

**CALENDAR ITEM
C40**

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10/16/08
PRC 8041.9
M. Brand
E. Milstein

**CONSIDERATION OF A PROPOSED COOPERATIVE MANAGEMENT AGREEMENT
AMONG THE
U.S. DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT,
CALIFORNIA DEPARTMENT OF FISH AND GAME,
CALIFORNIA DEPARTMENT OF WATER RESOURCES,
DUCKS UNLIMITED,
GALT JOINT UNION ELEMENTARY SCHOOL DISTRICT,
NATURAL RESOURCES CONSERVATION SERVICE,
SACRAMENTO COUNTY REGIONAL PARKS DEPARTMENT,
NATURE CONSERVANCY, AND
CALIFORNIA STATE LANDS COMMISSION
FOR THE MANAGEMENT OF LAND CONTAINED WITHIN
THE COSUMNES RIVER PRESERVE**

PARTIES:

United States Department of the Interior, Bureau of Land Management
California State Lands Commission
California Department of Fish and Game
California Department of Water Resources
Ducks Unlimited
Galt Joint Union Elementary School District
Natural Resources Conservation Service
Sacramento County Regional Parks Department
The Nature Conservancy

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BACKGROUND

The Cosumnes River supports a mosaic of habitats and is noted for its abundance of rare aquatic invertebrates, river otters, and native trout and salmon populations. The river's natural process of seasonal flooding creates ideal wintering grounds for hundreds of thousands of migratory birds, including the tundra swan and the greater sandhill crane, listed as threatened by the State of California.

The Cosumnes River Preserve (Preserve), located along the river in Sacramento County, encompasses and protects thousands of acres of wetlands, including extensive vernal pools, and adjacent uplands which provide habitat for the giant garter snake and critical habitat for the Swainson's hawk, both listed as endangered species.

The primary goals for the Preserve include: 1) cooperative management as a single ecological unit for the protection, restoration and maintenance of the quality and diversity of valley oak riparian forest and freshwater seasonal wetlands as well as their associated wildlife habitat values; 2) cooperative management to protect, maximize, and enhance the benefits to declining, threatened, and endangered species of fish, wildlife and plants; 3) provide protected habitat and wintering grounds for migrating waterfowl and shorebirds in the Pacific flyway; and 4) protect and manage additional habitat types, such as grasslands, to promote growth of native flora and provide habitat for wildlife.

Secondary goals include the accommodation and facilitation of research, teaching, nature study and appreciation, historical and cultural interpretation, agriculture, and compatible recreational, educational and scientific activities that are appropriate to the Preserve without detrimentally impacting its intrinsic ecological and wildlife values.

On June 19, 1998, the Commission authorized the contribution of \$493,000 towards the purchase of a 263-acre parcel located adjacent to the then existing Cosumnes River Preserve (Minute Item 132). The monies used for this purchase came from the Kapiloff Land Bank Fund and was made in cooperation with the Wildlife Conservation Board who, using CALFED monies, contributed \$218,660 towards the total purchase price of \$811,660. The remaining \$100,000 was funded by other Cosumnes River Partners.

In return for the contribution of \$493,000, the Commission, as Trustee, took title to Parcel B of the subject property. Title to Parcel B was vested in the State as

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land of the legal character of tide and submerged lands subject to the Public Trust under the jurisdiction of the Commission, pursuant to the provisions of Division 6 of the Public Resources Code (commencing with section 6001). The Wildlife Conservation Board took title to Parcel A.

As part of the Commission's action on June 19, 1998, staff was authorized to enter into a lease with the U.S. Bureau of Land Management for a term of 49 years for the management of Parcel B for the purpose of open space and wildlife habitat. As a result of these actions, Parcel B became part of the Cosumnes River Preserve.

PROPOSED COOPERATIVE MANAGEMENT AGREEMENT

The proposed Cooperative Management Agreement (Agreement), in substantially the same form as on file in the Sacramento office of the Commission, defines the goals, roles and responsibilities of all the signatories for managing and administering all portions of lands that are considered part of the Cosumnes River Preserve as of the date of the Agreement.

All signatories to the Agreement either own lands that are already part of the Preserve or anticipate owning lands that will become part of the Preserve. By signing the Agreement, the signatories are indicating their desire to coordinate the protection, care, regulation, administration, improvement, restoration, and management of the Cosumnes River Preserve. It is recognized that the respective interests of each of the signatories are subject to different authorities and policies. However, the Agreement is intended to facilitate cooperation among them and designed to the greatest extent possible, as a cooperative administrative process for the management of Preserve lands.

Authority for the Commission to be a signatory to this Agreement is provided under Public Resources Code section 6301 which grants to the Commission exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State, and over the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits.

Common Responsibilities

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In accordance with their respective rights, responsibilities, and authority, and in applying their respective expertise, skills, and knowledge, the signatories to the Agreement are agreeing to do the following:

- Management Plan: Implement the Preserve's March 2008 Final Management Plan.
- Research: Promote, develop, screen, review, and approve research projects (in consultation with all agencies affected by such projects) that would affect natural and historical resources on the Preserve, per the recommendations set forth in the Preserve's March 2008 Final Management Plan.
- Public Use: Enhance public use and awareness of the natural and historical resource values of the Preserve through on-site and off-site interpretation as recommended in the Preserve's March 2008 Final Management Plan.
- Law enforcement: Cooperate in the enforcement of laws, rules and regulations, particularly with respect to wildlife violations, by coordinating staff responsibilities and working with local, state and federal law enforcement officials.
- Resource Protection: Conduct their respective programs and otherwise exercise their authority and carry out their responsibilities on the Preserve in a manner intended to protect the natural and historical resources of the Preserve.

California State Lands Commission Participation

As signatory to the Agreement, the Commission is agreeing to do the following:

- Restoration and Enhancement
 - As appropriate, and if adequate funding is available, participate in the development and implementation of restoration proposals through coordination with the other signatories. Participation could include proposal review and consultant selection.
 - As funding allows, provide technical assistance in the evaluation of Preserve management options and non-native invasive species control.
- Operations and Management
 - Participate in the Signatories' meetings and provide technical assistance with respect to the Public Trust and the California Environmental Quality Act as they relate to issues that may arise within the Preserve.
- Facilities and Public Use

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- Participate with the other Signatories in the review of interpretive and/or educational materials and/or programs intended for use by the public as well as community outreach efforts.
- Management Funding
 - Implement the Agreement and the Preserve's March 2008 Final Management Plan, subject to the availability of funding. The Commission shall not, however, be required to provide services pursuant to this Agreement at a level that exceeds total available funds, nor shall the Commission be required to provide any service or provide for any costs hereunder at such time as the Commission is no longer a party to the Agreement.

Staff believes approval of the Agreement is in the best interests of the State because it will help ensure a coordinated effort to protect, care, regulate, administer, improve, restore and manage lands contained within the Cosumnes River Preserve.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et. seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code Sections 6370, et. seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, Section 2954 is not applicable.

STATUTORY REFERENCES:

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Public Resources Code section 6301.

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR – BUREAU OF LAND MANAGEMENT, CALIFORNIA DEPARTMENT OF FISH AND GAME, CALIFORNIA DEPARTMENT OF WATER RESOURCES, DUCKS UNLIMITED, GALT JOINT UNION ELEMENTARY SCHOOL DISTRICT, NATURAL RESOURCES CONSERVATION SERVICE, SACRAMENTO COUNTY REGIONAL PARKS DEPARTMENT, AND THE NATURE CONSERVANCY FOR THE COOPERATIVE MANAGEMENT OF LANDS CONTAINED WITHIN THE COSUMNES RIVER PRESERVE.