MINUTE ITEM
This Calendar Item No. C38
was approved as Minute Item
No. 38 by the State Lands
Commission by a vote of 3
to 0 at its 7-19-93
meeting.

CALENDAR ITEM

C38

A 2, 3, 4

S 6, 7, 8

07/19/93
W 30083
Sanders

AUTHORIZE EXECUTIVE OFFICER TO SIGN THE
"NORTH BAY INTERAGENCY COOPERATIVE AGREEMENT"

APPLICANT:

State Lands Commission
1807-13th Street
Sacramento, California 95814

BACKGROUND:

In 1992, Region IX of the U.S. Environmental Protection Agency (EPA), headquartered in San Francisco, created a section, Wetlands and Coastal Planning, within its organization. This section was created to protect and restore coastal areas, wetlands, and other waters of the United States. Advanced planning in the North San Francisco Bay area was identified as one of its priority projects. The North Bay, for EPA's purposes, incorporates the area in Marin, Sonoma, Napa, and Solano counties, north of Gallinas Creek (Marin County), around San Pablo Bay to the Carquinez Bridge.

Staff of the Commission was contacted by EPA in April, 1992, to participate in a "North Bay Initiative" that would include advance planning activities in the North Bay watershed to, among other goals, maintain and increase wetlands functions and values. According to the EPA, "The North Bay represents the largest, unprotected, undeveloped assemblage of historic baylands and associated wetlands remaining in the San Francisco Estuary.

To date, staff of the Commission and staff of other cooperating agencies have been meeting as a task force to define the nature and extent of the watershed planning effort. Participating agencies, in addition to the Commission, include: U.S. EPA, U.S. Fish and Wildlife Service, U.S. Soil Conservation Service, U.S. Navy, State Coastal Conservancy, San Francisco Bay Conservation and Development Commission, Department of Fish and Game, Department of Water Resources, San Francisco Bay Regional Water Quality Control Board, Wildlife Conservation Board, and the Napa County Resource Conservation District.

A "North Bay Initiative - An Interagency Cooperative Agreement" (Agreement) and accompanying background material, Exhibit "A", have been prepared by the above parties to promote active coordination among participating agencies and to protect North Bay wetlands and associated watersheds. As described in the Agreement, the "interagency task force will sponsor cooperative research and watershed protection projects related to the North Bay area, with the ultimate goal of working with landowners, local governments, and citizens to develop a resource management plan for the region."

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

   Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

EXHIBIT:

A. "The North Bay Initiative - An Interagency Cooperative Agreement.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

2. AUTHORIZE EXECUTIVE OFFICER TO SIGN THE "NORTH BAY INTERAGENCY COOPERATIVE AGREEMENT" CONTAINED IN EXHIBIT "A" AND ATTACHED HERETO.

EXHIBIT "A"

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

The North Bay Interagency Cooperative Agreement has been drafted by federal and state agencies to facilitate protection of North San Francisco Bay wetlands and associated watersheds.

The Resource

The Petaluma River, Sonoma Creek, and the Napa River watersheds empty through a contiguous band of low-lying properties that remain largely undeveloped. A large proportion of these lands were formerly within the historical tidal margins of the San Francisco Bay Estuary, but were diked, primarily for agricultural and salt-making purposes. In recent years, the primary uses of these lands have remained agricultural (predominantly hay farming), as well as salt making, military uses (antenna fields at Skaggs Island). Some areas have also been maintained for fish and wildlife habitat (U.S. Fish and Wildlife Service and the California Department of Fish and Game).

These historic baylands are, in part, surrogates for the fringe marshes that once surrounded the San Francisco Bay, and in that role are used extensively by shorebirds and waterfowl. They also have high restoration potential; their elevations are below mean high tide and they contain few permanent structures. The North Bay represents the largest, unprotected, undeveloped assemblage of historic baylands and associated wetlands remaining in the San Francisco Estuary.

An Opportunity

Until recently, there has been no coordinated planning effort to protect or improve these resources. In fact, some ongoing projects have worked at cross-purposes or have been delayed as a result of poor planning and lack of communication. Proposals for development and conservation projects in the North Bay area continue to be forwarded, and both development and conservation pressures are growing.

Given this changing environment, it is important that federal, state, and local organizations coordinate their efforts to ensure progress. These organizations have interrelated regulatory, planning, and acquisition programs, which, cooperatively directed toward the goal of protecting wetlands and their associated watersheds, have the potential to benefit the North Bay environment. The recent federal and state emphasis on integrated approaches to environmental issues relates very well to the opportunity in the North Bay area.

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The North Bay Initiative

EPA initially sought to bring federal and state agencies together to discuss the need for comprehensive planning in the North Bay area, and to begin to identify the conditions under which a resource protection framework, if needed, would be developed. Other agency staffs were enthusiastic about working with EPA to develop such a framework, using a watershed management approach.

There was consensus among the agencies that the development of any plan would require significant public involvement including, but not limited to, landowners, county governments, city governments, and other local citizen groups and organizations. Further, the agencies agreed that on-going land uses in the North Bay, such as agriculture and salt-making, can be compatible with aquatic resource protection. Finally, regarding on-going land acquisition efforts by some agencies and trusts, there was strong agreement that a coordinated North Bay effort focus on transactions with willing sellers.

EPA moved to develop an initial interagency agreement to recognize these principles and goals. The North Bay Interagency Cooperative Agreement recognizes the outstanding resource values present in the North Bay area, and commits the signatory agencies to working together to protect, restore, and enhance those values.

As described in the Agreement, the interagency task force will sponsor cooperative research and watershed protection projects related to the North Bay area, with the ultimate goal of working with landowners, local governments, and citizens to develop a resource management plan for the region.

THE NORTH BAY INITIATIVE: AN INTERAGENCY COOPERATIVE AGREEMENT

WHEREAS:

1. The San Francisco Estuary and its associated watersheds not only provide critical habitats for threatened and endangered species and hundreds of species of fish, birds, and other wildlife, but also improve water quality in the Estuary, help control and ameliorate flooding, offer open space, and provide recreational and educational opportunities;

2. Protection of these watersheds and their associated wetlands provides tangible benefits in enhancing the functions and values of waters of the State and the diversity of resources they support;

3. The North Bay[1] represents the largest, unprotected, undeveloped assemblage of historic baylands and associated wetlands remaining in the estuary;

4. The opportunity for additional protection, restoration, and enhancement of watersheds and associated wetlands in the North Bay area is unrivaled;

5. Federal, state, and local agencies and organizations have interrelated regulatory, planning, and acquisition programs directed at the protection of wetlands and their associated watersheds;

6. Comprehensive planning which recognizes the values of environmental protection and other existing land uses can improve the circumstances under which these uses coexist by fostering an ethic of stewardship;

7. Integration of federal, state, and local wetlands and watershed protection efforts is likely to improve their efficiency and efficacy;

8. Protection, restoration and enhancement of wetlands and associated resources in the North Bay area is consistent with the goals of the signatory agencies.

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[1] For the purposes of this document, North Bay refers to the area in Marin, Sonoma, Napa, and Solano Counties north of Gallinas Creek around San Pablo Bay to the Carquinez Bridge.

THEREFORE:

The signatory agencies herein agree that it is in the interest of, and consistent with, the mission of each to work cooperatively to improve opportunities to protect, restore, and enhance the North Bay ecosystem, and agree to the following program.

Nothing in this agreement alters the existing authorities or responsibilities of any signatory agency. Any agency may terminate its participation in this agreement by written notification to the other signatory agencies.

Activities conducted under this agreement comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes. These statutes provide that no person in the United States, shall, on the grounds of race, corlor, national origin, ages, sex, religion, or handicap, be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving state or federal assistance.

THE SIGNATORY AGENCIES AGREE TO:

A. Promote active coordination through:

1. Participating on the North Bay Task Force which was initially convened to prepare this Memorandum of Agreement. The Task Force will work with local governments, citizens, and landowners to implement the provisions of this document, and will meet periodically to ensure continued coordination;

2. Active sharing of data relating to the North Bay area and coordination of research efforts to the extent practical to avoid duplication. Completing a comprehensive resource assessment which identifies data gaps and cooperative methods for data collection;

3. Coordinating resources to achieve maximum environmental and programmatic benefits, in accordance with this agreement.

B. Protect North Bay wetlands and associated watersheds through:

1. Working cooperatively with each other and with local governments, citizens, and landowners to identify and prioritize opportunities to protect, enhance, restore, manage and/or acquire wetlands and associated habitats in the North Bay area within the framework of this agreement. In accordance with the current practices of land acquisition agencies and organizations, acquisitions will proceed on a willing-seller basis;

2. Development, in cooperation with local governments, citizens, and landowners, of a Regional Wetlands Management Plan for the North Bay area. Such a plan may include, but would not be limited to, priorities for restoration, acquisition, and watershed planning, habitat management goals, and guidance for local programs;

3. Working with the San Francisco Estuary Project (or its successor) in the preparation of a comprehensive plan to monitor and evaluate the health of the region's wetlands and watersheds and use by associated fish and wildlife;

4. Working cooperatively to implement aspects of these plans, including, but not limited to reconnaissance, public outreach, geographic information system categorizations, protection, restoration, enhancement, acquisition, and monitoring;

5. Coordinating watershed planning efforts within the North Bay area through interagency involvement;

6. Seeking to expedite fulfillment of the objectives outlined in this agreement through coordination with regulatory agencies within the framework of their regulatory authorities.

7. Working closely with local governments and organizations to increase awareness and understanding of agency goals, regulations, and strategies.