SRCAF BOARD POLICY – ADOPTED MARCH 15, 2007

GENERAL POLICY

It is the fundamental policy of the Sacramento River Conservation Area Forum (SRCAF) to promote communication and understanding among neighbors[1] within the adopted Sacramento River Conservation Area (Conservation Area). As an essential part of this policy, the SRCAF will make every reasonable effort to prevent harm or loss to any person and public or private entity from activities prescribed in the SRCAF Handbook. It is also a policy that the SRCAF will use its resources to promptly address, and resolve to the best of its ability, any conflict between neighbors resulting from activities associated with the implementation of the Handbook within the Conservation Area.

The Sacramento River Conservation Area Forum Board fully recognizes the issues that concern all landowners along the Sacramento River, and is committed to assist in the resolution of those concerns. The SRCAF is a non-governmental entity that does not have legislative nor regulatory authority over local, state and federal programs or funding mechanisms. The SRCAF policies apply and are binding only to its allowed actions as an advisory body.

NEED FOR A GOOD NEIGHBOR POLICY

The SRCAF supports management of water and land resources that is consistent with the overall goals of the SRCAF and principles described in its Handbook. To accomplish these goals, the SRCAF recognizes that historic uses and local concerns must be respected.

The SRCAF appreciates the value of the Sacramento River as a vital habitat area for fish and wildlife and supports the overall goal to; "preserve remaining habitat and reestablish a riparian ecosystem along the Sacramento River between Redding and Chico, and to reestablish riparian vegetation along the river from Chico to Verona".* The SRCAF also appreciates the agricultural heritage of the Sacramento Valley as an important part of the Sacramento River's history, and recognizes that much of the land within the Conservation Area has been in agricultural use for more than a century and provides open space and environmental benefits. The Conservation Area extends through seven rural counties with numerous communities that rely on agriculture as their economic base. Agriculture is an essential life sustaining industry on which many local landowners and communities depend; therefore protection and preservation of agricultural land is a high priority. The SRCAF also recognizes the importance of the Sacramento River as a water supply for the local agricultural economic base and as a public recreation resource. Moreover, flood control for the local citizens, communities, and agricultural lands is also a concern. Therefore, all activities within the Conservation Area must demonstrate planning and management that is sensitive to agricultural needs, public safety, recreation, and flood protection, along with fish and wildlife and their habitat.

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[1] "Neighbor" pertains to adjacent, nearby, or "in the vicinity".

* Overall goal of the Sacramento River Conservation Area Handbook, Page 1-1.

Landowners[2] often experience stress and anxiety when other land uses[3] occur near their land because such activities may directly or indirectly affect the normal management of their operation. Conflicts between different land uses are common, and those that can occur between agriculture and riparian habitat pose some unique and serious problems. Restoration of habitat seeks to enhance the living conditions of native flora and fauna. However, managers and operators of neighboring farmlands may consider plant and wildlife species that move from restored habitat areas on to farmlands as pests, predators, or competitors with the production of their crops. Possible impacts to farming operations, crop production, water supply, and flood protection, coupled with the increase in permitting requirements tied to the protection of threatened and endangered species, create an atmosphere where farmers may be opposed to any restoration near their property.

For agricultural operations, some of the possible impacts from neighboring landowners can be those that increase costs of normal farming practices, inhibit routine maintenance of agricultural facilities, add time and effort in performing tasks, and reduce production and profits. Increased crop depredation, rodent damage, and trespass problems can also negatively affect farming programs. In addition, public services and local economies may be affected by activities that impact flood protection, public facilities, recreational uses, and the rural tax base. Small local economies may be seriously affected by significant land use change. Local infrastructure and services depend on established funding streams, and when those are changed, they may never recoup.

It is noted that lands used for habitat can also be affected by activities of their neighbors. Adjacent weed and pest abatement, trespass problems, game disturbance, water management, noise, and dust pollution can create unfavorable conditions for wildlife habitat and key species. Natural ecological processes can also be impacted by nearby farming activities.

While the differences between riparian habitat and farming exist, commonalities are apparent and may offer opportunities upon which to build. Most agricultural landowners are conservation minded and can appreciate habitat on neighboring lands if the habitat and its inhabitants do not have serious negative offsite impacts. Likewise, farming is likely to be a more compatible land use than urban and industrial development on lands adjacent to habitat, especially if offsite impacts to both can be minimized. The challenge is to understand the various land uses to the extent that each can be managed to remove or minimize negative or maximize positive impacts on others. In situations where conflicts or harm do arise, there should be mechanisms established to determine the extent of the impacts and identify the resources available to promptly alleviate adverse effects, compensate the affected parties or assist in finding mutually acceptable solutions to the impacts.

This SRCAF Good Neighbor Policy (GNP) is set forth to outline an approach that all landowners (new, existing, and absentee) should follow in order to comply with the intent and spirit of the SRCAF Handbook. The goal of the GNP is to avoid negative impacts,

[2] For the purposes of this document, the term "landowner" is to apply to private and public entities and their day-to-day operating agents (e.g. managers, lessees, tenants, etc.)

[3] Land uses are those general uses as designated by the respective county planning body (e.g. agricultural, residential, commercial, industrial, etc.)

address and resolve unavoidable impacts, and foster good communication and relationships among neighbors and communities. The GNP is intended to apply to land management activities within or affecting the Conservation Area, including changes in land use where habitat is actively developed, develops naturally, or is converted to agricultural or other uses. The GNP is not intended to apply to those cultural practices normally used in farming or habitat conservation operations or to the normal maintenance practices required of public entities for public safety, as long as those practices are undertaken within the law, and with reasonable consideration to prevent impacts to others.

The Good Neighbor Policy envisions all landowners being good stewards of the land, understanding the issues facing their neighbors and the implications of land use practices on the neighbors and community. Only with this understanding can one avoid negative impacts. Open and honest communication is a very important tool in being a good neighbor.

POLICY ACTIONS

The Sacramento River Conservation Area Forum resolves to take the following actions to address the potential impacts discussed above:

1. **Communication and Review -** The SRCAF recommends that prior to initiating any land use or management actions, all landowners within the Conservation Area be considerate of, and communicate with, those neighbors potentially affected. In particular, those landowners conducting activities that affect flood control, agriculture, habitat, and recreation must be sensitive to conflicts that could arise. Consistent with that belief, the following items should be incorporated into all proposals and project[4] plans prior to beginning any physical changes to the property to help avoid any adverse impacts.

    a. Proponents of proposals for changes in land use shall emphasize proactive communication with neighbors and the community. While developing proposals and plans, project proponents should introduce themselves to all potentially affected landowners and describe the anticipated project and the desired outcome of the project. Through SRCAF Project Review[5] and discussion with nearby landowners, project proponents need to anticipate potential impacts and incorporate appropriate actions to avoid or minimize impacts to their neighbors. Their proposals should describe the activities they've undertaken to initiate proactive communication and should further describe their plans to continue communication through the completion of their project.

    b. Proponents shall designate a local contact person for their project who would make every reasonable effort to meet with adjacent landowners and discuss any issues that may be of concern. This individual should be readily known by

[4] For the purposes of this document, a "project" is defined as an activity that uses or affects public resources.

[5] "Project Review" is SRACF Policy # 3 that outlines a process and criteria for SRCAF review of publicly funded proposals and projects.

neighboring landowners and county officials and must be empowered to the maximum extent possible to address questions and problems relating to the management of the project.

c. To the extent required by law, project proponents shall follow the local processes for land use, including county permitting and zoning, and if applicable, provide environmental analyses that conform to the California Environmental Quality Act and the National Environmental Policy Act. The SRCAF will not endorse any project that has not met its legal requirements. Projects not required by law to comply with local processes for land use (such as State and Federal projects) are highly encouraged to develop proposals consistent with the spirit and intent of local plans and ordinances.

d. To the extent feasible, or as required by law, project proponents shall provide a series of baseline studies of the land targeted for conversion of land use. Where appropriate, social/economic, cultural, biologic, topographic, hydrologic and geomorphic studies should be done to help guide proposed changes in use and ascertain the potential impacts of such changes to adjacent lands. These data can also serve as a reference to demonstrate changes to the baseline condition on the project site.

e. The proposal or plan shall describe any infrastructure that may be necessary to manage access in and out of the project area and prevent trespass on adjacent landowner property.

f. As part of the development of plans to minimize negative impacts to adjacent landowners, project proponents shall consider incorporating buffer zones or barriers on the project property. The goal of a buffer zone or barrier is to provide an area between different land uses that would reduce or eliminate damage to neighboring lands and assist with a successful transition between types of land use. When a buffer or barrier is deemed appropriate, a plan to incorporate, fund and maintain this area in the final project must be included.

g. A project must include an analysis of possible flood impacts and a plan to prevent or address those impacts, as required by the State Reclamation Board or local responsible agency.

h. A source of contingency funds should be identified for each project to provide a means to remedy unforeseen adverse impacts where they may occur. This could include performance bonds, escrow accounts or a similar set-aside of funds. In some instances, a legal or procedural mechanism for providing such funds has yet to be identified, but could be specified in a Bond Act or by legislative action. Those funds would be controlled by the funding agency to address needs that require prompt resolution and be available for only a specified length of time after the project completion date. The SRCAF will continue to investigate and support such funding mechanisms.

2. **SRCA Mitigation Area and Regulatory Assurances -** The SRCAF will work to promote the concept of the Sacramento River Conservation Area as a "self-mitigating area"; where implementation of the activities prescribed in the 1989 Plan and Handbook are anticipated to provide significant net conservation benefit to fish, wildlife, and their habitats within the Conservation Area. Additionally, the SRCAF will work with signatory agencies and stakeholders to identify and pursue mechanisms that will minimize, avoid or eliminate the potential for conflict that might arise due to provisions of federal and state Endangered Species Acts. The goal of this effort would be to provide landowners in proximity to restoration sites assurance that increases in populations of listed threatened or endangered species due to restoration actions will not adversely affect their otherwise lawful current or future operations.

A Programmatic Safe Harbor Agreement (PSHA), would allow non-profits, agencies, or private landowners to do habitat restoration pursuant to an agreement that would allow "take" of listed species which might occur "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity" provided that such incidental take does not reduce the local populations of the covered species below some pre-determined baseline. Neighbors connected in some way to these restored properties would also be able to sign up under the PSHA and receive incidental take protections allowing them to avoid Endangered Species Act liability for any "otherwise lawful activities", such as existing and routine farming activities. They could also be protected from future restrictions associated with additional species or habitat on their land, and be able to return their lands to baseline levels in the future (notwithstanding requirements associated with funding received for the work). Similarly, under state law, a Voluntary Local Program could allow for "taking of any covered species whose conservation and management is provided for", and will be investigated for coverage of state listed species and their habitat.

A *Programmatic* Safe Harbor Agreement, as opposed to an individual Safe Harbor Agreement, would have the SRCAF as the permit holder for covered activities within the Conservation Area, thereby allowing landowners to access the regulatory assurances without direct contact with agencies.

a. The SRCAF will work with habitat project implementers, and with the agencies responsible for ensuring that a project's adverse impacts on fish and wildlife resources are mitigated, to minimize or avoid having additional mitigation requirements imposed on such projects. It is recognized that net conservation benefits for non-listed species are not appropriate mitigation for adverse impacts to listed species.

b. The SRCAF will work with entities responsible for public works projects (i.e. flood management projects, water supply projects, other infrastructure projects, etc.) and maintenance thereof to meet any mitigation requirements they may face by brokering agreements with conservation project implementers. Such agreements could include contributing resources (funds, equipment, manpower, etc.) in exchange for net conservation benefit credits to meet mitigation needs. Using this approach, it is highly likely that net conservation benefits can be shown while simultaneously minimizing mitigation requirements and permitting time for routine

activities. In addition, it could help those entities significantly in meeting any Federal Section 7 consultation requirements.

c. The SRCAF will work on behalf of private landowners in order that they might avail themselves of some of the "net conservation benefits" created by the habitat restoration/enhancement efforts of others to meet mitigation requirements they might face. In such instances, the SRCAF might facilitate agreements between the habitat project implementers, the regulatory agencies, and the private landowner, in which some credits that accrue to a habitat restoration/enhancement project may be used to offset the private landowner's mitigation requirement in exchange for some consideration or action by the landowner (e.g. help in implementing a conservation project or measure, use of equipment or supplies, or similar consideration to be decided among the affected parties).

d. As a means of helping to achieve the habitat restoration goals of the 1989 Plan and Handbook, the SRCAF will also promote establishment of mitigation and/or conservation banking within the Conservation Area. Consideration will be given to developing conservation banking on a project-by-project basis or through a formal bank in accordance with state and federal guidelines. Priority will be given to establishing banks within the Conservation Area but they may also be outside and still contribute to the overall goal of establishing a viable habitat focused ecosystem.

3. **Conflict Resolution -** It is the intent of the SRCAF to facilitate a voluntary process to help resolve unforeseen conflicts between project activities and neighboring landowners in a quick, responsive, and cost-effective manner. It is sound policy to anticipate and resolve potential conflicts between the management, conservation and protection of fish and wildlife resources and their habitats and private and public activities. Therefore, the SRCAF will work with landowners and agencies involved in projects within the Conservation Area to utilize an informal means of settling disputes before they embark on other, more legalistic processes. This would not replace existing legal remedies: instead, it would provide a locally based alternative process for resolution of conflicts before legal remedies are instituted.

The SRCAF, as soon as possible, but no later than fifteen (15) days after receiving written notification of a conflict, shall offer to convene the parties involved, both county SRCAF Board members, and technical experts as needed to resolve the issue. The group may bring the issue to the SRCAF's Technical Advisory Committee for technical advice or to the Board for a recommendation to the parties involved. The recommendation may include: no action, remedial action, preventative action, or identification of potential resources available (financial, technical, etc.) to resolve the issue.

Addendum "A":

Some of the possible impacts on neighboring landowners and communities are:

1. Impaired drainage of both flood water and surface (irrigation) water due to discontinued maintenance of drainage or flood control structures.
2. Farming delays and crop loss resulting from seepage and flooding.
3. Increased maintenance of hard points (ex: pumping plants, fish screens, bridges, boat landing/ramps) and facilities/infrastructure (ex: ditches, pipelines, fences, roads, parks and recreation resources) due to siltation, erosion, woody debris, and river meander.
4. Crop depredation from wildlife.
5. Migration of invasive and noxious weeds.
6. Curtailment of normally accepted agricultural practices (ex: aerial spraying and baiting) resulting in higher production costs and possible crop loss.
7. Abnormal changes in local ground water aquifers.
8. Migration of present or future endangered/threatened species stopping any or all agricultural activities.
9. Increased trespass.
10. Increased fire risk due to build up of vegetation and forests and possible increased public access and use.
11. Closure of public lands and loss of public use.
12. Loss of revenue to counties and special districts (ex: fire, irrigation and mosquito abatement) due to removal of property from local tax rolls.
13. Increased local government operation and maintenance costs such as fire protection, law enforcement.
14. De-stabilization of rural, agricultural-based economies resulting from removal of land from production and from the implementation of the federal and state Endangered Species Acts.
15. The increased cost or inability to perform operation and maintenance or repairs of flood control projects.
16. The increased cost or inability to provide flood fight response or implement federal or state public safety programs (PL84-99 or USACE Projects).
17. The increased cost or inability to maintain, modify, or expand the existing design function (i.e. flow splits at weirs) and actual carrying capacities of flood control projects.
18. Harm to habitat and species from toxic substances.
19. Harm to habitat and species from nutrients (ex: fertilizers and amendments) entering habitat from adjacent properties.
20. Harm to habitat and species from sediment runoff, noise and dust from adjacent property.
21. Loss of wildlife that wanders onto adjacent lands.
22. Loss or disturbance of nesting or rearing habitat.
23. Loss due to trespass from adjacent land.
24. Loss of wildlife and habitat caused by feral or domestic animals or livestock.