

***Appendix M. Applicable Laws and  
Executive Orders and Relationships to  
Federal, State, and Local Policies and  
Plans***



This appendix contains an overview of laws, executive orders, policies, and plans created by federal, state and local agencies with jurisdiction in the vicinity of Sacramento River Refuge. Table 1 contains a list of applicable laws and executive orders that may affect the Refuge’s CCP or the Service’s implementation of the CCP. A brief description of the law, executive order, policy, or plan is included as well as how it relates to the CCP.

## 1.0 Federal Government

<b>Table 1. Applicable Laws and Executive Orders</b>		
<b>Law, Regulation, or Guideline</b>	<b>Description</b>	<b>Relation to the CCP</b>
<b>Agency Coordination</b>		
Executive Order No. 12372, Intergovernmental Review of Federal Programs.	Requires that Federal agencies afford other agencies review of documents associated with Federal programs.	Copies of this environmental assessment were sent to the California State Clearinghouse, Federal and State agencies, and local governments.
<b>Human Rights Regulations</b>		
Executive Order 12898, Environmental Justice. February 11, 1994 Americans with Disabilities Act of 1990 (ADA)	Requires Federal agencies to consider the effects of projects and policies on minority and lower income population. Provides for access to Federal facilities for the disabled.	The proposed action will not have a disproportionately high and adverse human health or environmental effect on minority populations and low-income populations. The proposed action promotes reasonable and appropriate uses of the land that preserve the natural character and protect the natural resources of the area.
<b>Cultural Resources Regulations</b>		
Antiquities Act of 1906	This act authorizes the scientific investigation of antiquities on Federal land. It prohibits and provides penalties for unauthorized search for or collection of artifacts or other objects of scientific interest. The Act also authorizes the president to establish national monuments and cultural areas on Federal lands.	The Service will continue to comply with this Act under the CCP.
Executive Order No. 11593, Protection and Enhancement of the Cultural Environment	States that if the Service proposes any development activities that may affect archaeological or historical sites, the Service will consult with Federal and State Historic Preservation Officers to comply with Section 106 of the National Historic Preservation Act of 1966, as amended.	Cultural resources identified in the project area have been identified and will be protected. The Service will continue to comply with this Order under the CCP.

**Table 1. Applicable Laws and Executive Orders**

<b>Law, Regulation, or Guideline</b>	<b>Description</b>	<b>Relation to the CCP</b>
Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 25 USC 3001 et seq.)(NAGPRA)	Regulations for the treatment of Native American graves, human remains, funeral objects, sacred objects, and other objects of cultural patrimony. Requires consultation with Native American Tribes during Federal project planning.	Cultural resources identified in the project area have been identified and will be protected. The Service will continue to comply with this Act under the CCP.
Archaeological Resources Protection Act of 1979 (PL 96-95; 93 STAT 722; 16 USC 470aa-47011), as amended (ARPA)	Protects materials of archeological interest from unauthorized removal or destruction and requires Federal managers to develop plans to locate archeological resources.	Cultural resources identified in the project area have been identified and will be protected. The Service will continue to comply with this Act under the CCP.
Executive Order 13007, Indian Sacred Sites. 24 May, 1996	Provides for access to, and ceremonial use of, Indian sacred sites on Federal lands used by Indian religious practitioners and direction to avoid adversely affecting the physical integrity of such sites.	Cultural resources identified in the project area have been identified and will be protected. The Service will continue to comply with this Order under the CCP.
American Indian Religious Freedom Act 1978 (PL 95-341; 92 STAT 469; 42 USC 1996)	Provides for freedom of Native Americans to believe, express, and exercise their traditional religion, including access to important sites.	Cultural resources identified in the project area have been identified and will be protected. The Service will continue to comply with this Act under the CCP.
Archaeological and Historic Preservation Act of 1974 (PL 93-291; 88 STAT 174; 16 USC 469)	Provides for the preservation of historical buildings, sites, and objects of national significance.	Cultural resources identified in the project area have been identified and will be protected. The Service will continue to comply with this Act under the CCP.
National Historic Preservation Act of 1966 (PL 89-665; 50 STAT 915; 16 USC 470 et seq.; 36 CFR 800), as amended (NHPA)	Requires Federal agencies to consider the effects of any actions or programs on historical properties.	Cultural resources identified in the project area have been identified and will be protected. The Service will continue to comply with this Act under the CCP.
<b>Biological Resources Regulations</b>		
Endangered Species Act of 1973 (16 USC 1531 et seq.), as amended (ESA)	Provides for protection of plants, fish, and wildlife that have a designation as threatened or endangered.	An Intra-Service Section 7 has been completed with the Service and with NOAA-Fisheries for endangered and threatened species on the Refuge.
National Environmental Policy Act of 1969 (42 USC 4321 et seq) (NEPA)	Requires analysis, public comment, and reporting for environmental impacts of Federal actions.	The public has been notified of the availability of the draft Environmental Assessment and had a 45-day period to provide comments.

<b>Table 1. Applicable Laws and Executive Orders</b>		
<b>Law, Regulation, or Guideline</b>	<b>Description</b>	<b>Relation to the CCP</b>
Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds. Jan. 10, 2001.	Instructs Federal agencies to conserve migratory birds by several means, including the incorporation of strategies and recommendations found in Partners in Flight Bird Conservation Plans, the North American Waterfowl Plan, the North American Waterbird Conservation Plan, and the United States Shorebird Conservation Plan, into agency management plans and guidance documents.	The Service has incorporated the strategies and recommendations of the listed management plans into the CCP to conserve migratory birds. The Service will continue to comply with this Order under the CCP.
Fish and Wildlife Conservation Act of 1980 (16 USC 661-667e), as amended	Requires the Service to monitor non-game bird species, identify species of management concern, and implement conservation measures to preclude the need for listing under ESA.	The Service will continue to comply with this Act under the CCP.
The Bald and Golden Eagle Protection Act of 1940 (16 USC 668 et seq.)	Provides protection for bald and golden eagles.	The Service will continue to comply with this Act under the CCP.
Migratory Bird Treaty Act of 1918, as amended (MBTA)	Provides protection for bird species that migrate across state and international boundaries.	The Service will continue to comply with this Act under the CCP.
The Clean Water Act of 1972, Section 404 (33 USC 1344 et seq.), as amended	Provides for protection of water quality.	The Service will continue to comply with this Act under the CCP.
Fish and Wildlife Act of 1956 (16 USC 742a-743j)	Provides Secretary of Interior with authority to protect and manage fish and wildlife resources.	The Service will continue to comply with this Act under the CCP.
Fish and Wildlife Coordination Act of 1958	Requires equal consideration and coordination of wildlife conservation with other water resource development programs.	The Service will continue to comply with this Act under the CCP.
Emergency Wetlands Resources Act of 1986	Promotes the conservation of migratory waterfowl and offsets or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitats.	The Service will continue to comply with this Act under the CCP.
Federal Noxious Weed Act of 1990	Requires the use of integrated management systems to control or contain undesirable plant species, and an interdisciplinary approach with the cooperation of other Federal and State agencies.	The Service will continue to comply with this Act under the CCP.
Rivers and Harbor Act of 1899	Requires authorization by the U.S. Army Corps of Engineers prior to any work in, on, over, and under a navigable water of the U.S.	The Service will continue to comply with this Act under the CCP.

<b>Table 1. Applicable Laws and Executive Orders</b>		
<b>Law, Regulation, or Guideline</b>	<b>Description</b>	<b>Relation to the CCP</b>
<b>Hazardous Materials Regulations</b>		
Oil Pollution Act of 1990 (PL 101-380; 33 USC 2701, et seq.)	Provides oil pollution policies and protections.	The Service will continue to comply with this Act under the CCP.
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (PL 96-510; 42 USC 9601, et seq.) (CERCLA)	Provides mechanism for hazardous waste clean up.	No evidence of contaminants or hazardous waste was identified in the project area.
<b>Land and Water Use Regulations</b>		
The National Wildlife Refuge System Administration Act of 1966 (16 USC 668dd-668ee), National Wildlife Refuge System Improvement Act of 1997 (PL 105-57)	Administration, management, and planning for National Wildlife Refuges, Amends the National Wildlife Refuge System Administration Act of 1966. Requires development of CCPs for all refuges outside of Alaska.	The Service determined that hunting, fishing, wildlife observation, photography, environmental education, interpretation, research, camping and recreational boating, farming, grazing, and mosquito and other vector control are compatible with the purposes for which the refuge was established. This document will satisfy this Act.
Executive Order No. 11988, Floodplain Management	Provides for the support, preservation, and enhancement of the natural and beneficial values of floodplains.	No structure that could either be damaged by or significantly influence the movement of floodwater in the project area is planned for construction by the Service, thus the proposed action is consistent with this Order.
Executive Order No. 11990, Protection of Wetlands	Provides for the conservation of the natural and beneficial values of wetlands and their associated habitats.	The Service plans no detrimental impacts to wetlands but plans to preserve wetlands in the project area, thus the proposed action is consistent with this Order.
The Refuge Recreation Act of 1962, as amended	Provides for recreation use that is compatible with the primary purpose of a refuge.	The Service determined that recreation including hunting, fishing, wildlife observation, photography, environmental education, interpretation, and camping and recreational boating are compatible with the purposes for which the refuge was established.

Table 1. Applicable Laws and Executive Orders		
Law, Regulation, or Guideline	Description	Relation to the CCP
Fish and Wildlife Improvement Act of 1978	Improves administration of fish and wildlife programs and amends earlier laws including Refuge Recreation Act, NWRS Administration Act, and Fish and Wildlife Act of 1956. Authorizes the Secretary to accept gifts or real and personal property on behalf of the U.S. Also authorizes use of volunteers on Service projects and appropriations to carry out a volunteer program.	The Service will continue to comply with this Act under the CCP.

**2.0 Fish and Wildlife Service Plans, Policies and Programs**

Sacramento River Refuge is managed as part of the National Wildlife Refuge System within a framework provided by legal and policy guidelines reviewed in Chapter 1 of this CCP. The role of the Service is introduced in Chapter 1, as well as the mission of the National Wildlife Refuge System. The Service’s policies on Compatibility, Planning, and Biological Integrity, Diversity, and Environmental Health mandated by the National Wildlife Refuge System Improvement Act of 1977 are also discusses in Chapter 1, which also provides a general overview of regulatory context. The Comprehensive Conservation Planning process is discussed in Chapter 2.

The Service is actively involved in the development and implementation of a number of conservation plans for migratory bird species, including the Partners in Flight North American Landbird Conservation Plan, North American Waterfowl Management Plan, United States Shorebird Conservation Plan, and the North American Waterbird Conservation Management Plan. Regional step-down plans specific to the Sacramento River area are discussed below.

*2.1 North American Waterfowl Management Plan*

The North American Waterfowl Management Plan documents the strategy between the United States, Canada and Mexico to restore waterfowl populations through habitat protection, restoration and enhancement. Implementation of the plan is at the regional level. The Sacramento River NWR is covered by the Central Valley Joint Venture. The Central Valley, from Red Bluff in the north to Bakersfield in the south, is the single most important waterfowl wintering area in the Pacific Flyway, supporting 60 percent of all the total migrating population. Hundreds of thousands of wintering and breeding shorebirds and a host of other migratory and resident birds also depend on the wetland and agricultural resources of this region for survival. The Central Valley Joint Venture is currently in the process of updating its implementation plan, and will include goals for the conservation of breeding and wintering waterfowl, breeding and wintering shorebirds, grassland and riparian birds, and other waterbirds. The Joint Venture is currently in the process of updating its implementation plan, and will include goals for the conservation of

breeding and wintering waterfowl, breeding and wintering shorebirds, grassland and riparian birds, and other waterbirds.

*North American Waterfowl Management Plan Goals (1998 Update)*

- Enhance the capability of landscapes to support waterfowl and other wetland-associated species by ensuring that Plan implementation is guided by biologically based planning, which in turn is refined through ongoing evaluation.
- Define the landscape conditions needed to sustain waterfowl and benefit other wetland-associated species, and participate in the development of conservation, economic, management, and social policies and programs that most affect the ecological health of these landscapes.
- Collaborate with other conservation efforts, particularly migratory bird initiatives, and reach out to other sectors and communities to forge broader alliances in a collective search for sustainable uses of landscapes.
- Maintain the current diversity of duck species throughout North America and achieve a continental breeding population of 62 million ducks during years with average environmental conditions, which would support a fall flight of 100 million.
- Increase or reduce goose populations to sustainable levels listed in Appendix 1.
- Reduce Western tundra swan population to 60,000, and increase Pacific Coast trumpeter swan population to 43,200.
- In the Central Valley Habitat Joint Venture Area, protect 80,000 acres, restore 120,000 acres, and enhance 735,000 acres.

*Central Valley Habitat Joint Venture Implementation Plan Goals (1990)*

- Protect, maintain, improve, and restore habitat to increase waterfowl populations to desired levels in the Central Valley of California consistent with other objectives of the NAWMP.
- Protect 80,000 additional acres of existing wetlands through acquisition of fee-title or perpetual conservation easements.
- Secure an incremental, firm 402,450 acre-foot water supply that is of suitable quality and is delivered in a timely manner for use by the NWR's, State WA's, and the GRCD.
- Secure CVP power for NWR's, State WA's, GRCD, and other public land private lands dedicated to wetland management.
- Increase wetland areas by 120,000 acres and protect these wetlands in perpetuity by acquisition of fee-title or conservation easements.
- Enhance waterfowl wetland habitats on 291,555 acres of public and private lands.
- Enhance waterfowl habitat on 443,000 acres of agricultural lands.
- Increase waterfowl populations to desired levels: total ducks (breeding: 400,000; mallard (breeding): 300,000; total ducks (winter): 4,700,000; mallard (winter): 531,000; pintail (winter): 2,800,000; total geese and swans: 875,000; cackling Canada: 200,000; Aleutian Canada: 5,000; Lesser snow: 320,000; Ross': 100,000; tule white-fronted: 5,000; Pacific white-fronted: 200,000; tundra swan: 40,000.

## *2.2 Partners in Flight Bird Conservation Plan*

North American Landbird Conservation Plan (Rich et. al 2004) summarizes geographic and habitat priorities for 449 species of landbirds across the continent. This plan includes, for the first time anywhere, estimates of continental population sizes and future population objectives for all landbirds. This plan will not replace Bird Conservation Plans, but rather will initiate a new round of dialogue on population and habitat objectives at continental, national, regional, state and local levels. The highest priority birds (102 species) constitute the new PIF Watch List. Also included in the plan is a list of characteristic species which include species that may not be rare or declining but which are integral to the biotic integrity of large habitats or regions. These species, along with the Watch List species, are addressed as species suites in the plan. PIF's objective is to help land managers use the PIF plans, along with those from other bird initiatives, to undertake effective habitat conservation actions in the proper geographic context in North America.

The California Partners in Flight (CalPIF) began in 1992 to promote the conservation of resident and migratory landbirds and their habitats in California through research, monitoring, education, and collaboration among public and private landowners and managers, government agencies, non-government organizations, and individuals and other bird conservation efforts. The California Partners in Flight program has completed six habitat and bioregion based Bird Conservation Plans (BCP's) for Riparian, Oak Woodlands, Coastal Scrub and Chaparral, Grasslands, Coniferous Forests, and the Sierra Nevada Bioregion. A Shrub steppe Plan is currently in review and a Desert Plan is in development.

CalPIF initiated the Riparian Habitat Joint Venture (RHJV) project in 1994. The goal of the RHJV is to conserve, increase, and improve riparian habitat in order to protect and enhance California's native resident birds and Neotropical migratory birds. The Riparian Bird Conservation Plan (RHJV 2004) emphasizes a suite of 17 bird species chosen because of their conservation interest and as focal species representative of riparian habitats in the state. This Conservation Plan focuses on data concerning bird species associated with riparian habitat, but conservation recommendations, if implemented, should benefit many riparian associated species.

The six objectives of the RHJV are: (1) Compile existing information on riparian habitat throughout the state to identify key riparian areas, as well as information gaps. Promote and coordinate efforts to obtain the information. (2) Develop guidelines for the protection of existing riparian habitat on public lands and recommend alternatives for protection of habitat on private lands. (3) Restore riparian habitat on public and private lands using commonly accepted, scientifically valid restoration techniques. (4) Enhance the productivity and biodiversity of riparian communities using appropriate management techniques. (5) Establish a network of high-quality riparian habitats throughout California to enhance and protect native birds. (6) Educate the general public and resource managers about the status and value of California's riparian habitat.

*Riparian Bird Conservation Plan (2004) (California Partners in Flight and the Riparian Habitat Joint Venture)*

- Increase the breeding range of native birds and safeguard healthy bird communities with high productivity.
- Maximize riparian ecosystem health, promote a self-sustaining functioning system, and maximize the cost-effectiveness of riparian conservation activities.
- Increase the overall breeding range and/or abundance of native riparian birds by designing and implementing horticultural restoration projects that mimic natural riparian plant diversity and “patchiness”. Such plantings will most quickly support a diverse community of bird species that can successfully nest in the restored habitat.
- Increase the value of existing/ongoing habitat and restoration projects for bird species.
- Ensure that large landscape-scale management and flood control projects maximize benefits to wildlife in conjunction with benefits to agriculture and urban populations. Achieving numerous goals simultaneously would maximize the overall value of such projects to the people of California.
- Implement and time land-management activities with the goal of maximizing bird species productivity or “source” populations.
- Protect, recreate, or minimize interruptions of natural processes, particularly hydrology and associated high-water events to allow/promote/facilitate the natural cycle of channel movement, sediment deposition, and scouring that results in a diverse mosaic of riparian vegetation classes.

*2.3 United States Shorebird Conservation Plan*

The United States Shorebird Conservation Plan was developed through a partnership effort by State and Federal agencies, non-government organizations (NGOs), academic institutions, and individuals committed to restoring and maintaining stable shorebird populations in the U.S. and throughout the Western Hemisphere (Brown et al. 2000). The Southern Pacific Coast Regional Shorebird Management Plan (Hickey et. al 2003) establishes regional goals and objectives for western California Coast and Central Valley. Important shorebird habitats identified under this plan in the Central Valley include managed wetlands, agricultural fields and vernal pool rangelands.

*Southern Pacific Coast Regional Shorebird Plan (2003)*

- Increase the wintering population of the Mountain Plover in the Central Valley. Create suitable open foraging habitat by managing for giant kangaroo rats (*Dipodomys ingens*) and using fire and grazing, as appropriate.
- Increase populations of breeding and wintering Snowy Plovers and wintering Long-billed Curlews in the Central Valley.
- Increase breeding and wintering populations of other shorebirds in the Central Valley.
- Restore, enhance, and manage wetlands with integrated wetland management goals, which accommodate the needs of a greater diversity of birds, including shorebirds.
- Ensure the availability of high quality water for wetlands.
- Resist fragmentation or loss of existing wetland complexes by urban encroachment.
- Promote management practices in agricultural lands and vernal pool rangelands that will provide for a greater diversity of birds, including shorebirds. Also promote easements and other options for maintaining wildlife-friendly agricultural lands and vernal pool rangelands.
- Reduce use of contaminated agricultural evaporation ponds by shorebirds and other waterbirds while creating alternative uncontaminated habitats that will mimic historic saline playa wetlands thereby maintaining the current mix of waterbird communities.
- Increase shorebird use of sewage ponds or wetlands using treated sewage effluent if issues of disease transmission and contaminants can be addressed.

*2.4 North American Waterbird Conservation Plan (2002)*

North American Waterbird Conservation Plan (NAWCP) provides an overarching continental framework and guide for conserving waterbirds. It sets forth goals and priorities for waterbirds in all habitats from the Canadian Arctic to Panama, from Bermuda through the U.S. Pacific Islands, at nesting sites, during annual migrations, and during non-breeding periods. It advocates continent-wide monitoring; provides an impetus for regional conservation planning; proposes national, state, provincial and other local conservation planning and action; and gives a larger context for local habitat protection.

The vision of the NAWCP is the distribution, diversity, and abundance of breeding, migratory, and non-breeding waterbirds are sustained or restored throughout the lands of North America, Central American, and the Caribbean. Four goals were established in the plan (Kushlan et. al 2002) to accomplish this vision (1) species and population goal, (2) habitat goal, (3) education and information goal, and (4) coordination and integration goal. A regional step-down plan for Pacific Coast will focus on key species and habitats and develop specific goals and objectives for management, monitoring, research and outreach.

### Species and Population Strategies

- Determine population status for all species of waterbirds throughout North America, Central America, and the Caribbean.
- Institute a large scale, dispersed, partnership-based population monitoring system.
- Initiate monitoring of demography, habitats, wintering range, and important threats, such as seabird bycatch, as appropriate for species and areas.
- Develop analytical tools and analytical schemes to determine and assess population trends against trend thresholds for each species.
- Define sustainable population goals for all species, at regional scales as possible and as needed, and eventually at the continental scale.
- Determine the extent and root causes of public perception of waterbirds, particularly locally abundant species, and develop programs that help bring public perception in line with scientific and economic findings.
- Energize JVs and agencies to take responsibility for setting and achieving population goals through appropriate management.
- Develop a global perspective on populations to aid in interpretation of population trends.
- Synthesize information to identify key factors affecting populations in order to take appropriate conservation action.

### Habitat Strategies

- Identify key marine, freshwater, and terrestrial habitats for waterbirds, including breeding, wintering, migratory, roosting, and foraging habitats.
- Implement conservation and management actions that secure important habitats.
- Increase understanding of waterbird habitat requirements, threats to habitat quality, and habitat interaction at different scales.
- Develop and implement habitat management plans for waterbirds for each planning unit.
- Identify, inventory and document key sites that potentially qualify as global, continental, national, or state IBAs and other key sites for waterbirds.
- Refine and continually update the list and description of IBAs for waterbirds.

### Education and Information Strategies

- Ensure that information on waterbird conservation is available in a form that is useful for planning, implementation, and management purposes.
- Increase effectiveness of communication by partnering with outreach activities for other birds and for other environmental programs.
- Develop relationships with educators of all levels and participate in programs that increase awareness and improve education.
- Develop and widely distribute educational information on habitat conservation strategies.
- Work with users of waterbird habitats to promote practices and policies that reduce impacts on the birds.

### Coordination and Integration Strategies

- Establish cooperative actions with organizations concerned with the conservation, research, and management of waterbirds and their habitats.
- Establish cooperative actions with other bird conservation initiatives, particularly through common goal setting, and multi-species approaches such as advocated by NABCI.
- Establish cooperative linkages with other bird conservation initiatives concerned with aquatic habitats.
- When initiatives for other aquatic bird groups are not underway, catalyze simultaneous planning and conservation of all water-dependent bird species.
- Seek to achieve integrated bird conservation action that incorporates the needs of waterbirds.
- Exchange information and expertise with international, national, regional state/provincial and local partners, and establish networks between conservationists, scientists, and habitat managers.
- Develop waterbird plans, where appropriate, at national, regional, JV, and state/provincial levels.
- Influence environmental policies and programs to positively affect waterbird conservation.
- Participate in international programs in ways that enhance the conservation of waterbirds.
- Increase human and financial resources available for waterbird conservation.

### *2.5 USFWS/CDFG Tricolored Blackbird Status Update and Management Guidelines (from Beedy, E.C. and W.J. Hamilton 1997. Tricolored Blackbird Status Update and Management Guidelines. Jones and Stokes, Inc. 97-009. Sacramento, CA. Prepared for USFWS and CDFG.)*

- Maintain viable, self-sustaining populations distributed throughout the current range of the species.
- Avoid losses of tricolor colonies and their reproductive effort throughout their range.
- Increase the breeding opportunities on suitable public lands and on private lands managed for this species.
- Enhance public awareness and support for protection of this unique species.
- Minimize losses of important foraging habitat for both nesting and wintering populations.

### *2.6 Pacific Flyway Management Plan: Western Management Unit Mourning Dove Goals and Objectives (1992)*

- Maintain the Western Management Unit (WMU) population of mourning doves and its habitat at levels consistent with optimum distribution, density, and recreational uses of the resources.
- Determine the causes of mourning dove population declines in the (WMU) and establish procedures to reverse the trends.

- Increase the population levels of WMU mourning doves to a point where call-count indices average no less than 16 in the Coastal subunit.
- Increase and maintain adequate habitat to sustain the current seasonal distribution of WMU mourning doves throughout their range. The important habitat components are appropriate structures for nesting and roosting (trees), and food and water sources.
- Maximize the potential for sustained consumptive and non-consumptive uses of the mourning dove resource in the WMU.

### *2.7 Anadromous Fish Restoration Program*

The Central Valley Project Improvement Act (CVPIA) was signed into law in 1992. The CVPIA directed the Secretary of the Interior to amend previous authorizations of California's Central Valley Project to: "include fish and wildlife protection, restoration, and mitigation as project purposes having equal priority with irrigation and domestic use and fish and wildlife enhancement as a project purpose equal to power generation." Section 3406(b)(1) of the CVPIA directs the Secretary of the Interior to develop and implement a program that makes all reasonable efforts to at least double natural production of anadromous fish in California's Central Valley streams on a long-term, sustainable basis.

The major resulting program is known as the Anadromous Fish Restoration Program. The goal of the AFRP, is concurrent to section 3406(b)(1) of the CVPIA, to: "develop within three years of enactment and implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967-1991." Since 1995, the AFRP has helped implement over 195 projects to restore natural production of anadromous fish.

Six general objectives need to be met to achieve this program goal:

- Improve habitat for all life stages of anadromous fish through provision of flows of suitable quality, quantity, and timing, and improved physical habitat;
- Improve survival rates by reducing or eliminating entrainment of juveniles at diversions;
- Improve the opportunity for adult fish to reach their spawning habitats in a timely manner;
- Collect fish population, health, and habitat data to facilitate evaluation of restoration actions;
- Integrate habitat restoration efforts with harvest and hatchery management;
- Involve partners in the implementation and evaluation of restoration actions.

### *2.8 California Bay-Delta Program*

Established in May 1995, the California Bay-Delta Program (CALFED) is a cooperative effort of federal and state agencies working with local communities to improve the quality and reliability of California's water supplies and revive the San Francisco Bay-Delta

ecosystem. CALFED's mission is to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta System. The California Bay-Delta Plan (2000) is a balanced, comprehensive approach to reduce conflicts over limited water supplies and to address the Program's four objectives (water supply reliability, ecosystem restoration/watershed management, water quality, levee system integrity) through 11 major program elements (water management, storage, conveyance, water use efficiency, water transfers, environmental water account, drinking water quality, watershed management, levee system integrity, ecosystem restoration and science).

The California Bay-Delta Authority (CBDA) is a state agency created by the California Legislature to oversee implementation of the CALFED Program (California Bay-Delta Act of 2003). The CBDA oversees the 23 state and federal agencies working cooperatively through the CALFED Bay-Delta Program to improve the quality and reliability of California's water supplies while restoring the Bay-Delta ecosystem.

#### *CALFED Ecosystem Restoration Program*

- Improve aquatic and terrestrial habitats and natural processes to support stable, self-sustaining populations of diverse and valuable plant and animal species, and includes recovery of species listed under the State and Federal Endangered Species Acts.
- Protect or restore functional habitat types throughout the watershed for public values such as recreation, scientific research, and aesthetics.
- Prevent establishment of additional non-native species and reduce the negative biological and economic impacts of established non-native species.
- Improve and maintain water and sediment quality to eliminate, to the extent possible, toxic impacts on organisms in the system, including humans.

### **3.0 State of California**

#### *3.1 Comprehensive Management Plan for the Sacramento River Wildlife Area (2004)*

The existing Sacramento River Wildlife Area is located within Colusa, Glenn, and Butte Counties. It is part of the Department's Sacramento Valley - Central Sierra Region (SVCSR). The Sacramento River Wildlife Area is composed of thirteen physically separate Units that extend from River Mile 145 (RM 145) just north of the City of Colusa, upstream to RM 215 which is three miles south of Woodson Bridge.

The expressed purposes of this Plan are as follows:

- To guide the management of habitats, species, appropriate public use and programs to achieve the Department's mission: "To manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public."

- To direct an Ecosystem Approach to the management of the Wildlife Area in coordination with the principles of the Sacramento River Conservation Area Forum and the objectives of the California Bay- Delta Program.
- To identify appropriate public use opportunities within the Wildlife Area.
- To direct the coordination of efforts and resources with the managers of other public and private conservation lands adjacent to the Wildlife Area in order to maximize the benefits of the ecosystem for fish, wildlife and native plants and to facilitate public education and interaction with the natural environment.
- To direct the management of the Wildlife Area in a manner that promotes cooperative relationships with adjoining private property owners.
- To establish a descriptive inventory of the sites and the wildlife and plant resources that occur in the Wildlife Area.
- To provide an overview of the Wildlife Area's operation, maintenance and personnel requirements to implement management goals. It serves as a budget planning aid for annual regional budget preparation.
- To provide an overview of the potential and actual environmental impacts and subsequent mitigations that may occur during management, and environmental documentation to comply with State and federal statutes and regulations.

### *3.2 Sacramento River Conservation Area Forum*

Sacramento River from its confluence with the Feather River, near Verona (RM 80), to Keswick Dam, just north of Redding (RM 302). The SRCA includes land in Shasta, Tehama, Butte, Glenn, Colusa, Sutter and Yolo Counties. The SRCA is an outgrowth of an effort initiated through State Senate Bill 1086 in 1986. That legislation created an Advisory Council that completed the *Upper Sacramento River Fisheries and Riparian Habitat Management Plan* in 1989. The State Legislature received that *Plan* and directed its implementation through Senate Concurrent Resolution No.62 in 1989. Subsequent to the resolution and related actions, DWR developed the initial SRGIS. The Riparian Habitat Committee of the Advisory Council also conducted an extensive public process that resulted in the completion of the *Sacramento River Conservation Area Handbook* in 1999. The *Handbook* is an important document that established Basic Principles and management Guidelines for the SRCA. The *Handbook* specifies the overall Goal for the SCRA: Preserve remaining riparian habitat and reestablish a continuous riparian ecosystem along the Sacramento River between Redding and Chico and reestablish riparian vegetation along the river from Chico to Verona.

## **4.0 County**

The Sacramento River Refuge includes parts of Colusa, Glenn, Butte and Tehama Counties. Each county is a multi-purpose government structure directed by an elected Board of Supervisors. There are also numerous special districts within each county, which are limited-purpose governmental agencies, such as fire districts, mosquito and vector control districts, irrigation districts and reclamation districts. Local land use policies are established in the general plans of each county, which are adopted by the respective

Boards of Supervisors. The four counties' general plans designate the areas adjacent to the Sacramento River for agriculture and floodway related land uses as follows:

- **Tehama County** - The Refuge is entirely within the “Habitat Reserve” land use designation and the “Primary Floodway” Zoning District. The land use policies of the County General Plan are supportive of the preservation of agriculture and there are also policies regarding conservation of habitat and Special Status Species.
- **Butte County** - The Refuge is entirely within the “Agricultural” land use designation and agricultural zoning districts. The land use policies of the County General Plan are strongly directed to the preservation of agriculture and there is also policy regarding the protection of Special Status Species.
- **Glenn County** - The Refuge is entirely within the “Intensive Agriculture” Land use designation and the “AE – 40” Zoning District. The General Plan is primarily directed to the support of agricultural use in the rural area and there is also a policy specifying early consultation for projects involving Wildlife Management Agencies.
- **Colusa County** - The Refuge is entirely within the “Floodway” land use designation and the “Floodway” zoning district. The land use policies of the County General Plan are primarily directed to the support of agricultural use in the rural area and there are also policies regarding the value of natural resources.

The local land use policies of Butte, Glenn, Tehama and Colusa counties that relate to management of the Sacramento River Refuge are summarized in the Table 2 below.

<b>Table 2. Summary of Local Land Use Policies that relate to Refuge Management.</b>		
<b>County</b>	<b>Category</b>	<b>Land Use Policy</b>
Butte County General Plan (Butte County Planning Department 1991)	Agricultural and Crop Land	Policy b. Retain in an agricultural designation on the Land Use Map areas where location, natural conditions and water availability make lands well suited to orchard and field crop use, while considering for non-agricultural use areas where urban encroachment has made inroads into agricultural areas and where past official actions have planned areas for development.
Butte County General Plan (Butte County Planning Department 1991)	Biological Habitat	Policy b. Prevent development and site clearance other than river bank protection of marshes and significant riparian habitats. Policy d. Regulate development to facilitate survival of identified rare and endangered plants and animals.
Butte County General Plan (Butte County Planning Department 1991)	Natural Areas	Policy a. Encourage the creation and expansion of natural and wilderness areas.

**Table 2. Summary of Local Land Use Policies that relate to Refuge Management.**

County	Category	Land Use Policy
Glenn County General Plan (QUAD Consultants 1993)	5.1.1 Agriculture/ Soils	<p>As the most extensive land use in the county, agriculture constitutes a significant component of the local economy. Agricultural land also provides valuable open space and important wildlife habitat. It is important that the County take steps to preserve its agricultural land from both economic and environmental perspectives.</p> <p>...Converting prime agricultural land to non-agricultural uses is considered an irreversible loss of resources. ...With the primary goal being that of preserving the county’s valuable agricultural resources, a variety of preservation tools can be used....</p> <p>Policy NRP-1. Maintain agriculture as a primary, extensive land use, not only in recognition of the economic importance of agriculture, but also in terms of agriculture’s contribution to the preservation of open space and wildlife habitat.</p>
Glenn County General Plan (QUAD Consultants 1993)	5.3.1 Land Use/Growth	<p>Agriculture is the single most important component of the county’s economic base, protection of agricultural land is of great importance. Land use patterns, goals and policies have been established which promote agricultural land preservation and protect these lands from urban encroachment.</p> <p>...It is the intent of the County to promote orderly growth by directing new growth into areas where it can be accommodated and served adequately, and to avoid potential land use conflicts through the appropriate distribution and regulation of land uses. Only compatible uses will be encouraged in agricultural areas; compatible uses are defined as those uses capable of existing together without conflict or ill effect.</p>
Glenn County General Plan (QUAD Consultants 1993)	6.7 Coordination with Wildlife and Land Management Agencies	<p>For all projects, with the exception of those associated with sites low in wildlife value, early consultation with wildlife agencies should occur.</p>
Tehama County General Plan (Tehama County 1983)		<p>Preservation of Tehama County’s agricultural resources was identified as a key objective in the General Plan....The basic concept of the General Plan is the resolution of the inherent conflict between agricultural and non-agricultural uses....The Plan also contains other policies designed to prevent the piecemeal conversion of agricultural lands to other uses and to create a climate of public understanding in Tehama County which is supportive of agriculture.</p>
Tehama County General Plan (Tehama County 1983)	Agricultural Preserve Lands	<p>Objective AG-3. Protection of agricultural lands, whenever possible, from non-agricultural development through separation by natural buffers and land use transition areas that mitigate or prevent land use conflicts.</p> <p>Objective AG-4. Protection of agricultural lands from development pressures or uses which will adversely impact or hinder existing or foreseeable agricultural operations.</p>

**Table 2. Summary of Local Land Use Policies that relate to Refuge Management.**

County	Category	Land Use Policy
Tehama County General Plan (Tehama County 1983)	Wildlife Resources	Objective WR-1. Preserve environmentally sensitive and significant lands and water valuable for their plant and wildlife habitat, natural appearance and character. Objective WR-2. Afford. To the extent feasible, adequate protection to areas identified by the California Department of Fish and Game and the California Natural Diversity Data Base as critical riparian zones. Objective WR-3. Support and coordinate County plans with interjurisdictional programs for the proper management of riparian resources in the County.
Tehama County General Plan (Tehama County 1983)	Natural Resource Lands and Recreation	Objective NRR-1. Protection of resource lands for the continued benefit of agriculture, timber, grazing, recreation, wildlife habitat, and quality of life.
Integrated Resources Management Program for Flood Control in the Colusa Basin, (Colusa Basin Drainage District and U.S. Bureau of Reclamation 2000)		The unincorporated communities within Colusa County include Arbuckle, College City, Grimes, Maxwell, Princeton, and Stonyford. Incorporated cities in Colusa County include Colusa and Williams. The county also contains small settlement areas with permanent populations of less than 100 people. Land uses in Colusa County are typical of the rural counties of California. The eastern half of the county is dominated by large farms with much of the privately owned land following square-mile section lines. This portion of the county is relatively flat and use for the cultivation of rice, orchards, and row crops. The western half of the county contains the Coastal Range foothills, which are often used as rangeland.
Colusa County General Plan (Colusa County 1989)		The majority of rangeland and general agriculture,” “orchards,” national wildlife refuge,” and undeveloped bottomlands. The westernmost portion of the county contains areas of the Mendocino National Forest. In general, the eastern half of the county is designated “general agriculture” and the majority of the western half is designated either “national forest land” or “rangeland.”
Colusa County Interim Farmland 1996” (California Department of Conservation 1998)		“Current land use within the eastern one-half of Colusa County is primarily “irrigated farmland” with small pockets of “non-irrigated farmland,” “urban and built-up land”, and “other land” (primarily wildlife preservation areas). The central area of the county consists primarily of “non-irrigated farmland” and the westernmost section of the county is primarily “other land” (i.e., Mendocino National Forest). Water bodies in the county include Funks Reservoir and East Park Reservoir, which are located in the northern and western centers respectively.

