



BUTTE CREEK
W A T E R S H E D C O N S E R V A N C Y

Butte Creek Watershed

Memorandum of Understanding

May 29, 1996

MEMORANDUM OF UNDERSTANDING
REGARDING THE DEVELOPMENT OF THE
BUTTE CREEK WATERSHED MANAGEMENT STRATEGY

This Memorandum of Understanding (MOU) regarding the development of the Butte Creek Watershed Management Strategy (WMS) is made and entered into by the Butte Creek Watershed Conservancy (BCWC) and the undersigned parties (signatories) on the dates set forth below.

This MOU establishes a voluntary and cooperative commitment by the signatories to work together in a watershed planning process to the extent of their authority. This MOU is not a contract and is not legally binding. It is an agreement between the signatories to work together toward common goals to the extent possible. No signatory may be forced to take any action with which it does not concur. Such voluntary action has the potential to result in improved resource management and minimize conflict between landowners, land users, recreational users, governmental agencies and conservation groups.

I - PURPOSE

This MOU is intended to serve as a framework to develop the WMS for the Butte Creek watershed and to establish guidelines for a joint and cooperative planning and implementation process. The WMS will include, but not be limited to, short term restoration, where appropriate, and long term maintenance and protection of the fishery, its related habitat and other aquatic resources in Butte Creek and the watershed.

II - AUTHORITY

Authority for the public entities to participate in this effort is covered by existing federal or state Statutes of delegation of authority.

III - RECITALS

- A. The signatories of this MOU recognize that Butte Creek is one of the few and one of the most significant tributaries of the Sacramento River System that provides important habitat to many aquatic and terrestrial animals including the Spring Run Chinook Salmon. Historically, Butte Creek has, under favorable conditions, had Fall Run Chinook Salmon and Steelhead Trout. However, negative impacts to the fishery in the Butte Creek watershed as well as outside of the watershed have contributed to a serious decline in their historical populations. Future water diversions and environmentally unsound practices would likely have adverse impacts on the resources within the Butte Creek watershed that could ultimately have a negative effect on the fishery and the rest of the ecosystem.

- B. The Butte Creek watershed is also recognized for its importance to many other natural resources, including several animal species listed under the Endangered Species Act.
- C. The California Department of Fish and Game is the public trust agency responsible for the management of fish and wildlife within the state.
- D. The socio-economic importance of the Butte Creek watershed to the heritage and the economy of the area is also recognized. Timber, agricultural production, residential development, hydroelectric power production, domestic water supplies and recreational uses all contribute significantly to the region. The signatories understand that their efforts must not jeopardize the balance between public needs and private rights that has existed for many generations. This MOU is based on the notion that the rights and obligations of all parties will be respected and that trust and mutual respect will guide the cooperative process.
- E. Prior to the execution of this MOU, positive steps toward implementation of watershed management are underway in the public and private sectors:
 - 1. Fencing projects to exclude grazing from the riparian zone in the upper watershed meadows.
 - 2. Landowner cooperation leading to permission for state agencies to conduct anadromous fishery studies along private lands is in place.
 - 3. Various water diversion modifications to guarantee adequate instream flows for migrating and spawning fish and agreements between various water users to continue to enhance fish passage throughout the Butte Creek watershed.
- F. The signatories recognize the importance of including knowledgeable individuals and organizations in the development of the WMS. The signatories expect to work with all interests in the process of establishing a WMS that provides for the long-term resource protection and sustainability.
- G. A large part of the lands within the Butte Creek watershed are publicly owned and managed. Coordination of the public and private efforts within the watershed would help ensure protection for watershed resources.
- H. Local control and management of the watershed by the landowners is more desirable than other options.
- I. The Butte Creek Watershed Conservancy is responsible for the organization, development and review of the WMS in cooperation with the appropriate agencies.

IV - GOALS AND OBJECTIVES

GOALS:

- ◆ Protect and restore the watershed ecosystem to enhance the viability of human uses in harmony with all animal species which utilize the watershed.
- ◆ Protect the rights and cultural heritage of the landowners in the watershed.
- ◆ Manage the recreational use of the watershed to protect private property and the natural resources.
- ◆ Promote the cooperative partnerships and coordination required for watershed management between agencies of the County, State, and Federal government, landowners, water users, educational institutions, community organizations, and recreational users.
- ◆ Promote the education of all individuals, organizations and agencies, using the most current scientific information available, on the function and management of the watershed.

OBJECTIVES:

- ◆ Identify the natural resources within the Butte Creek watershed requiring special protection, and the factors that may affect the viability of those natural resources.
- ◆ Develop a WMS that contains measures which will protect and maintain those natural resources identified.
- ◆ Establish a proposed timetable for implementation.
- ◆ Implement agreed upon WMS measures, where possible, simultaneously with the WMS planning process.
- ◆ Seek funding mechanisms to accomplish the goal of the WMS.
- ◆ Annually review the progress made implementing the goals of this MOU and report to the Resources Agency of California.
- ◆ Within the WMS, develop a management strategy for recreational users in cooperation with the Centerville Recreation and Historic Association, the Covered Bridge Association and the Butte Creek Watershed Conservancy.
- ◆ Preclude the construction of new dams, diversions and impoundments.

V - PLANNING GUIDELINES

The planning of the WMS will be a dynamic process concentrating on particular efforts as priorities and funding allows.

The signatories will be jointly involved in the study of the natural resources of the watershed using available information and working together to develop additional information as needed.

Being that the watershed is an ecological system, the signatories will attempt to address public as well as private land management issues. In this regard the signatories will make every effort to include all public land agencies in the process.

A full range of management measures will be considered. Private landowners will take the lead role in coordinating the WMS planning applicable to private lands. Conservation groups and the public land managers will take the lead role in coordinating the WMS planning applicable to public lands. All signatories will be involved in the final recommendations which will comprise the WMS for the watershed as a whole.

Voluntary deed restrictions, such as "conservation easements", are encouraged to limit additional development.

The WMS will respect the rights of private property owners, particularly with regard to the public access to private lands.

VI - GENERAL PROVISIONS

No Expansion of Legal Authority . Nothing in this MOU is intended to expand the legal authority of any signatory, agency, entity or organization. This MOU does not modify or supersede other existing agreements and/or memoranda of understanding.

Non-Contractual Agreement. This MOU is intended to embody general principles, and does not create contractual relationships, rights, obligations, duties or remedies between or among signatories.

No Funding Obligations. This MOU creates no fiscal nor funding obligations. Any endeavor involving reimbursement or contribution of funds between or among any of the signatories will be handled in separate agreements, in accordance with applicable laws, regulations, and governmental procedures (if any).

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Signatory Page

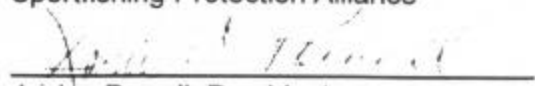


Scott McNall, Provost, California State University, Chico


Jim Crenshaw, President, California Sportfishing Protection Alliance



Hershel Reed, State Conservation Director, Natural Resources Conservation Service

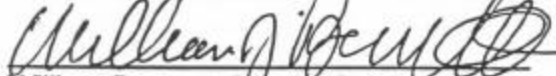


Janice Powell, President Honey Run Covered Bridge Association



Banky E. Curtis, Regional Manager California Department of Fish and Game

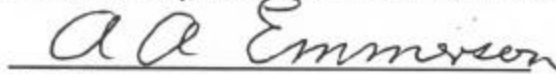
Jean Crist, Protect Our Watershed



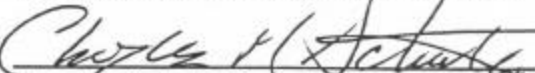
William Bennett, District Chief California Department of Water Resources



Nat Bingham, Pacific Coast Federation of Fisherman



Red Emmerson Sierra Pacific Industries



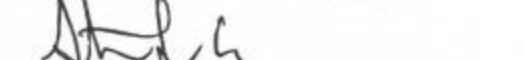
Charles Schultz, Area Manager Bureau of Land Management



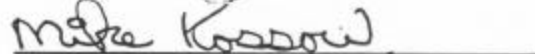
Joel Medlin, Field Supervisor U.S. Fish and Wildlife Service



John Merz Sacramento River Preservation Trust




Steve Evans, Conservation Director, Friends of the River




Mike Kossow Meadowbrook Conservation Associates

Pete Giampoli Cal Trout

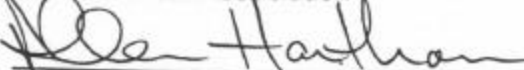


Jeff Michelieu, President Chico Area Flyfishers

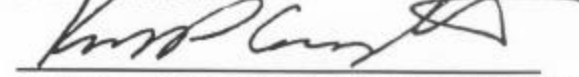
_____, President, Centerville Recreation and Historical Association



Kate Robinson Chico Paddleheads




Allen Harthorn, Chair Butte Creek Watershed Conservancy



Kent P. Connaughton, Forest Supervisor Lassen National Forest

Natural Heritage Institute



Suzanne Gibbs Chico Creek Task Force

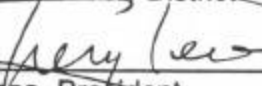


Ed McLaughlin, Chico Velo Club

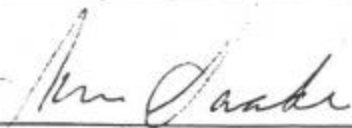
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Gary Brown, Manager
Western Canal Water District



Sherry Teresa, President
Center for Natural Lands Management



Jim Saake
Parks and Preserves Foundation



Fred Davis, Chair **MAR 25 1997**
Butte County Board of Supervisors