Control Board	Lady Bug Doherty
USFWS	Shannon Holbrook
USACE	Alicia Kirchner
Bureau of Reclamation	(Buford Holt)
SRCAF: Executive Director Beverley Anderson-Abbs, Resource Conservation Assistant Rob Irwin, and Administrative Assistant Ellen Gentry.	

Other identified attendees: Kim Davis (Senator Aanestad's office); Pablo Garza (TNC); Gregg Werner (TNC); Ashley Indrieri (Family Water Alliance); Scott Rice (URS); Bob Foster (CA Dept. of Parks and Recreation); Ralph Keeley (Field Representative, Congressman Herger's office); Margie Graham (DWR); Steve Anderson (BLM); and Tina Bartlett (DFG).

1. Unscheduled Matters

Ashley Indrieri asked that the Board address Assemblyman Nielsen's letter to the editor.

2. Consent Calendar

Ron Warner moved to adopt the minutes of the January 28, 2010 meeting. Brian Fedora requested insurance information prior to voting. Brendon Flynn reported E&O insurance is not in place for this Board and details will be provided later in the meeting. The motion was seconded by Jim McKeivitt. Motion passed.

3. Board Member Reports

Curtis Anderson announced that documents of water supply and aid station indexes are available for informational purposes.

Ron Warner reported on work to have the Bend BLM designated a National Recreation Area, which will come before the Tehama County Board of Supervisors in the future. Sierra Pacific Industries land on Deer Creek has been purchased by the Western Conservancy.

4. Activities

*Meeting Dates* – As directed, staff took a poll regarding a possible change of meeting dates. The third Thursday consistently lost one member; other options lost a minimum of four. The third Thursday was considered best for the majority.

*Strategic Plan* – Most tasks are written indicating continuous work with few set deliverables. Staff suggested moving them forward by one year to account for the nine months lost beginning January 2009. It was felt it may be appropriate to have a major planning session to develop the next 3 year plan after this. There will be a presentation later on the agenda.

*Safe Harbor* – The history of the SHA was reviewed. Upon direction from the board a letter was sent to USFWS requesting the comment period be re-opened. The comment period has been re-opened for an additional 30 days, ending on April 8. Fourteen comment letters were received by FWS. The eleven comment

letters received by SRCAF were made available in Board folders. Kent Smith indicated DFG may be able to make a consistency determination for the State portion of the document.

*CVFPP* – Staff have been attending meetings and providing comments as part of the Upper Sacramento Regional Workgroup. The summary report and Valley Wide Forum have been delayed. Staff has been invited to a technical workshop for the Non Urban Levee Evaluation (NULE) team next week. LIDAR topographic survey data will be available this summer, but the processed data will not extend far very far into the SRCA.

*Sacramento River Bank Protection Project* – Staff were invited to attend the Sac Bank technical workshop in February to provide rural landowner input for future bank repairs. The Corps received authorization for an additional 80,000 linear feet for Phase II, most of which will be used around and below Sacramento. Rock removal is being considered as a mitigation measure and the Corps has reengaged with the Kopta Slough Project. There is also an interest in locating landowners willing to take part in mitigation in the form of land sale, easement, restoration, etc. The Engineer Technical Letter (ETL) concerning vegetation on levees has created a conflict for levee maintenance agencies that has not been resolved.

*TAC* –There were no new projects presented at the March 2 meeting; however numerous updates were given and are summarized in TAC notes.

*New Ex-Officio Board Members* – Upon direction from the board BLM, USFS, and CDPR were contacted to determine their interest in serving as ex-officio board members. All three agencies are on the Advisory Council and are signatories to the MOA. Interest in serving as ex-officio Board members by Steve Anderson (BLM), Tom Contreras (USFS) and Bob Foster (CDPR) has been confirmed. The process is being considered.

*Letter to the Editor* – Assemblyman Nielsen’s letter to the Editor was reviewed. Beverley met with him shortly after the letter came out in the newspaper, and will schedule regular meetings with him to keep him apprised of Forum activities. His concern was with TNC and how they were dealing with M&T. Ron Warner is meeting with him tomorrow. Nielsen was scheduled as the guest speaker at the last Board meeting and has an open invitation to all meetings but has been unable to attend. Jim McKeivitt pointed out that when we met with Nielsen previously and when he attended the Advisory Council meeting in February, 2009, Nielsen indicated he was pleased. Brian Fedora requested that a copy of the letter be sent out to board members. Lynnel suggested making the letter available via email.

#### 5. Board Committee Reports

The Executive Committee reported that staff has investigated insurance coverage through CSUC Research Foundation. Staff is covered, as are SRCAF activities under the purview of the grant(s). Staff spoke with Burt Bundy about this and he indicated that this discussion had come up early in the development of the Forum. At that time it was unclear what the Board would need to be covered for and they decided not to pursue insurance at. The Board directed Staff to speak to an agent for quotes. The current grants do not have money allocated for insurance expense but it is possible it can be taken out of administration costs. Staff will report back to the Board.

The Board Development Committee is looking at the importance of helping counties understand their role as representatives and educating supervisors of the requirements for serving on this Board. Jane Dolan will work with the Board Development Committee to review the bylaws, duties and responsibilities of officers of the Board, and adding interested ex-officio members. Those interested in serving on the bylaws sub-committee should let staff know as soon as possible. Fiscal reports were given for last quarter 2008 and full year 2009 for both the Directed Action and Working Landscapes grants. Grants have been extended through May, 2011. New funding sources will be reviewed by the Financial Capacity Committee, Chair is Jim McKeivitt.

A recommendation was made to recognize Russell Young’s active service on the SRCAF Board since its inception. Staff will develop a certificate of appreciation.

There were no new projects at the TAC; however many updates were given on existing projects and the Safe Harbor was discussed in detail. Project Tracker outlines were made available for the Riparian Sanctuary Phase II (*PT 110*) and Colusa SRA Habitat Restoration & Tisdale Bypass Sediment Removal Project (*PT 147*). TAC notes are available to the Board and online.

#### 6. Strategic Plan

Beverley gave a presentation on the current plan, accepted January 2008, with a wording change to the mission statement. Pages 7-14 were reviewed. The following strategies have not been addressed due to the funding freeze of 2009 or other identified issues:

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| Pg7 | 1.C.2008 | Identify second sub-reach plan target area                                   |
| Pg8 | 2.A.2008 | Develop permit guideline process to help coordinate permit streamlining      |
|     |          | Establish pilot permitting process for boat launching facilities maintenance |

Pg9	3.B.2009	Plan and co-sponsor a restoration and technical conference Work with landowners to sign on to Safe Harbor agreements
Pg10	4.B.2009 4.C.2008	Investigate addition of Conflict Resolution element of GNP Seek funds to disburse for small restoration projects
Pg13	2.B.2008	Explore potential for internships

If the above goals are to be pursued, they need be rescheduled. All other goals are continuous and would just roll forward to 2010 to accommodate the 2009 budget freeze. Staff recommends amending the Strategic Plan to extend to 2011.

A dialogue regarding who is appointed by counties was brought up. Lady Bug Doherty noted several SH comment letters were received from counties not participating in the past. Gary Evans reported that although they do not see a functional equivalent of landowner assurance, Colusa is now present, listening, taking notes and hoping.

Brian Fedora expressed concern regarding the three new agency interests, with no new landowner representation. Brendon noted that agencies are non-voting and all of the power is in the hands of the landowners and county public interest representatives.

The charge of implementing habitat restoration, friendly to landowners was reviewed. Building effects and impairment on floodways comes through the TAC. Feedback and expertise of flood management is expected.

Kim Davis reviewed the SB1086 process. She stated the group has become unbalanced with agency and environmental groups and their interests, not landowners. She commented that the focus should be on the river and not talk about what is going on in other conservancies.

Jim McKeivitt stated that landowner representatives have votes on the Board. Only one public interest at large representative has a vote. There are no votes from agencies. Activities along the river are happening and this organization is charged to support restoration done well. We can only facilitate communication and be a place to discuss issues. We don't implement restoration, but can make sure standards of our handbook are met. Brendon added that we have changed how restoration is done. Kim reported that supervisors can't report details and counties are being bypassed about getting full information. Brendon stated that supervisors are asked by their board to listen and bring information back and if that is not happening that is a breakdown between the Supervisors and the representative. Tehama and Colusa supervisors reported that information is discussed at their county level.

## 7. Safe Harbor

Brendon briefly reviewed the history of the LAC, leading to the concept of the SH and how landowners can participate, if they have or want to enhance habitat and get credit for it. Protecting landowners was the basic intent.

Beverley reviewed the Summary of the Program and Questions and Answers, available in Board folders. Included is a list of other SHAs in place in CA. Shannon Holbrook worked with SRCAF during development and was available to answer questions.

Q. Money is a main incentive for landowners. Is money available?

A. No money is available for doing restoration under the Safe Harbor. Monies are available through several restoration funding programs. The Partners Program under USFWS can provide for up to 50% of the project. DFG also has programs like the Landowner Incentives Program. NRCS has many through the Farm Bill.

Q. Are Landowners with Safe harbor Agreements excluded form some funding programs?

A. There are no exclusions. You can still get funding from other programs.

Q. If a landowner signs up and then he wants out, what's the process?

A. A 30 day notice with the permit holder (SRCAF). The Service would like to know there are extenuating circumstances but that could be that a landowner feels that economically they need to remove the habitat.

Q. Would the original baseline have to be re-met and would it apply to things that can move (snakes)?

A. The baseline is established on habitat that is present at the time you signed on not on the species.

Kent Smith added that this is not a mitigation system. State and federal SHAs are both voluntary and designed for people that want to enhance above baseline value, and not be penalized for take during routine practices. Adjacent landowners can be part of the process if species get on their land. It is designed as an incentive tool, and the Department and Service are making every effort to be landowner friendly. This is a positive relationship with landowners.

Tina Bartlett added there are two mechanisms to help neighbors, as well as a code that protects from take if you're implementing routine activities. Two mechanisms available are incidental take and accidental take.

Q. If the property is inherited by children, can they take it back to baseline and opt out with a 30 day notice?

A. Yes.

Q. Can you be denied if you want to opt out?

A. The Agencies prefer you don't opt out because this is good for property, but if you do you would have to take it back to the baseline; you have to deal with what habitat is there before you signed on.

Brendon noted this is a voluntary contract and it is incumbent on each individual to understand the agreement. It is a tool in the toolbox. We're not telling or encouraging anyone to enroll. Shirley said this changes what SRCAF has done in the past and has the potential for liability. She felt we would have to have insurance before we go into this. This is being investigated.

Q. Have you heard any negatives?

A. We haven't heard any negatives from the ten Safe Harbors in California (ie., Yolo, San Joaquin, Tehama, Contra Costa, Kern, Marin, Glenn, etc.).

Q. Are any commercial farmers involved?

A. Yes, Mokelumne vineyards, Cottonwood Creek, Burrows Ranch, Paramount Orchards.

Q. Who's sponsoring?

A. USFWS and DFG. SRCAF will be the permit holder.

Q. What if the Board were to get disbanded after landowners have signed on. Without an E&O am I going to get sued? The Board would need to go into perpetuity.

A. Who would be suing who? (Brendon gave an example of a landowner thinking it was actually bad for them who sued.) We could opt out with the 30 day notice. The SH Agreement could also be transferred; another entity could pick it up.

Q. Do baselines have to be established on particular areas?

A. The baseline has to be established on the property. The programmatic holder takes out the landowner having to talk to the Service. Surveys are done by an agreed upon qualified person. It's a specific baseline for a specific parcel.

Q. How is it done without identifying landowners?

A. Information is held by the permit holder. The Service doesn't have to know. Generic reports do not indicate a specific person. Information is not held at the Service's office.

The comment period is open until April 8. The SH is available on the Forum website, or at [www.fws.gov](http://www.fws.gov).

#### 8. Next Meeting Date

In the past the Board has skipped the May and July meetings and had a BBQ in June. Lynnel moved to postpone the BBQ and meet in May, seconded by Jim McKeVitt. Motion passed. The next meeting was set for May 20.