

Southern California Wetlands Recovery Project Working Agreement

U.S. Army Corps of Engineers
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
National Marine Fisheries Service
Natural Resources Conservation Service

California Resources Agency
California Environmental Protection Agency
California Coastal Commission
California Coastal Conservancy
California Department of Fish and Game
Regional Water Quality Control Board, Central Coast
Regional Water Quality Control Board, Los Angeles
Regional Water Quality Control Board, Santa Ana
Regional Water Quality Control Board, San Diego
State Lands Commission
State Water Resources Control Board

SOUTHERN CALIFORNIA WETLANDS RECOVERY PROJECT

Working Agreement

As amended on April 15, 1998 and name change adopted on May 21, 1999

Introduction

The Southern California Wetlands Recovery Project (formerly the Southern California Wetlands Clearinghouse) is a partnership of public agencies working cooperatively to acquire, restore, and enhance coastal wetlands and watersheds between Point Conception and the International border with Mexico. Using a non-regulatory approach and an ecosystem perspective, the Wetlands Recovery Project will work together to identify wetland acquisition and restoration priorities, prepare plans for these priority sites, pool funds to undertake these projects, implement priority plans, and oversee post-project maintenance and monitoring.

Wetlands Recovery Project Board members recognize the vital role wetlands play in maintaining a healthy ecosystem, buffering the impact of floodwaters, cleansing pollutants from runoff, recharging overdrawn water supplies and providing critical habitat for fish and wildlife species. A majority of the threatened and endangered species in Southern California depend on wetlands and many commercial and recreational fish species use these areas for spawning grounds. Wetlands also provide economic benefits, recreational opportunities and generally contribute to a higher quality of life for residents in the densely populated five county region called Southern California.

The purpose of this document is to acknowledge agreement among state and federal resource directors and managers on the Southern California Wetlands Clearinghouse Report (Attachment A), dated September 8, 1997, which this Agreement incorporates by reference and seeks to implement.

Goal

The Southern California Wetlands Recovery Project will develop and implement a regional prioritization plan for the acquisition, restoration, and enhancement of Southern California's coastal wetlands and watersheds, which will result in a long-term increase in the quantity and quality of the region's wetlands.

Objectives

The Wetlands Recovery Project will increase the pace and effectiveness of coastal wetland and watershed acquisition, restoration, and enhancement in Southern California by:

- 1) Setting objectives for the acquisition, restoration and enhancement of coastal wetlands and associated watersheds to create a 20-year regional vision for the future functioning of Southern California wetlands, including the identification of mitigation opportunities.
- 2) Establishing priorities among those objectives with a rolling 5-year regional restoration program that will be evaluated and published annually.

- 3) Securing and pooling funding from state, federal, local or private sectors to implement the objectives.
- 4) Identifying an agency or agencies to plan, undertake and coordinate the construction and monitoring of projects in cooperation with nonprofit organizations.
- 5) Measuring, tracking and publicly reporting on the progress of the Wetlands Recovery Project toward meeting these objectives.

Organization and Structure

The Southern California Wetlands Recovery Project is composed of a Governing Board and two committees: the Southern California Wetlands Managers Group and a Public Advisory Committee. The Wetlands Managers Group (SCWMG) will advise the Governing Board as directed and work collaboratively with wetland scientists. The Public Advisory Committee (PAC) will advise the Governing Board on public concerns affecting the Wetlands Recovery Project and its programs. The PAC will also work to make the Wetlands Recovery Project more visible by promoting its programs and projects.

Wetlands Recovery Project Governing Board: The Governing Board will initially consist of approximately fourteen members (Attachment B). Ten members will be from State resource agencies and four from Federal agencies having responsibility for coastal wetlands and watersheds in Southern California. Board members will include the Secretary for the California Resources Agency (Chairperson); the Secretary for the California Environmental Protection Agency; the Director for the California Department of Fish and Game; the Executive Director for the California Coastal Commission; the Executive Director for the State Lands Commission; the Executive Officer for the California Coastal Conservancy; the Chair of the State Water Resources Control Board; the Chair of the San Diego Regional Water Quality Control Board; the Chair of the Santa Ana Regional Water Quality Control Board; the Chair of the Los Angeles Regional Water Quality Control Board; the Chair of the Central Coast Regional Water Quality Control Board, the Regional Administrator for the United State Environmental Protection Agency; the Division Engineer for the United States Army Corps of Engineers; the Regional Director for the United States Fish and Wildlife Service; and Regional Director for the National Marine Fisheries Service or their designates.

The Governing Board shall be convened by the California Secretary for Resources, who shall also serve as its Chairperson. The Resources Secretary shall preside over all Wetlands Recovery Project Board meetings and work closely with the staff of the Coastal Conservancy to convene Board meetings and prepare Board agendas and background reports. Decisions at these meetings shall be made by consensus. A quorum shall be one (1) more than half of the membership and must include at least two (2) federal agencies present to conduct business. Board meetings shall be publicly noticed ten (10) days before the scheduled meeting date.

The Governing Board shall carry out the objectives of the Wetlands Recovery Project and direct the Coastal Conservancy staff and advisory committees to assist in implementing these objectives, including: developing project prioritization criteria; ranking project priorities; developing preliminary restoration plans; estimating the cost of enhancing priority sites; and working with wetland scientists and the public to advise the Wetlands Recovery Project on issues, concerns, and

opportunities. Board membership is voluntary and will have no effect on, or diminish the regulatory responsibilities or the authority of, any participating agency.

Southern California Wetlands Managers Group: The Wetland Managers Group (SCWMG) is composed of resource managers with jurisdiction in Southern California (Attachment C). The primary responsibility of the SCWMG is to advise the Wetlands Recovery Project Board on restoration priorities and to work with Coastal Conservancy staff in carrying out these priorities (i.e. planning, design, construction, monitoring, operation and maintenance). The SCWMG is also responsible for working with wetland scientists to ensure that priorities are based on the best available science and are agreed upon, to the extent feasible, by both the scientific and resource communities.

The SCWMG will be Chaired by one of its members on a rotating basis. Agendas for these meetings will be prepared by the Chairperson in consultation with the Governing Board.

Public Advisory Committee: The Governing Board will create a Public Advisory Committee (PAC) to help promote its mission and projects. This committee will also serve as a focal point for community interests and concerns, which can be taken into consideration by the Wetlands Recovery Project as it identifies its restoration and enhancement priorities.

PAC members will be selected by the Governing Board and participation on the PAC will be voluntary. The Chairperson of the PAC will be elected by its membership and their primary duties will include convening and chairing PAC meetings and reporting on all PAC meetings and activities to the Governing Board.

Wetlands Recovery Project Staff: The Coastal Conservancy staff will provide staff support to the Wetlands Recovery Project and is accountable to all Board members on Recovery Project matters. However, on a working basis, the Coastal Conservancy staff will report to the Chairperson of the Wetlands Recovery Project Governing Board. In addition, the Coastal Conservancy staff will be responsible for the following activities:

- 1) finalizing the Clearinghouse concept report and related documents;
- 2) acting as a liaison between the Governing Board, the Advisory Committees and other conservation initiatives, including the Southern California Joint Venture;
- 3) working with the chairperson of the Wetlands Recovery Project to convene Board meetings and prepare background reports;
- 4) working with Board and Committee members and wetland scientists to develop an implementation strategy that identifies wetland restoration priorities, funding sources, and project partners;
- 5) developing preliminary restoration plans for priority sites;
- 6) coordinating the pooling of public and private funds for project implementation, including the establishment of a special deposit account;
- 7) hiring contractors and subcontractors to carry out the work of the Wetlands Recovery Project;
- 8) assisting in creating and facilitating partnerships that accomplish Wetlands Recovery Project goals; and
- 9) maintaining contact with media to increase public awareness about Wetlands Recovery Project and wetlands issues.

Operation

Within the Coastal Conservancy, there will be established a Southern California Wetlands Recovery Project special deposit account which can only be used to fulfill the purposes of the Wetlands Recovery Project. Funds from participating public agencies, foundations, and other entities (such as mitigation funds) will be deposited into this interest-bearing account upon the approval of the Coastal Conservancy. These deposits will be accounted for separately and any restrictions placed on these funds by the funding source (i.e. for a particular project, component of a project, land acquisition, etc.) will govern their use.

Withdrawal of special deposit funds will only occur upon the approval of the Governing Board and the Coastal Conservancy. All withdrawals will have to be consistent with any restrictions placed on the use of these funds by the funding source. Quarterly financial reports will be presented to the Governing Board and to the Regional Wetland Managers Group. These reports will show the total fund balance (receipts and deposits), interest accruals, balances of any subaccounts (i.e. project plans, engineering and design, construction, monitoring, and maintenance), and payments made from each funding source within the Wetlands Recovery Project special deposit account.

Progress Reports

To ensure accountability and to allow for periodic evaluation of the Wetlands Recovery Project's progress, two types of annual reports will be made:

- 1) monitoring results of completed wetland enhancement projects undertaken by the Wetlands Recovery Project. This report will describe changes to the wetland since construction, identify any additional work that may be needed (i.e. adaptive management and any necessary remediation work), and estimate how closely the wetland is meeting the goals and objectives specified in the wetland enhancement plan; and
- 2) an assessment of the Wetlands Recovery Project's progress in meeting its 20-year vision and 5-year rolling regional restoration program, including a projection of available funds.

These reports will be made public and given widespread distribution for public comment. The Governing Board may also want to consider changes in the Wetlands Recovery Project work program based on these annual reviews and public comment. Information will be made available through CERES (California Environmental Resources Evaluation System) on both the Wetlands Information System and the Coastal Conservancy Homepage allowing greater access to the public regarding wetlands.

Agreement

1. The parties to this Agreement will begin working toward the goals of the Agreement upon the signing below of all members of the Governing Board.
2. The members of the Governing Board and other participants shall work together in a cooperative and collaborative manner. In cases of disputes over SCWRP projects, members shall engage in a good faith effort at resolving disagreements (Attachment D).
3. Amendments to this Agreement may be proposed to the Chairperson of the Board at any time by any party and shall become effective upon approval by a quorum of the Governing Board. However, any amendment to this Agreement which particularly affects the interests of a party or parties may not be approved by the Governing Board without consent by the affected party or parties. Further, the disclaimers below may not be amended without the written consent of all parties.
4. Upon agreement from the Governing Board, other agencies or organizations may join either the Southern California Wetland Managers Group or the Public Advisory Committee. Any party may terminate its participation in this agreement by giving written notice to the Chairperson of the Governing Board.
5. A quorum is necessary to approve any action and shall consist of one more than half of the Governing Board and include at least two federal agencies.
6. All Governing Board decisions will be made by consensus. Board members are required to recuse themselves from “voting” on issues on which they may have a potential conflict of interest (Attachment E).

Disclaimers:

1. This document is intended to accomplish the stated goals by bringing public agencies, members of the public, and wetland scientists together to develop strategies to further wetlands protection. The strategies generated by these parties may then lead to the separate creation of future agreements or contracts to accomplish these goals. This document is not intended to be a binding contract for any reason. The words and phrases used in this document such as "partner," and "agreement" are not intended to be understood in the legal sense. No legal consideration has been or will be given by any party becoming involved with this Agreement.
2. Nothing herein alters the existing authorities or responsibilities of any party nor shall be considered as obligating any party in the expenditure of funds or the future payment of money or providing services.
3. No party to this Agreement shall be liable for any injuries or damages to persons or property resulting from acts or omissions by any other party or by related parties in carrying out activities pursuant to this Agreement.
4. No party to this Agreement shall be held as a party to any contract entered into by any other party (or other party's agents) to this Agreement in carrying out the activities pursuant to this Agreement, unless that party agrees in writing to be a part of any such contract.