

MINUTE ITEM

This Calendar Item No. C67 was approved as Minute Item No. 67 by the California State Lands Commission by a vote of 3 to 0 at its 08/21/96 meeting.

**CALENDAR ITEM
C67**

A 1,2,6,12,19

08/21/96

S 2,3,4,11,15

W 30097

D. Jacobs

**AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE,
ON BEHALF OF THE COMMISSION, A FRAMEWORK AGREEMENT
FOR COOPERATION IN COASTAL SALMON NATURAL SYSTEM CONSERVATION**

BACKGROUND:

Severe threats to natural resource systems, and the economic values they support, have been recognized in the coastal watersheds of California since the beginning of this decade. A number of fish and wildlife species dependent upon coastal watersheds have been listed as threatened or endangered, the Northern Spotted Owl and Marble Murrelet, with many others under consideration, including the Coho salmon and steelhead, both of which are proposed for listing in California under the federal Endangered Species Act. Declines in the health of watershed ecosystems have had significant impacts on timber harvesting, fishing, and other economic enterprises important to the coastal region in northern and Central California.

In 1991 the Secretary for Resources sponsored the Agreement on Biological Diversity which created the Executive Council on Biological Diversity. Staff of the State Lands Commission has been a participant since its inception. This multi-agency process created a commitment for sustainable management of natural resources through better coordination and cooperation.

PRESENT SITUATION:

A new initiative, focused on central and northern California watersheds, has been established between numerous federal, tribal, state, and local government entities to improve the conservation of biological diversity of coastal salmon watersheds. The effort seeks to act through improved coordination, communication, and cooperation among government and stakeholders in the region. Programs for conservation and management of coastal salmon watersheds will focus initially on coho salmon, but will include other species dependent upon the same ecosystems.

The State Lands Commission has been invited to become a signatory to the Framework Agreement for Cooperation in Coastal Salmon Natural system Conservation, also known as the "Coastal Salmon Initiative".

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CALENDAR ITEM NO. C67 (CONT'D)

Both sovereign lands and school lands under the jurisdiction of the State Lands Commission lie within the central and north coast region which is the subject of the Coastal Salmon Initiative. It is recommended that the Commission participate in this effort because of the Commission's authority and expertise in river and forest management.

EXHIBITS:

A. Framework Agreement

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 the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and 14 Cal. Code Regs. 15378

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 PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS 15378.
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE, ON BEHALF OF THE COMMISSION, THE FRAMEWORK AGREEMENT FOR COOPERATION IN COASTAL SALMON NATURAL SYSTEMS CONSERVATION, AS CONTAINED IN EXHIBIT "A" ATTACHED HERETO.

July, 1996

EXHIBIT A

FRAMEWORK AGREEMENT

BETWEEN THE

CALIFORNIA RESOURCES AGENCY
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
NATIONAL MARINE FISHERIES SERVICE
UNITED STATES FISH & WILDLIFE SERVICE
NATURAL RESOURCES CONSERVATION SERVICE
CALIFORNIA DEPARTMENT OF FISH AND GAME
FISH AND GAME COMMISSION
CALIFORNIA DEPARTMENT OF FORESTRY
BOARD OF FORESTRY
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION IX
BUREAU OF LAND MANAGEMENT
UNITED STATES FOREST SERVICE
BUREAU OF RECLAMATION
STATE WATER RESOURCES CONTROL BOARD
NORTHCOAST REGIONAL WATER QUALITY CONTROL BOARD
STATE COASTAL CONSERVANCY
CALIFORNIA CONSERVATION CORPS
DEPARTMENT OF PARKS AND RECREATION
CALIFORNIA ASSOCIATION OF RESOURCE CONSERVATION DISTRICTS
DEPARTMENT OF CONSERVATION
MENDOCINO COUNTY
SANTA CRUZ COUNTY
SAN MATEO COUNTY
THE YUOK TRIBE
SAN LORENZO VALLEY WATER DISTRICT
CITY OF SANTA CRUZ
DEPARTMENT OF TRANSPORTATION
ARMY CORPS OF ENGINEERS
TRINITY COUNTY

FOR

COOPERATION IN COASTAL SALMON NATURAL SYSTEM CONSERVATION

I. PREAMBLE

The signatories to this memorandum share a common interest in sustaining the integrity of biological and natural resource systems and the human and economic values they support. Efforts to coordinate conservation programs among local, State, Tribal and Federal governments in California are well established.

In 1991, the Agreement on Biological Diversity created an Executive Council on Biological Diversity. The signing of this agreement by 27 Federal, State and local representatives exemplifies California's commitment to cooperative ecosystem management. The Agreement established a framework by which State and federal resource managers, local governments, and the public can discuss and establish collaborative conservation planning and management programs on a bioregional or local scale. The State of California's Natural Community Conservation Planning (NCCP) Program is a mechanism for implementing this framework as well.

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II. PURPOSE OF THE AGREEMENT

This Memorandum of Agreement establishes a partnership between the signatories for the purposes of conserving the rich and unique biological diversity of the Coastal Salmon Natural System and maintaining a healthy and sustainable economy. This effort will be developed within the framework of the existing legal authorities of the parties to this Agreement.

III. POLICIES

1. We commit to promoting maximum coordination, communication, and cooperation among the State, local, Tribal and Federal agencies with interests and responsibilities in the Coastal Salmon waterways.

2. We commit to meeting the requirements of State, local, Tribal and Federal law in a manner that considers how the overall costs for achieving environmental protection can be minimized.

3. We agree that a major goal of all State, local and Federal regulatory processes affecting the Coastal Salmon waterways should be to provide meaningful regulatory stability for beneficial uses of the Coastal Salmon waterways' resources. We believe that the best means to this goal is to develop a single, cohesive program, consisting of appropriate actions, including continuing planning efforts, that meet all requirements of State and Federal law and which will remain in effect, absent unforeseen circumstances, for a period of years.

4. We agree that a primary component of providing regulatory stability is to integrate current and future implementation of the Federal and State Endangered Species Acts, the State's Porter-Cologne Act, the Federal Clean Water Act and other applicable laws, into a coordinated approach to resources management in the Coastal Salmon waterways. This can best be accomplished by taking a comprehensive ecosystem approach to the problems of the Coastal Salmon waterways.

5. We recognize that we each have specific statutory and regulatory authority and responsibilities, and that our actions must be consistent with applicable procedural and substantive requirements. This Agreement is intended to be in furtherance of the discharge of our respective authority and responsibilities, and its provisions are to be interpreted and implement accordingly. Nothing in this Agreement is intended to or shall have the effect of constraining or limiting the signatories in carrying out their statutory responsibilities. Nothing in this Agreement constitutes an admission by any party as to the proper interpretation of any provision of law, nor is anything in this Agreement intended to, nor shall it have the effect, of waiving or limiting any party's rights and remedies under any applicable law. We are committed to the implementation of this Agreement to the extent feasible under available funds and appropriations.

6. We endorse and concur with the points of agreement attached to this Agreement and incorporated in it by reference as Exhibit A, dealing with the conduct of a program feasibility assessment.

IV. MODIFICATIONS

This Agreement is to remain in effect until modifications by the parties in writing; it is negotiable at the option of any of the parties.

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**POINTS OF AGREEMENT
ON
CONDUCT OF A FEASIBILITY ASSESSMENT FOR
A COOPERATIVE APPROACH TO THE PROTECTION AND MANAGEMENT
OF CALIFORNIA'S COASTAL SALMON NATURAL SYSTEMS**

The California Resources Agency will conduct this assessment with the support and participation of the signatories. It will be conducted in accordance with the Working Goal and Working Principles described below. The Assessment will address the initial set of issues described in this attachment, as well as other issues agreed upon during the conduct of the assessment.

Goal for Assessment

Determine the workability of a process for development of an integrated watershed program that will provide long-term protection of the coastal salmon natural systems and their dependent species, while providing certainty for landowners and local communities that operating in accordance with an approved plan will meet their obligations for species or other legal requirements covered in a plan. If the assessment determines such a program is feasible and desirable, we will also outline the design of the process.

Principles for Potential Program

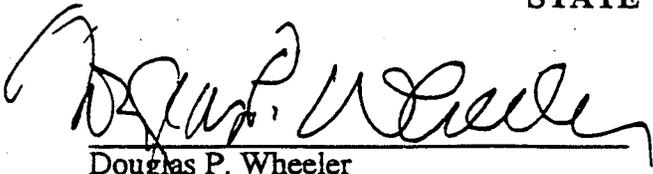
1. We will seek to involve all stakeholders in the assessment and design of the Program, including its goals and processes.
2. The Program should be structured to provide incentives and technical support for the appropriate local entity (eg. landowner, local government, Resource Conservation Districts, watershed association) to take the lead in devising plans that meet the requirements of law.
3. State and federal officials should engage as problem-solvers with local government, tribal governments, landowners and stakeholders in assisting local efforts through providing guidance, advice and technical support to their efforts.
4. Consistent with their statutory authority, State, federal, tribal and local authorities will retain appropriate control through approval of plans, including providing ample opportunity for public review and involvement.
5. The Program should strive to achieve maximum integration of existing diverse; statutory requirements in order to provide one-stop approval for landowners and achieve agreements that all parties can rely and depend upon for a fixed period of time.
6. The State and federal governments will provide high-level policy oversight to assure timely, constructive engagement of their governmental entities in working with tribal and local governments, as well as with all stakeholders.
7. The Program will be developed and implemented providing for the full involvement of Tribal and local governments.
8. The Program will seek to develop options to maximize the incentives and assistance for multi-species, ecosystem approaches in recognition that achieving the desired higher levels of certainty require more comprehensive, integrated solutions.

Initial Key Issues for Assessment

The following are the initially agreed upon areas of inquiry for the assessment. Others may be added during the assessment.

1. Scope of resources to be covered: Will this effort focus only on aquatic species or seek to cover all species of concern in a watershed? Can we structure a process that allows landowners and local communities latitude on the scope of planning efforts that they would undertake, while recognizing that there is a direct relationship between the number of species and laws addressed with the degree of certainty achieved?
2. Inventorying existing relevant efforts or tools in order to assess them as potential elements of an integrated approach.
3. Assessment Protocols and other scientific issues: what will be the procedure for developing protocols for watershed assessments in order to efficiently use resources and secure needed information that will meet the needs of regulators and landowners, and be scientifically credible?
4. Coordination mechanisms to assure cohesive and timely engagement of government entities. Unless we demonstrate that we in government are "getting our acts together" to be able to engage cohesively, we will not secure needed landowner, local government or stakeholder participation.
5. Public outreach and involvement mechanisms to assure strong stakeholder involvement throughout the Program.
6. Seeking agreement on the needed interim protection efforts for the period during which the integrated, watershed approach is developed and implemented. Unless we reach agreement on this, we risk having the interim efforts consume all available resources and thereby preclude the opportunity for taking a more integrated approach. Also, interim activities should be conducted in a way so as to not preclude long-term conservation options.
7. Options for dealing with the different type of watersheds in regards to ownership size and land-use diversity. While the coastal salmon watersheds have a spectrum of such ownership sizes and land-use mixes, there are two major categories that we must focus upon: 1) the watersheds with larger ownerships in forest production; 2) the watersheds with multiple smaller ownerships and more diverse land-uses.
8. Options for integrating private public and tribal land management within a watershed. Options will be explored for defining the respective roles of public and private lands in achieving the goals of compliance with existing law, including the ESA and Clean Water Act, and addressing habitat needs for species dependent on the coastal salmon natural systems. Where possible, integrated watershed programs will be developed to maximize the contribution of public lands toward meeting the Program's environmental goals, while assuring that legally required environmental protection is achieved on both public and private lands.
9. Assessing the adequacy of human and fiscal resources for effective development and implementation of such a Program.

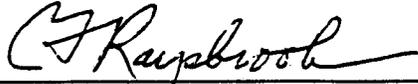
STATE OF CALIFORNIA



Douglas P. Wheeler
Secretary for Resources
The Resources Agency

9-22-95

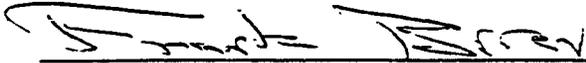
Dated



Chuck Raysbrook
Acting Director
CA Department of Fish and Game

10/2/95

Dated



Frank Boren
President
Fish and Game Commission

10/5/95

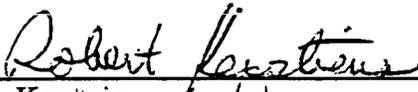
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Richard Wilson
Director
CA Department of Forestry

10/2/95

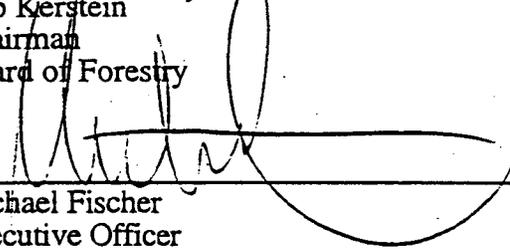
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Bob Kerstein
Chairman
Board of Forestry

9/26/95

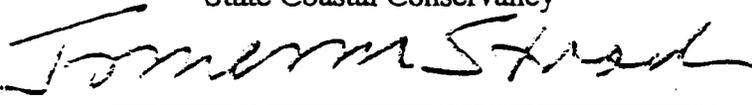
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Michael Fischer
Executive Officer
State Coastal Conservancy

9/22/95

Dated



James M. Strock
Secretary for Environmental Protection
California Environmental Protection Agency

9/28/95

Dated



John Caffrey
Chairman
State Water Resources Control Board

10-2-95

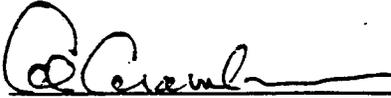
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Ross R. Liscum
Chairman
Northcoast Regional Water Quality Control Board

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STATE OF CALIFORNIA



Al Aramburu
Director
California Conservation Corps

11/16/95

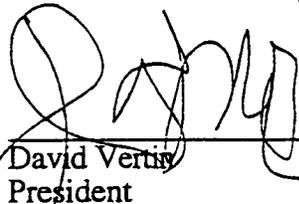
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Don Murphy
Director
Department of Parks and Recreation

11/27/95

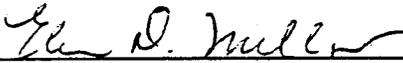
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David Vertis
President
California Association of Resource Conservation Districts

12/8/95

Dated



Elin D. Miller
Director
Department of Conservation

1/4/96

Dated

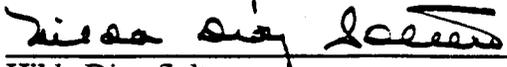


James W. van Loberg Sels
Director
Department of Transportation

4/8/95

Dated

UNITED STATES OF AMERICA



Hilda Diaz-Soltero
Regional Director
National Marine Fisheries Service

17 05 95

Dated



Mike Spear
Regional Director
U.S. Fish and Wildlife Service

10/6/95

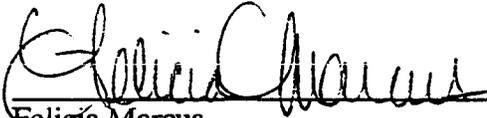
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Hershel Read
State Conservationist
Natural Resources Conservation Service

11/9/95

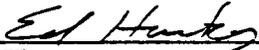
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Felicia Marcus
Regional Administrator
U.S. Environmental Protection Agency

10/19/95

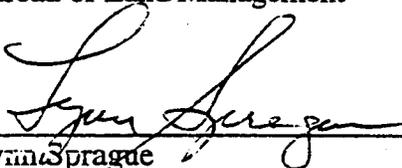
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Ed Hastey
State Director
Bureau of Land Management

9/24/95

Dated



Lynn Sprague
Regional Forester
U.S. Forest Service

9/22/95

Dated



Roger Patterson
Regional Director
U.S. Bureau of Reclamation

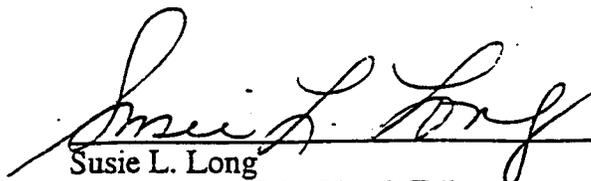
10/19/95

Dated

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TRIBAL AND LOCAL GOVERNMENTS



Susie L. Long
Chairperson of the Yurok Tribe

10/18/95
Dated



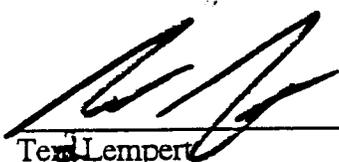
Fred Keeley
Santa Cruz County

12/1/95
Dated



Seiji Sugawara
Mendocino County

12-12-95
Dated



Tom Lempert
San Mateo County

12-19-95
Dated



Terry Vierra, President
San Lorenzo Valley Water District

3/7/96
Dated



Bill Kocher, Water Director
City of Santa Cruz

3/11/96
Dated

Arnold Whitridge, Chairman
Trinity County

Dated