State of California

SAN JOAQUIN RIVER CONSERVANCY

RESOLUTION 18-01

April 11, 2018

Regarding Certification of the Environmental Impact Report for the San Joaquin River Parkway Master Plan Update and Approval of the Proposed Plan

WHEREAS, the San Joaquin River Conservancy (Conservancy) was established in the California Natural Resources Agency by the California State Legislature to acquire and manage public lands within the San Joaquin River Parkway (Parkway), which will consist of the San Joaquin River and approximately 5,900 acres on both sides of the river in Fresno and Madera counties between Friant Dam and the Highway 99 crossing; and

WHEREAS, the Conservancy is directed in the San Joaquin River Conservancy Act (Public Resources Code sections 32500 et seq.) to acquire and manage lands in the Parkway to provide a harmonious combination of low-impact recreational and educational uses and wildlife protection through the preservation of the San Joaquin River, existing publicly owned lands, the wildlife corridor, and natural reserves (PRC Section 32510); and

WHEREAS, the San Joaquin River Conservancy Act authorizes the San Joaquin River Conservancy (Conservancy) to implement the San Joaquin River Parkway Master Plan and to adopt and carry out management plans for the protection of the natural, cultural, and recreational resources of the Parkway; and

WHEREAS, in December 1997, the Conservancy approved the San Joaquin River Parkway Interim Master Plan, including certification of a programmatic Environmental Impact Report, together containing the goals, objectives, policies, design standards, and mitigation measures guiding future development of Parkway projects implemented by or sponsored by the Conservancy; and

WHEREAS, the Conservancy has prepared the San Joaquin River Parkway Master Plan Update, the "proposed Project" or "proposed Plan," which sets forth updated programmatic long-range goals, objectives, policies, and plans: to accomplish wildlife habitat conservation and enhancement, public access and recreation, environmental education, and natural and cultural resource conservation and management within the Parkway; to guide implementation of the Parkway, including but not limited to land acquisitions, developing a contiguous 22-mile multi-use trail, constructing ancillary facilities to support low-impact recreation, and creating visitor informational and educational opportunities; and to consider implementation strategies and financing mechanisms for developing and supporting the on-going operations, maintenance and management of the Parkway; and

WHEREAS, the Conservancy, as the Lead Agency, prepared and circulated a Draft Environmental Impact Report (Draft EIR) for the proposed Plan (State Clearinghouse No. 2013061035) to meet the

requirements of the California Environmental Quality Act (CEQA; Public Resources Code, section 21000 et seq.; California Code of Regulations, title 14, section 15000 et seq.) as detailed in the following declarations; and

WHEREAS, the Conservancy Board held at its regular publicly-noticed meeting a workshop to discuss the proposed Plan on May 15, 2013, and a follow-up meeting on June 19, 2013; and

WHEREAS, the Conservancy prepared a Notice of Preparation (NOP; California Code of Regulations, title 14, section 15082) to inform responsible and trustee agencies and interested parties that the Conservancy was preparing a Draft EIR for the proposed Plan and to solicit input on the scope and content of the descriptions of the significant environmental issues, mitigation measures, and reasonable range of alternatives to be examined in the Draft EIR; and

WHEREAS, the NOP was circulated from June 17, 2013, through July 17, 2013; and

WHEREAS, the Conservancy held a public scoping meeting on June 17, 2014, at the Pinedale Community Center, 7170 N. San Pablo, Fresno, California, to present information about the proposed Plan, describe the process and timelines, and solicit input, including written comments, on the scope and content of the Draft EIR; and

WHEREAS, 51 comment letters and comment cards were received on the NOP at the public scoping meeting and by mail and email (included in the Draft EIR as Appendix A), which were considered during the preparation of the Draft EIR; and

WHEREAS, the Conservancy contacted the Native American Heritage Commission (NAHC) to identify any areas of importance to Native peoples within the Parkway Planning Area that have been documented in the Commission's Sacred Lands files; individuals identified by the NAHC as having knowledge of and interest in the general Plan Area were contacted to brief them on the scope of the project; and meetings were held with those requesting them to discuss Native American interest in and use of the Parkway (Appendix F of the Draft EIR); and

WHEREAS, the Conservancy filed the Notice of Completion of the Draft EIR with the State Clearinghouse, California Office of Planning and Research on May 1, 2017, and sent notice to each responsible and trustee agency that an official 60-day public comment period for the Draft EIR was established. The public comment period ran from May 1, 2017, through June 29, 2017; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was mailed and emailed on May 1, 2017, to all interested groups, organizations, individuals who had previously requested notice in writing, and to interested landowners within the Plan area; more than 730 notices were sent in total; and

WHEREAS, the NOA stated that the Conservancy had completed the Draft EIR and that copies, including appendices, were available for review at the Conservancy website, www.sjrc.ca.gov; at the San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727; and copies on CD format were available free upon request; and

WHEREAS, the Draft EIR includes an analysis of the environmental impacts of the proposed Plan, feasible mitigation measures, and two alternatives; and

WHEREAS, following the close of the 60-day public comment period, the Conservancy had received 18 comment letters, including emails; and

WHEREAS, the Conservancy compiled the Final EIR, which includes written responses to the written comment letters received (Chapter 5) and minor revisions to the Draft EIR and proposed Plan (Chapter 3), with the revisions indicated with underlines for revised inserted text and ~~strikeouts~~ for revised deleted text; and

WHEREAS, none of the changes made within the Final EIR constitute significant new information or otherwise trigger a recirculation under CEQA; and

WHEREAS, on March 28, 2018, the Conservancy sent notice to all public agency commenters that the Final EIR with responses to their comments was completed and available for review, consistent with CEQA Guidelines section 15088; and

WHEREAS, on March 28, 2018, the Conservancy posted the Final EIR on the Conservancy website, and made it available in hard copy at the Conservancy office, and available on CD free upon request, and issued a notification by email of this availability to all interested groups, organizations, and individuals who had previously requested notice in writing and to those who had previously commented on the Draft EIR, and included in the notices the date, time and place of the Board meeting in which the proposed Plan would be considered; and

WHEREAS, CEQA requires that in connection with the approval of a project for which an EIR has been prepared, the decision-makers of the lead agency must certify the Final EIR (California Code of Regulations, title 14, section 15090); and

WHEREAS, the Conservancy Board has considered the information in the Final EIR and input provided through public comments, and recognizes the benefits of proceeding with approving the proposed Plan.

NOW, THEREFORE, BE IT RESOLVED, the Conservancy Board hereby certifies that:

(a) the Final EIR (released March 28, 2018; State Clearinghouse No. 2013061035) has been completed in compliance with the requirements of CEQA;

(b) the Final EIR was presented to the Conservancy Board and it has considered the information contained in the Final EIR before considering approving the proposed Plan; and

(c) the Final EIR reflects the Conservancy's independent judgment and analysis;

BE IT FURTHER RESOLVED that, in consideration of the FINAL EIR and the entirety of the record, the Conservancy Board adopts the Findings of Fact and Statement of Overriding Considerations set forth in Attachment A to this resolution.

BE IT FURTHER RESOLVED that the Conservancy Board adopts the Mitigation Monitoring and Reporting Program as set forth in Attachment B to this resolution.

NOW, THEREFORE, BE IT ORDERED, that in consideration of all of the foregoing, and the entirety of the record, the Conservancy Board approves the San Joaquin River Parkway Master Plan Update included as Appendix C to the Draft EIR, with the revisions indicated in the Final EIR, Chapter 3.

BE IT FURTHER ORDERED, that in response to a request raised during the public hearing to certify the EIR and approve the proposed Plan on this day of April 11, 2018, an additional revision was made to the Parkway Master Plan Update, on Figure 5-6, to delete from the illustration a dotted line traversing a golf course that had represented a future opportunity for a hiking trail.

BE IT FURTHER ORDERED, that Conservancy staff file the Notice of Determination with the State Clearinghouse and post it on the Conservancy's webpage within five days.

BE IT FURTHER ORDERED, that Conservancy staff shall implement the Parkway Master Plan Update, including initiating Parkway acquisition and development projects consistent with the Master Plan Update.

ATTACHMENTS:
Exhibit A: Findings of Fact and Statement of Overriding Considerations
Exhibit B: Mitigation Monitoring and Reporting Program

Passed this day of April 11, 2018, by the following roll call vote of the San Joaquin River Conservancy Board:

Name	Yes	No	Abstain
Mr. Frazier	X		
Mr. Oliver	X		
Mr. Brandau	X		
Ms. Auston	X		
Mr. Janzen	X		
Mr. Hatler	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Alvis	X		
Ms. Lucchesi	X		
Ms. Finn	X		
Ms. Forhan	X		
Mr. Gibson	X		

Attest:

Melinda S. Marks, Executive Officer

SAN JOAQUIN RIVER CONSERVANCY
STATE OF CALIFORNIA





SAN JOAQUIN RIVER PARKWAY MASTER PLAN UPDATE

SAN JOAQUIN RIVER CONSERVANCY

2017 PUBLIC REVIEW DRAFT




San Joaquin River Conservancy Mission

The San Joaquin River Conservancy is an agency of the State of California created by the Legislature to create the San Joaquin River Parkway by: acquiring 5,900 acres from willing sellers for Parkway purposes; enhancing and restoring riparian, floodplain, and other habitats, and conserving natural and cultural resources on its lands; and developing and managing its lands for public recreational and educational uses compatible with resource protection. The Conservancy also assists other entities in conserving and improving their lands for the Parkway. The Conservancy works to facilitate the development of the Parkway, cultivate public support, and secure its future.

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1 EXECUTIVE SUMMARY

1 EXECUTIVE SUMMARY

The San Joaquin River Parkway Master Plan Update, presented herein and proposed for approval in 2017, describes the San Joaquin River Parkway (Parkway) as it exists today, presents conceptual plans for acquired Parkway lands, and presents policies, guidelines, and best management practices (BMPs) for continued acquisitions, improvements, and management.

The San Joaquin River Parkway is a planned 22-mile regional natural and recreation area primarily in the river's floodplain extending from Friant Dam to Highway 99, encompassing portions of both Fresno and Madera Counties. The adopted and proposed updated San Joaquin River Parkway Master Plan envision: a primary multi-use trail from Friant Dam to Highway 99 (22 +/- river miles); contiguous and continuous wildlife habitat and movement corridors; a regional, multifaceted parkway experience for visitors, consisting of river access, low-impact recreation, and conservation education; and functional regional conservation and restoration of habitat, the watershed, and ecosystems. The master-planned Parkway is a net benefit project that balances the natural resources conservation and recreation needs, and will provide a harmonious combination of low-impact recreation, natural and cultural resources conservation, and educational uses. The Parkway Planning Area covers over 22 miles of river corridor including the floodplain and adjacent bluffs under multiple ownerships.

The Parkway today includes public lands and improvements owned by the San Joaquin River Conservancy (Conservancy), City of Fresno, County of Fresno, State Lands Commission, California Department of Fish and Wildlife (CDFW)/Wildlife Conservation Board (WCB), and Fresno County Office of Education, and those owned by the nonprofit San Joaquin River Parkway & Conservation Trust (River Parkway Trust).

The Conservancy is the lead agency responsible for preparing, approving, and implementing the San Joaquin River Parkway Master Plan Update. The Conservancy is an agency of the State of California. It was established by the State Legislature in 1992 to create the Parkway by: acquiring 5,900 acres from willing sellers; enhancing and restoring riparian, floodplain, aquatic, and other habitats, and conserving other natural and cultural resources on its lands; and developing and managing its lands for public recreational and educational use compatible with resource protection. The Conservancy may also assist other entities in conserving and improving their properties for the Parkway. The Conservancy is working to facilitate the development of the Parkway, cultivate public support, and secure its future. As of 2016, the Parkway consists of 2,595 acres acquired by the San Joaquin River Conservancy for Parkway purposes and over 1,250 acres of other public lands.

The Conservancy Board adopted the Interim San Joaquin River Master Plan and Environmental Impact Report (EIR) in December 1997. The core values and policies of the Parkway Master Plan have served the Parkway well, are being implemented cooperatively by the local agencies, and are proposed to remain largely unchanged.

This Update focuses on those elements of the Master Plan that are clearly out of date. The Master Plan Update and EIR have been revised to reflect regulatory changes; the San Joaquin River Restoration Program (SJR Restoration Program); practices, programs, directives, initiatives, and partnerships that have been

developed over the years; lands acquired by the Conservancy; and site-specific adopted and conceptual plans. Goals, policies, and mitigation measures that are not outmoded remain essentially as-is though some language has been changed to provide clarity to the intent. New goals, policies, and mitigation measures have been added to address new requirements, to clarify previous language, and to assist with the continued implementation of the Parkway. Implementation of the Master Plan Update will continue to expand, enhance, and protect riparian, wetland, and upland habitats; improve recreational and education facilities; and add to the region's economic vitality and public health.

The Parkway Master Plan Update is the Proposed Project analyzed in the accompanying Environmental Impact Report prepared in compliance with the California Environmental Quality Act and to be considered for approval by the Conservancy Board in 2017.

2 BACKGROUND AND CONTEXT

2. BACKGROUND AND CONTEXT

2.1 THE SAN JOAQUIN RIVER AND WATERSHED

The San Joaquin River, emerging from the Sierra Nevada foothills, has carved its channel into a landscape of a broad floodplain flanked by bluffs varying in steepness and elevation. Below Friant Dam and Highway 99, the river serves as the boundary between the counties of Madera and Fresno, and is the principal natural feature of both the Fresno-Madera metropolitan area as well as the entire San Joaquin Valley, see Figure 2-1. On either side of the river corridor urban centers in the respective counties are growing progressively toward the river.

The river corridor is primarily designated for agricultural and open space uses in the local planning documents. Several studies, including the 1986 San Joaquin River Reconnaissance Study, have identified and documented the constraints associated with the river corridor or riverbottom lands. These constraints included flooding, riparian habitat, sand and gravel resources and operations, and topography. Development pressure in the area subjects the river corridor and remaining agriculture lands to diverse and often competing interests. Development characteristically results in the clearing of land to allow for construction, excavation, or landscaping that impinges on plant and wildlife habitat.

The San Joaquin River and many areas of the riverbottom between Friant Dam and Highway 99 offer attractive recreational opportunities and have significant natural habitat areas. Most land use jurisdictions now have policies that protect the floodplain from urban density development in the Parkway, and updated regulations that address natural resource protection, such as water quality measures. However, development pressure and a growing population still threaten to impact the habitat and recreational opportunities of the San Joaquin River. Specialized planning is still needed to identify and protect the natural resources and recreational values in the river corridor and riverbottom lands.

2.2 IMPETUS FOR ESTABLISHING A PARKWAY

The San Joaquin River is the second largest watershed in California. It serves the Fresno and Madera region's agriculture, recreation, and water supply needs. It historically provided for commercial navigation, and now provides for recreational boating. Its waters provide for unsurpassed agricultural production throughout the San Joaquin Valley. It supports important natural ecosystems, and once provided sustenance for numerous indigenous people.

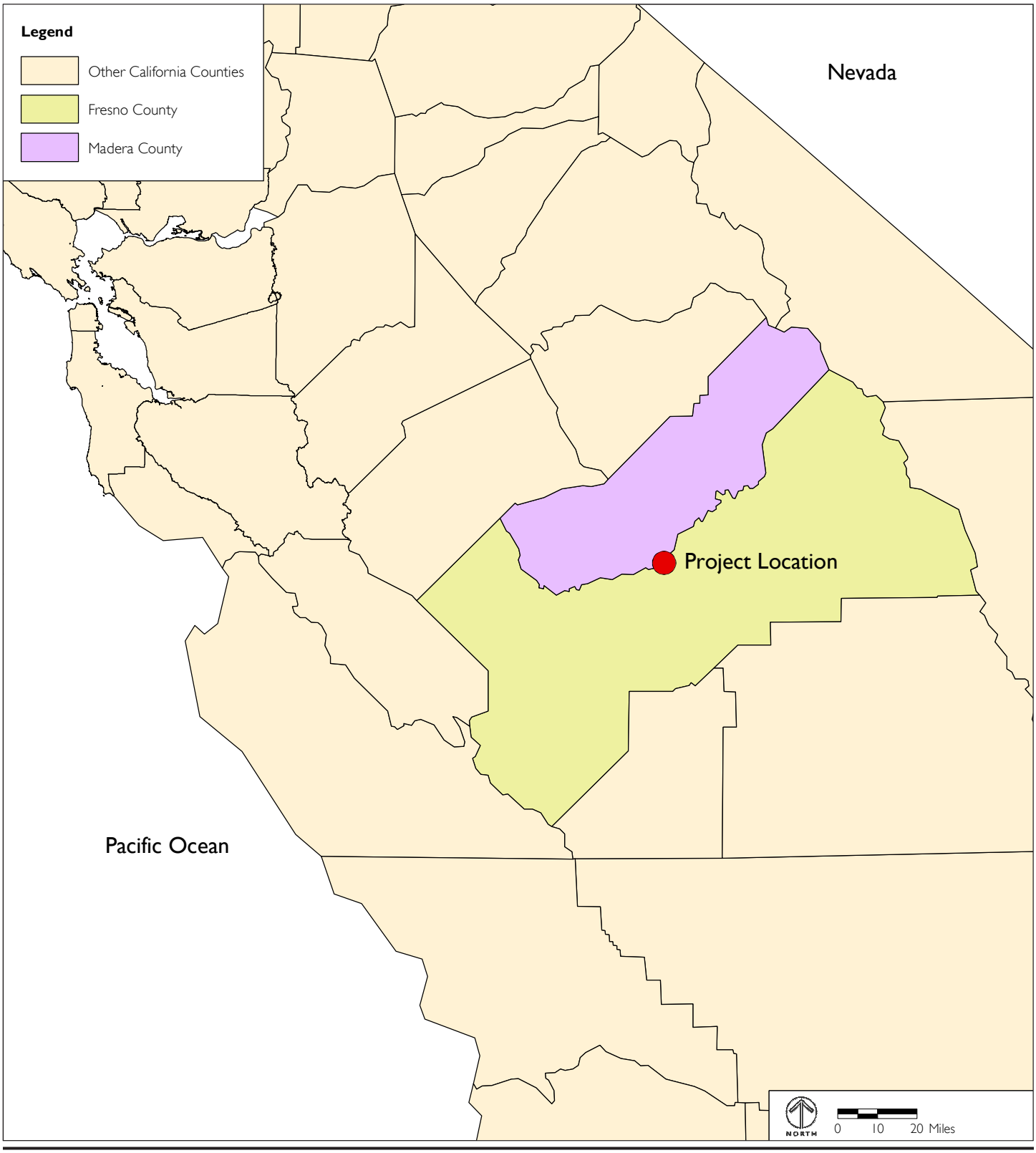


FIGURE 2-1

REGIONAL VICINITY MAP

In 1988, people concerned with the future of the San Joaquin River formed the River Parkway Trust, a private nonprofit organization. The loss of 94 percent of the San Joaquin Valley's wetlands and the conversion of wildlife habitat into urban development provided a basis for local concern about impacted river resources; others were concerned about the lack of access for the public to recreate within and along the river. Awareness of the natural resource, recreational, cultural resource, and educational values of the river, and the need for comprehensive, multi-jurisdictional coordination and planning led to State legislative action.

The State Legislature passed Assembly Bill No. 3121 (Chapter 1025 of the Statutes of 1990), introduced by Assembly Member Jim Costa, as an urgency measure. This legislation provided funds for a San Joaquin River Parkway Task Force (Task Force) to seek community participation in the planning process to develop a plan based on general goals described in the legislation.

Task Force members included representatives of State and local governmental agencies and various organizations with interest in the river and concerns with the effects of the Parkway. The legislature directed the planning process to attain a high degree of consensus among the members of the Task Force. The final draft of the San Joaquin River Parkway Task Force Plan (Task Force Plan) was issued March 13, 1992.

2.3 THE PLANNED PARKWAY

The San Joaquin River Parkway is a planned 22-mile regional natural and recreation area primarily in the river's floodplain extending from Friant Dam to Highway 99, encompassing portions of both Fresno and Madera Counties. The adopted and proposed updated San Joaquin River Parkway Master Plan envision: a primary multi-use trail from Friant Dam to Highway 99 (22+/- river miles); contiguous and continuous wildlife habitat and movement corridors; a regional, multifaceted parkway experience for visitors, consisting of river access, low-impact recreation, and conservation education; and functional regional conservation and restoration of habitat, the watershed, and ecosystems. On full build-out the Parkway will include a multi-use trail extending the entire length, an interconnected recreational trail system, habitat conservation areas and a protected wildlife movement corridor, non-motorized boating trail, low-impact recreation areas, educational and interpretive programs and features, watershed improvements, and ancillary facilities. A detailed description of the Parkway as it exists today is in Chapter 3, and as planned is in Chapter 5.

2.4 SAN JOAQUIN RIVER CONSERVANCY

The San Joaquin River Conservancy came into existence in 1992 through the passage of the San Joaquin River Conservancy Act (Public Resources Code §32500 et seq., Appendix A), to promote, develop, and manage the proposed Parkway. The Conservancy was initiated by citizens, advocacy groups, State and local agencies, and created by the State legislature to address the long-term future of the San Joaquin

River's unique natural resources—its wildlife habitat, recreational opportunities, and beautiful park-like setting—as the pressures of urban growth from Fresno and Madera Counties accelerated.

The Conservancy adapted an interim plan derived from the San Joaquin River Parkway Task Force Plan in 1995, certified a programmatic Environmental Impact Report in accordance with the California Environmental Quality Act, and approved the Interim San Joaquin River Parkway Master Plan in December 1997.

The State of California created conservancies with the explicit purpose to execute the State's conservation goals through collaborative partnerships at the local and regional levels. Multi-agency state conservancies were created to accomplish accountability, sustain close relationships with local agencies, ensure transparency, give constituents a greater voice, and provide for integrated resources conservation/land use planning among state and local governments. With a State presence within the conservancies' governing bodies and state fiscal support, local agencies and regional interests have additional tools to effectively protect significant resources and to collaborate in sustainable development. The State, as well as local governments, have a compelling interest in protecting threatened resources in the rapidly growing, diverse, and evolving economy of the San Joaquin Valley.

2.4.1 SAN JOAQUIN RIVER CONSERVANCY ACT

MISSION

San Joaquin River Conservancy Act (Public Resources Code § 32500 et seq.) sets forth the statutory mission and authorities of the Conservancy. In the Act's introductory sections, "The Legislature hereby finds and declares that the San Joaquin River, its broad corridors, and its prominent bluffs constitute a unique and important environmental, cultural, scientific, agricultural, educational, recreational, scenic, flood water conveyance, and wildlife resource that should be preserved for the enjoyment of, and appreciation by, present and future generations." "The Legislature further finds and declares that the San Joaquin River Parkway Task Force, representing diverse state and local interests, has developed a San Joaquin River Parkway Plan which, in concept, outlines and provides a structural framework for ideas for establishing the San Joaquin River Parkway. It is the intent of the Legislature in enacting this division to implement the task force recommendation for a managing entity for the proposed Parkway."

AUTHORITIES

The following are key Conservancy authorities provided in the Act:

"The conservancy may determine acquisition priorities and may acquire real property or any interest in real property within the parkway from willing sellers and at fair market value or on other mutually acceptable terms [emphasis added]. The conservancy may acquire the property, itself, or may coordinate the acquisition through a member agency or other public agencies with appropriate responsibility and

available funding or land to exchange. The conservancy does not have powers of eminent domain." (PRC §32532)

"The conservancy shall be responsible for operation and maintenance of the parkway. The conservancy shall close to the public any lands or facilities which it is unable to maintain in a clean and safe manner and to adequately protect the wildlife and rights of adjacent property owners from the public, including areas downstream from the Highway 99 crossing affected by the use of the parkway." (PRC §32511)

The Act provides: "The conservancy may adopt and enforce regulations governing the use of parkway lands and activities within the parkway; the protection and management of native riparian vegetation, wildlife, and other natural resources on parkway lands; and the protection of archaeological sites." (PRC §32527)

"The conservancy may undertake site improvement projects; regulate public access; revegetate and otherwise rehabilitate degraded areas, in consultation with other public agencies with appropriate jurisdiction and expertise; upgrade deteriorating facilities; and construct new facilities as needed for outdoor recreation, nature appreciation and interpretation, and natural resource protection. These projects may be undertaken by the conservancy itself or by member agencies, with the conservancy providing overall coordination through setting priorities for projects and assuring uniformity of approach." (PRC §32533)

The Conservancy is an agency of the State of California. The Conservancy must comply with all laws, regulations, manuals, policies, and directives that apply to State agencies, including requirements for budgeting, accounting, and fiscal management; contracting and purchasing; public records; etc. The Conservancy Board procedures, meetings, and actions must comply with the Brown Act.

MANAGEMENT AND REGULATORY JURISDICTION

The area under management and regulatory jurisdiction of the Conservancy consists of the land acquired or leased by the Conservancy for the Parkway; other public lands managed by the Conservancy on behalf of another public agency through written mutual agreement; and private lands that are in a land mitigation bank or that are adjacent to the Parkway and downstream from the Highway 99 crossing and for which the owner desires the Conservancy's management and protection services or which are subject to a voluntary resource management agreement entered into with the Conservancy. (PRC §32512 and 32513) State-owned land managed under the Conservancy's jurisdiction may be referred to as Conservancy land or property herein. State lands are not generally subject to local land use regulation.

All zoning and land use regulations over other lands in the Parkway Plan Area remain the exclusive authority of the local land use agencies.

2.5 PARKWAY PLANNING AREA

The area eligible for Parkway planning and development by the Conservancy, described herein as the Parkway Planning Area, is comprised of lands on both sides of the river from Friant Dam to Highway 99, see Figure 2-2. The Parkway Planning Area includes portions of Fresno County, Madera County, and the City of Fresno. This area is approximately 22-miles long, from river mile 267.6 at the face of Friant Dam to State Highway 99 at river mile 243.2, on both sides of the river. The Parkway Planning Area varies in width from a narrow wildlife corridor where the river bluff is steep and close to the river to extensive floodplains of several hundred acres that may be suitable for a natural reserve or recreation area, or are already used as parklands.

Generally floodplain lands below the river's bluffs are the focus of Parkway planning; however, other lands, access roads, parking and staging areas, overlooks, and connections to community trails (among other possible appurtenant facilities) are eligible for acquisition, improvement, and incorporation into the Parkway. The Legislature intended that the Parkway would eventually encompass 5,900 acres, "of which 1,250 acres were already in public ownership" in 1992 (PRC §32510).

The Parkway Planning Area includes properties that are candidates for acquisition or Parkway management in order to connect existing Parkway elements, to improve the ecological values of the Parkway, or to provide for additional recreation opportunities. Indicating the general planning area of the Parkway on a map or describing it in this Plan is for planning purposes only. It does not and is not intended to initiate or to represent possible property acquisition activity. Future actions and negotiations with willing sellers will determine the ultimate configuration of the Parkway and the land and water areas included within it.

2.6 KEY PARTNERSHIPS

2.6.1 AGENCIES

The Conservancy is governed by a board consisting of representatives of:

- Six State agencies: The California Natural Resources Agency, California Department of Finance, California Department of Fish and Wildlife (CDFW), California Department of Parks and Recreation (DPR), Wildlife Conservation Board (WCB), and State Lands Commission (SLC);
- Six local agencies: Elected officials from the City of Fresno, City of Madera, County of Fresno, and County of Madera, as well as board members or designees from the Madera Irrigation District and Fresno Metropolitan Flood Control District; and
- Three local residents nominated by local agencies and appointed by the State Governor. (PRC §32515)

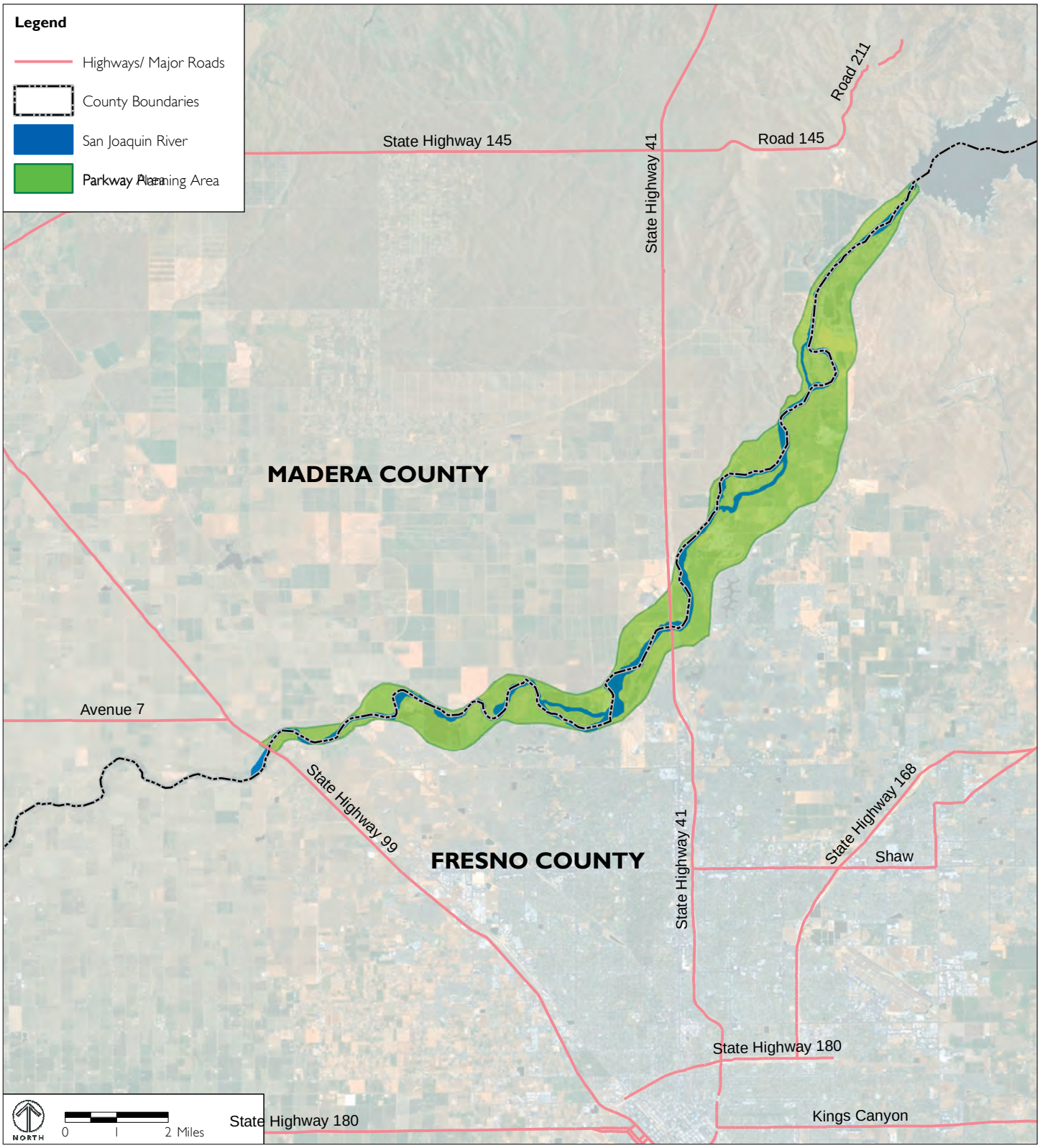


FIGURE 2-2

PARKWAY PLANNING AREA

The State and local agencies represented on the board are often referred to as the "member agencies." Parkway partnerships among the member agencies are strong, as demonstrated by the following examples:

- The local member agencies have incorporated the Parkway Master Plan in relevant portions of their land use plans. The local agencies have partnered with the Conservancy in Parkway plans, projects, and management. The County of Madera Planning Department has provided contractual planning assistance, including the River West Madera Master Plan and the River Vista Plan. The City of Fresno operates and maintains the Lewis S. Eaton Trail, Riverside Trail, and Tom MacMichael Sr. Trail. They have partnered on several planning projects, including the on-going River West Fresno, Eaton Trail Extension Plan. The County of Fresno owns and operates Lost Lake Park.
- DPR provides administrative and operational services through agreements with the Conservancy, and actively participates in project development. They provide contract services to operate Friant Cove.
- WCB assists with Conservancy in administering bond fund capital improvements and land acquisitions. They provide professional support and bond fund accountability through a Memorandum of Understanding with the Conservancy.
- CDFW collaboratively manages its San Joaquin River Ecological Reserve in a manner that benefits Parkway purposes and provides visitor services at the San Joaquin Fish Hatchery.
- The State Lands Commission (SLC) has jurisdiction and management control over State sovereign lands, including the beds of navigable rivers such as the San Joaquin River. The SLC manages these lands for the benefit, use and enjoyment of all the people of the State, subject to the Public Trust.
- The California Department of Finance serves on the Conservancy board to provide oversight and direction related to State fiscal resources.
- The California Natural Resources Agency provides an umbrella for the ten State conservancies to partner in developing conservation policies and support.

The San Joaquin River Restoration Program (SJR Restoration Program), lead primarily by the State departments of Water Resources and CDFW, and the federal Bureau of Reclamation and National Marine Fisheries Service, has placed a priority on river and floodplain habitat enhancement within the Parkway and created the opportunity for interagency collaboration to achieve common goals. The San Joaquin River's wildlife habitat and fishery resources have been severely impacted by human activities. In 2006, San Joaquin River water users and environmental groups arrived at a historic settlement agreement to restore the river. The State, federal government, Friant Water Users Authority, and environmental entities sponsoring the SJR Restoration Program will implement watershed-wide projects to change river flows and regimes, modify channel and floodplain configurations, restore aquatic and riparian habitat, and restore salmon in the river. Habitat restoration projects on Conservancy properties may be eligible for cooperative funding and joint project planning with the federal, State, and other entities.

Various public agencies may also sponsor smaller habitat restoration projects within the Parkway to meet mitigation requirements.

2.6.2 NON-GOVERNMENTAL ORGANIZATIONS

The Parkway has strong nonprofit advocacy, stewardship, and educational organizations with diverse memberships.

The River Parkway Trust is the primary advocacy and fundraising nonprofit organization with a specific mission to develop and support the Parkway. The River Parkway Trust has over 3,000 members, logs contributions of 22,000 volunteer hours per year, and educates approximately 10,000 children in its programs each year. The River Parkway Trust has secured private donations and grants totaling millions of dollars invested in the Parkway. The River Parkway Trust has agreements with the Conservancy to operate the Conservancy's Sycamore Island, Camp Pashayan, and Ball Ranch. The River Parkway Trust is involved in several Conservancy grants, including current habitat restoration projects on the Conservancy's River West Fresno (Spano) property and Jensen River Ranch. The River Parkway Trust owns and operates the Coke Hallowell River Center, Owl Hollow, and the Hidden Homes trail.

The River Parkway Trust, the Trust for Public Land, and the American Farmland Trust have actively worked with property owners within the Parkway area to help achieve the goals of open space and habitat preservation. Their primary role is to secure land for ultimate acquisition by the Conservancy or other public agencies, or to secure conservation easements.

The Conservancy collaborates with Parkway stewardship and educational programs. The River Parkway Trust, RiverTree Volunteers, City of Fresno PARCS Department, Fresno State, Many Lightnings American Indian Legacy Center, Fresno County Office of Education, Friends of Lost Lake Park, San Joaquin River Stewardship Program, River Partners, and Revive the San Joaquin, among others, are actively involved in native plant restoration, invasive species management, litter cleanup, environmental education, canoe and kayak excursions, nature walks, and other programs and services involving students, volunteers, and members of the public.

The Fresno County Office of Education operates Scout Island, an outdoor education center open to organized school groups within the Parkway.

2.7 HISTORY OF THE SAN JOAQUIN RIVER PARKWAY MASTER PLAN

2.7.1 1997 MASTER PLAN

The Conservancy Board certified a Program EIR and approved the Interim Parkway Master Plan in December 1997. Relevant portions were incorporated or referenced in local general plans. The goals, objectives, and policies of the Master Plan, and the mitigation measures and commitments of the

Program EIR were recompiled in a concise planning document, the Recompiled San Joaquin River Parkway Master Plan (2000). The Interim Parkway Master Plan, Recompiled Master, Draft EIR, Final EIR, Mitigation Monitoring Plan, resolution certifying the EIR, findings of fact, and statement of overriding considerations can be reviewed at www.sjrc.ca.gov.

The Interim Parkway Master Plan presents goals, objectives, and policies, and envisions future uses, improvements, features, facilities, and management measures. The plan does not delineate the location of specific improvements, since Parkway land had not yet been acquired. The Plan sets forth numerous factors to be considered in locating and developing improvements.

The 1997 Interim Parkway Master Plan and Program EIR continue as the foundation for the phased implementation, and tiered site- and project-specific CEQA review of future Parkway projects.

2.7.2 PURPOSE OF THE MASTER PLAN UPDATE

Over the years since the plan was approved, a number of issues necessitated review and revision of the Master Plan and evaluation pursuant to CEQA. The Master Plan Update focuses on those elements of the Interim Master Plan that are clearly out of date. Goals, objectives, policies, commitments, and mitigation measures that are not outdated remain substantially as-is and unchanged. The Master Plan Update can now be more specific about plans for Parkway public lands and many of the originally proposed facilities and features.

The Master Plan Update and EIR provide practical guidance for implementing phased, incremental site- and project-specific environmental review for future Parkway projects. Future projects include, but are not limited to: land and easement acquisitions; habitat restoration and enhancement; public access and low-impact recreation improvements; education and interpretive improvements; non-motorized boat launches and boating rest stops; maintenance and management facilities; ancillary facilities; and associated grants, agreements, operations, services, and programs.

The Master Plan Update is intended to protect the river's environmental, wildlife, cultural, scientific, agricultural, educational, recreational, scenic, and flood conveyance resources, which are of regional and statewide significance. The Parkway promotes public use, while it conserves, enhances, and educates visitors about natural resources that are sensitive and often negatively affected by humans' activities. Many efforts are underway to conserve and restore the river's natural resources, including the SJR Restoration Program's activities and improvements to restore Chinook salmon migration and breeding.

The following are the primary environmental, regulatory, policy, and management changes since 1997 that affect Parkway planning:

- The federal Flood Insurance Rate Maps (FIRM) for the San Joaquin River were revised in 2001;
- The Central Valley Flood Protection Plan;
- The spread of invasive species, primarily scarlet wisteria;

- Adoption by the County of Fresno, County of Madera, and City of Fresno of General, Specific, and Community Plan policies that support the Parkway;
- CEQA regulatory changes, including requirements to address climate change;
- The SJR Restoration Program;
- More recently protected and listed species within the Parkway, including in particular the California Tiger Salamander;
- The Central Valley Vision, a planning document developed by the California Department of Parks and Recreation; and
- The Master Plan Update includes digitized map layers to illustrate key elements of the updated plan.

2.8 KEY TERMS USED IN THIS DOCUMENT

The following definitions clarify key terms and abbreviations used in this Master Plan Update.

- San Joaquin River Conservancy (Conservancy): The California agency created by the State Legislature to develop and manage the San Joaquin River Parkway.
- San Joaquin River Parkway (Parkway): Public lands that are acquired, developed, and managed to provide a harmonious combination of low-impact recreation, natural and cultural resources conservation, and educational uses. It is envisioned that the Parkway will eventually be linked from Friant Dam to State Route 99 by a 22 mile-long multiple use trail and contiguous wildlife corridor.
- San Joaquin River Parkway Interim Master Plan and EIR 1997 (existing, or 1997 Parkway Master Plan): The San Joaquin River Parkway Interim Master Plan and Environmental Impact Report approved by the Conservancy in 1997. The Plan and EIR's goals, policies, and mitigation measures guide the development of the Parkway.
- San Joaquin River Parkway Master Plan Update (The Proposed Project or Proposed Plan): This document presents the proposed updated Parkway Master Plan, and is the Proposed Project to be reviewed in the EIR.
- San Joaquin River Parkway Planning Area (Parkway Plan Area): The area eligible for Parkway planning and development by the Conservancy, comprised of lands on both sides of the river from Friant Dam to State Route 99. Floodplain lands below the river's bluffs are the focus of Parkway planning; however, adjoining lands for appurtenant facilities are also eligible for acquisition, improvement, and incorporation into the Parkway.
- Conservancy Lands: The lands, or properties, owned by the State of California under the management jurisdiction of the Conservancy.
- Member Agencies: Any of the 12 agencies represented on the Conservancy board.

- State Sovereign Lands: The area of the river between the low water marks, which is in state fee title ownership. These lands are under the jurisdiction of the State Lands Commission.
- Other Public Parkway Lands: The lands dedicated to public Parkway purposes and uses, including Parkway lands owned by other State agencies, local agencies, and nonprofit organizations.
- Natural Reserves: Natural Reserves, as used in this plan, are specific Conservancy lands or other Parkway public lands designated and managed for habitat conservation, habitat enhancement, with minimal public recreation infrastructure.
- Ecological Reserves: Ecological Reserves, as used in this plan, refer to specific CDFW lands designated as units of the San Joaquin River Ecological Reserve managed to provide habitat for a rich diversity of fish, wildlife, and plant species endemic to the region.
- Restoration: Restoration, as used in this plan, refers to any effort to enhance or conserve an area in order to provide improved habitat or natural ecosystem functions, especially to disturbed, degraded or poor areas and that involve the use of native vegetation.
- Low-Impact Recreation: Low impact recreation is public recreational use compatible with natural and cultural resource protection, as more thoroughly described in this plan. Generally, extensive infrastructure dedicated to more active types of recreation commonly provided in urban parks are not envisioned in areas focusing on "low-impact" recreation.
- Parkway Multi-Use Trail; Other Trails: The Parkway multi-use trail is intended to be a continuous, multi-use trail for pedestrian, bicycle, and equestrian uses extending the entire 22-mile length of the Parkway. For continuity, the Parkway multi-use trail will need to cross the river in various locations. It is to be a paved surface trail with a parallel unpaved equestrian trail to support relatively intensive levels of use providing recreation, transportation, and health benefits. In the City of Fresno, the Parkway multi-use trail is referred to as the Lewis S. Eaton Trail.

  In addition, the Parkway trail system includes hiking trails, nature trails, spur trails, other multi-use trails, and segments that are Americans with Disabilities Act-compliant. These trails provide internal loops, access routes, and connectivity to and between Parkway features as well as other regional trail and bikeway systems.
- Sensitive Habitat: Sensitive habitat includes areas of special biological significance that provide habitat for locally unique biotic species/communities and/or are adjacent to essential habitats of rare, endangered or threatened species. In the Parkway, sensitive habitats are mostly wetland and riparian areas, or any natural community that is vulnerable to the environmental effects of projects.

The following abbreviations are used in the Master Plan Update:

ADA – Americans with Disabilities Act

BMPs – Best Management Practices

CDFW – California Department of Fish and Wildlife

cfs – cubic feet per second

DPR – California Department of Parks and Recreation, also referred to as "State Parks"

DWR – California Department of Water Resources

EIR – Environmental Impact Report (DEIR – Draft EIR)

ER – A unit of the San Joaquin River Ecological Reserve

FCOE – Fresno County of Education

PRC – Public Resources Code

RV – recreational vehicle

SJRC – San Joaquin River Conservancy (Conservancy)

SJRPCT – San Joaquin River Parkway & Conservation Trust (River Parkway Trust)

SLC – State Lands Commission

SJRRP – San Joaquin River Restoration Program (SJR Restoration Program)

USBR – United States Bureau of Reclamation

WCB – Wildlife Conservation Board

3 THE EXISTING PARKWAY

3. THE EXISTING PARKWAY

3.1 EXISTING PARKWAY LANDS

The Conservancy, in conjunction with its member agencies and nonprofit partners, has successfully secured for future generations two-thirds of the nearly 5,900 acres targeted in the San Joaquin River Conservancy Enabling Act for the Parkway, without the use of eminent domain. The San Joaquin River Conservancy has acquired 2,595 acres on the San Joaquin River for conservation and public access purposes. Over 1,000 acres of Conservancy lands are open for public use at least seasonally; the remaining Conservancy lands are used by supervised stewardship and education groups through license agreements.

Other public lands serving Parkway purposes include the County of Fresno's Lost Lake Park, and the California Department of Fish and Wildlife's (CDFW) San Joaquin Fish Hatchery and San Joaquin River Ecological Reserve (SJR ER), among others. The State of California retains sovereign fee-title ownership of the San Joaquin River between the ordinary low water marks, under the management jurisdiction of the State Lands Commission.

Within the Parkway Plan Area, approximately 520 acres are owned and managed by local government agencies—principally the future Riverbottom Park (City of Fresno), Lost Lake Park and the Eaton Trail corridor (County of Fresno), and Scout Island and the future Diamond R Ranch (Fresno County Office of Education). Some of these acquisitions and parks were established more than 40 years ago. More than seven miles of the primary Parkway multi-use trail, designated the Lewis S. Eaton Trail in and near Fresno, have been completed.

The nonprofit San Joaquin River Parkway & Conservation Trust (River Parkway Trust) provides public recreation and conservation education at its Coke Hallowell River Center. The River Parkway Trust currently owns 59 acres in the Parkway Plan Area. The American Farmlands Trust holds a conservation easement on 95 acres in the Parkway Plan Area.

To date, the Conservancy has invested approximately $33.4 million in State bond funds for land acquisitions. Grants and partnerships have resulted in an additional $10.7 million in federal funds, $13.1 million in other State funds, and $2.4 million in private donations and nonprofit organization funds. These investments do not include public lands existing prior to the San Joaquin River Conservancy Act.

Public lands within the Parkway are listed in Table 3-1.

TABLE 3 1 EXISTING PARKWAY AND PUBLIC LANDS

Land Acquisitions	Year	Fresno (Acres)	Madera (Acres)	Conservation Easements (Acres)
San Joaquin River Conservancy				
Wildwood Native Park	1996	0.00	22.00	0.00
Jensen River Ranch	1997	156.10	0.00	0.00
Beck	1998	105.92	0.00	0.00
Friant Cove	1998	2.64	0.00	0.00
Ball Ranch	2000	358.40	0.00	0.00
Schneider	2000	0.00	47.10	0.00
Wagner (aka Cottonwood Creek)	2001	0.00	64.32	0.00
Ledger Island	2001	0.00	161.17	0.00
River Vista	2001	0.00	176.66	0.00
Van Buren (aka Proctor, Broadwell, Cobb, part of River West Madera)	2001	0.00	261.54	0.00
Willow Lodge (Finch, Glaspey)*	2002	40.00	0.00	0.00
River West Fresno (Spano)	2003	290.84	50.00	0.00
Sycamore Island	2005	0.00	347.00	0.00
Liddell/Bluff Pointe Golfing Center	2005	134.00	0.00	0.00
Gibson	2008	320.96	0.00	0.00
SJ Fish Hatchery (Friant Station)*	2008	2.00	0.00	0.00
SJ Fish Hatchery (Hovannisian)*	2011	0.17	0.00	0.00
Camp Pashayan	**2012	11.43	0.00	0.00
Jenco Farms	2015	23.16	0.00	0.00
Circle V Ranch	2016	0.00	20.82	0.00
Subtotal		*1,445.62*	*1,150.61*	*0.00*
California Department Fish and Wildlife (CDFW)				
Hansen Unit San Joaquin River Ecological Reserve (ER)		34.00	0.00	0.00
Lost Lake Park (see also County of Fresno)		76.00	0.00	0.00
Rank Island Unit SJR ER		270.00	0.00	0.00

TABLE 3 1 EXISTING PARKWAY AND PUBLIC LANDS

				Conservation
Hansen Conservation Easements		0.00	0.00	95.00
Friant Road Scenic Lands (Eaton Trail)		141.00	0.00	0.00
Diamond R Ranch	2000	0.00	68.00	0.00
Riverbottom Park	1999	35.00	0.00	0.00
Bureau of Reclamation				
Millerton Below Friant Dam		137.50	137.50	0.00

*These lands were acquired by the Conservancy to be managed under the jurisdiction of CDFW.
**Camp Pashayan was originally acquired by the River Parkway Trust in 1995 and later sold to the Conservancy.

The Conservancy's statutory goal is to develop a Parkway encompassing 5,900 acres to provide a "harmonious combination of low-impact recreational and educational uses and wildlife protection" (PRC §32510). Approximately 1,900 acres were anticipated to be in Madera County and approximately 4,000

acres were expected to be in Fresno County of which 1,250 acres were already in public ownership before the Conservancy was formed according to the Conservancy Act. As of 2017, the Conservancy owns approximately 1,150 acres in Madera County and approximately 1,445 acres in Fresno County; a roughly equal total amount of land has been protected for a variety of public purposes by other agencies and interests related to the Parkway. In addition, the California State Lands Commission has jurisdiction over State sovereign lands of the San Joaquin River between the ordinary low water marks.

There are a number of public access and/or conservation easements that directly relate to the overall Parkway goals including one agricultural easement on productive farmlands held by the American Farmlands Trust.

It is anticipated that opportunities for Parkway expansion through land dedication, mitigation lands, land bequeathed, or land offered for purchase would occur throughout the life of the Parkway.

3.2 EXISTING PUBLIC ACCESS AND RECREATION CAPITAL IMPROVEMENT PROJECTS

The original Parkway Master Plan was developed, and the Conservancy was created, in response to public demand for the preservation of riverbottom open space and habitat, and access to the river for boating, fishing, picnicking, environmental education, and other activities that can only be provided to the area through a river parkway. The acquisition of Parkway lands has reinforced the demand to open them for public use.

Parkway improvements have occurred on public lands within the Parkway that are owned by the Conservancy and by other entities. Several grants and bond funding have been made available for project-specific planning and implementing public access and recreation projects. The most significant investments include the Jensen River Ranch Habitat Enhancement and Public Access Project, including the Tom MacMichael Sr. Trail; the Lewis S. Eaton Trail, including the Riverside Trail segment; Friant Cove; Wildwood Native Park; San Joaquin Fish Hatchery visitor improvements; Sycamore Island/River West Madera; improvements at Lost Lake Park; and the Coke Hallowell River Center. Overlooks, vistas, and trailheads have been developed at Woodward Park, Copper River Drive, Copper Avenue, Milburn Avenue, Polk Avenue, and Riverside Drive. Local agencies are assisting with long-term operation and maintenance of trails and parks.

As the entities take advantage of improvement opportunities, needs are also met through funding sources other than the bond funds allocated to the Conservancy. For example:

- The Fresno County Office of Education has secured land within the Parkway at Scout Island and across the river from the Scout Island facility. It has developed educational facilities with its own funding sources.

- The Parkway Trust has completed and operates the Coke Hallowell River Center, a major visitor center, and has improved Owl Hollow and the Hidden Homes Trail, using donor contributions, other grants, and a relatively small Conservancy grant toward improvement of the historic home.
- A local developer fully designed, funded, and constructed a ¼-mile Parkway trail extension and vista feature, and established assessments and fees within the neighboring development that support the operation and maintenance costs.

3.3 EXISTING HABITAT CONSERVATION, ENHANCEMENT, AND RESTORATION

Habitat restoration is a mission mandated by the Conservancy's enabling legislation. The habitat values of much of the land within the Parkway Plan Area have been significantly degraded. Habitat restoration is integral to the Parkway capital improvements program, and projects most often include both habitat enhancements and public access and recreation components.

The Conservancy is working with the River Parkway Trust, WCB, CDFW, DWR, U.S. Bureau of Reclamation, and others to identify restoration needs within the Parkway. The Conservancy has sponsored projects to restore over 300 acres of riparian, floodplain, and channel habitat in the Parkway at Jensen River Ranch, Wildwood Native Park, River West Fresno, the Riverbottom Park site and the Schneider property. The Conservancy and U.S. Bureau of Reclamation are cooperatively sponsoring a gravel pit isolation, floodplain restoration, and public access improvement project, which serves Parkway and SJR Restoration Program objectives. The Conservancy has received small restoration grants from the North American Wetland Conservation Act program. The Conservancy has developed cooperative projects with the County of Fresno and Caltrans to implement mitigation enhancements on Conservancy lands.

In 2015, the Conservancy initiated a multi-benefit ecosystem and watershed protection grant program made possible by funding from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1).

The Conservancy has awarded local assistance grants to improve Conservancy properties through removal of invasive plants. The Fresno County Economic Opportunities Commission, Local Conservation Corps is a recipient of a three year Conservancy grant to remove invasive species, while also providing job and learning opportunities for local disadvantaged youths. Other sources of funding, including the CDFW and U.S. Bureau of Reclamation are actively addressing eradication of invasive species in the Parkway Plan Area.

The Jensen River Ranch Habitat Enhancement and Public Access Project is among the most significant restoration projects implemented within the Parkway to date, and was funded by many sources, including the Central Valley Project Improvement Act, Conservancy funding from Proposition 12 (Parks Bond of 2000) and Proposition 40 (Resources Bond of 2002), a Resources Agency River Parkways Grant, along with

funding from Caltrans. The River Parkway Trust and City of Fresno are major collaborators in implementing this project.

To date, the Conservancy has invested $29.1 million of State bond funds allocated to the Parkway in planning, design, and construction of habitat restoration, public access, recreation, and outdoor education projects. Through partnerships, the Conservancy's bond funds have leveraged an additional $4.2 million in federal funds, $3.3 million in other State program funds, and $10.3 million in non-governmental funding to develop the Parkway.

4 THE PLANNING PROCESS

4. THE PLANNING PROCESS

4.1 LEAD AGENCY

The Conservancy is the lead agency for the proposed Parkway Master Plan under CEQA. The Conservancy has the authority to approve the proposed Plan, acquire lands for the Parkway, approve specific projects on its lands, and approve grants to develop the Parkway, among other discretionary actions.

4.2 REGIONAL PLANNING CONTEXT AND REGULATORY JURISDICTIONS

4.2.1 INCORPORATING THE PARKWAY MASTER PLAN IN LOCAL AGENCIES' GENERAL PLANS

Local governments are implementing zoning and land use policies to conserve the riverbottom area as open space; have incorporated Parkway Master Plan policies in their General, Community and Specific Plans; and require public access to the river in accordance with the Subdivision Map Act. Figure 4-1 shows the spheres of influence for the City of Fresno, the County of Madera, and the County of Fresno in relation to the Parkway Planning Area.

4.2.2 OVERVIEW OF STREAM AND FLOODPLAIN-RELATED REQUIREMENTS AND PLANS

A brief summary of regulatory requirements affecting Parkway development and policy follows.

FEDERAL EMERGENCY MANAGEMENT AGENCY 100-YEAR FLOOD MAPS (FLOOD INSURANCE RATE MAPS)

- Map the base flood elevation for an event with 1% probability of occurring in any year.
- Flood insurance is required in the mapped floodplain.
- Habitable structures must be flood-proofed and elevated above the 100-year base flood elevation. Structures must be designed and constructed so that they cannot be substantially damaged by flooding and must not hinder the passage of flood flows.

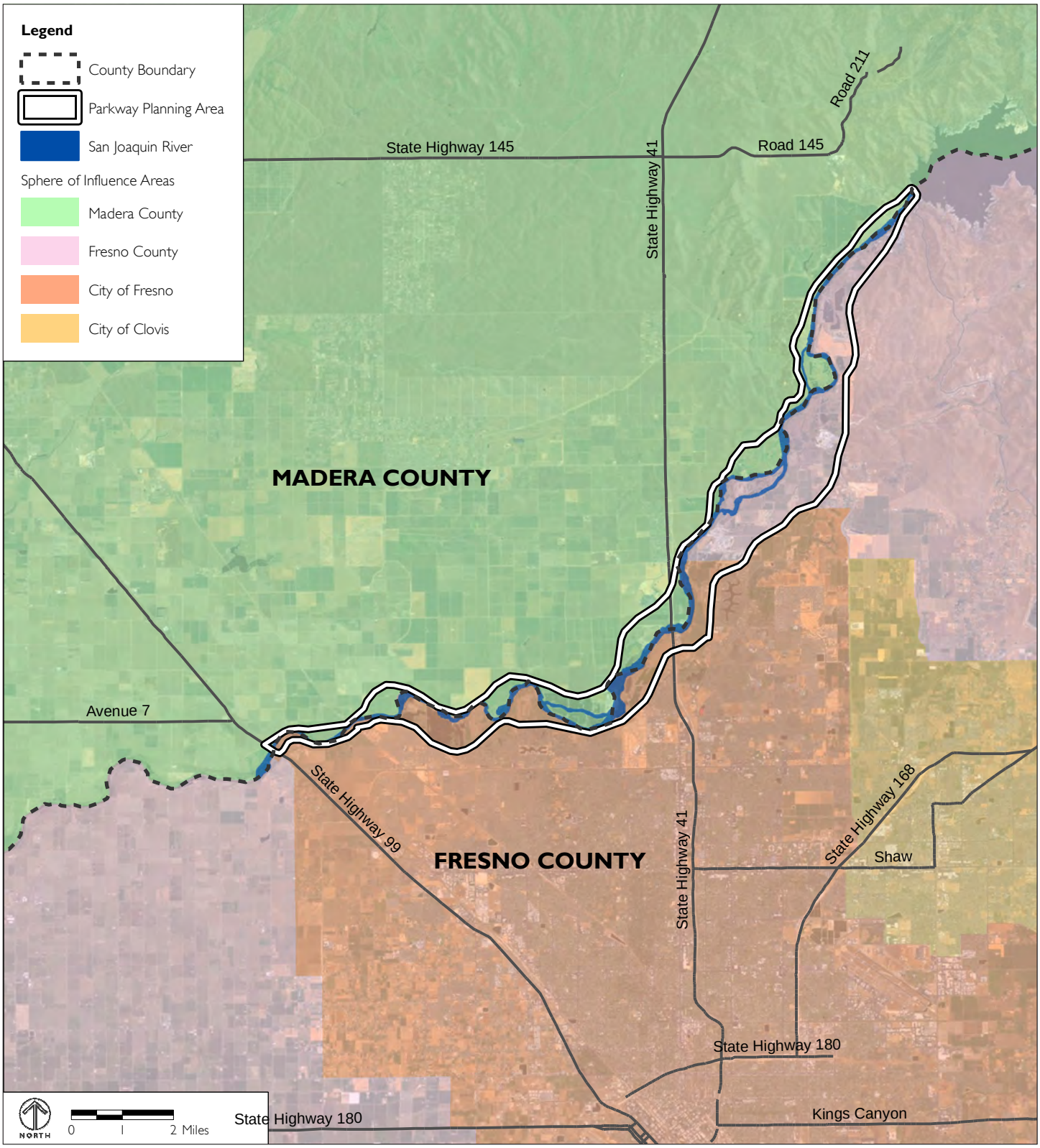


FIGURE 4-1

SPHERE OF INFLUENCE AREAS

- Fill to elevate structures must be from on-site; there must be no net displacement of flows or capacity (generally, no imported fill).
- Revised by the US Army Corps of Engineers in 2001, after the 1997 flood.
- Map of the 100-year base flood elevation was modeled based on hypothetical uncontrolled flows from Friant Dam of 71,000 cubic feet per second (cfs).
- The 1997 flood was approximated at 60,300 +/- cfs.
- Prior to 2001, the maps were based on 100-year flows estimated to be below 20,000 cfs.

FEMA FLOODWAY, STATE DESIGNATED FLOODWAY

- During a 100-year flood, the floodway is the area expected to be conveying flows with strong currents (not areas that would experience standing inundation).
- No obstructions to flows or improvements that may come loose and become obstructions may be placed within the floodway.

CENTRAL VALLEY FLOOD PROTECTION PLAN

- This plan increased flood protection requirements in much of the San Joaquin River floodplain; this is legislatively intended to curb urban development and reliance on levees in flood prone areas.

STATE SOVEREIGN LANDS, LANDS IN THE PUBLIC TRUST

- Upon becoming a state, the State of California took ownership of lands underlying the state's navigable and tidal waterways, known as "Sovereign Lands." These state sovereign lands, between the ordinary low water marks, are in State fee title ownership and are under the management jurisdiction of the California State Lands Commission (SLC).
- Sovereign lands are held by the State in public trust. The Public Trust affirms the duty of the State to protect the people's common heritage in navigable waters for their common use. The Public Trust Doctrine embraces the right of the public to use the navigable waters of the State for fishing, swimming, boating, and general water-related recreational purposes. The Public Trust encompasses preservation of the lands in their natural state for scientific study, as open space, and as wildlife habitat.
- The areas between the high and low water marks are within the upland land ownership; however, they are subject to the Public Trust. Private uses within these areas may not conflict with or preclude Public Trust uses.
- State Lands Commission established administrative maps of the high and low water marks for SLC purposes for the Parkway reach of the San Joaquin River in 1992.
- Leases from the SLC are required for improvements and uses on state sovereign lands.

U.S. ARMY CORPS OF ENGINEERS REGULATES DISCHARGES OF FILL TO WATERS OF THE U.S.

- Waters of the U.S. include jurisdictional streams riverward of the ordinary high water marks and all associated wetlands.
- Discharges of fill (very broadly construed) to waters of the U.S. require Section 404 permits.
- No net loss of wetland is required; avoidance is emphasized.
- Associated water quality permits (Section 401) are required by the Central Valley Water Quality Control Board.

DEPARTMENT OF FISH AND GAME STREAMBED ALTERATION AGREEMENTS

- Written agreements are required for all projects that will alter the bed, bank, or riparian corridor of a stream.
- Avoidance of impacts is emphasized.

SAN JOAQUIN RIVER RESTORATION PROGRAM (SJR RESTORATION PROGRAM)

- The SJR Restoration Program Stipulation of Settlement sets forth the agreed upon restoration releases from Friant Dam. The maximum SJR Restoration Program flows are 4,000 cubic feet per second (cfs) for approximately two weeks in wet and normal wet years (estimated probability 50 percent of years). Fall SJR Restoration Program releases are 400 to 700 cfs for ten days and spring releases are 500-2,000 for 8-16 weeks, in all but the driest years and varying by water year.
- SJR Restoration Program flows are not in addition to flood releases, and do not affect necessary flood releases. Potential SJR Restoration Program actions in the reach are available in Appendix G of the certified SJR Restoration Program Final Program Environmental Impact Study/Report.
- CDFW SJR Restoration Program actions and projects, including planned fisheries management actions in the Parkway reach, are described and the impacts are analyzed in the San Joaquin River Restoration Program: Salmon Conservation and Research Facility and Related Fisheries Management Actions Project EIR.

SPRING FLOOD RELEASES/DAM OPERATIONS

- Maximum controlled releases out of Friant Dam are normally 8,000 cfs.

ENDANGERED SPECIES

- Elderberries, common streambank plants in the Parkway, are the host plant of the valley elderberry longhorn beetle. Where the species occurs, avoidance buffers are required to protect against impacts

to the species. Where it is impossible to avoid impacts, relocation and replacement planting at elevated ratios is required.

- California tiger salamanders utilize small mammal burrows the majority of the year and may be presumed by the regulatory agencies to be present in some areas of the Parkway.
- Other endangered species may potentially occur in Parkway project areas.
- A Safe Harbor Agreement may be necessary to allow the Conservancy to provide and manage lawful, public activities that may inadvertently "take" federally listed species.
- Initially, salmon reintroduced to the San Joaquin River as part of the San Joaquin River Restoration Program are considered a non-essential experimental population, providing the Conservancy protection from take of that species incidental to otherwise lawful activities. However, Parkway activities potentially affecting salmon may eventually require incidental take permits.

CENTRAL VALLEY VISION, DPR 2007

- The Conservancy and the Central Valley Vision strategic plan share common goals for acquisition and development, focusing specifically on areas with the following characteristics:
  - Protecting under-represented natural resources;
  - Providing recreational water features to support multiple uses and interests;
  - Establishing river recreation corridors and parkways;
  - Providing high demand recreational activities such as trails, day use, and youth activities;
  - Linking large areas of protected habitat;
  - Serving growing communities and diverse interests; and
  - Creating partnerships among organizations and agencies.
- State Parks emphasizes the need for collaboration to implement the Central Valley Vision strategic plan. San Joaquin River Parkway projects are inherently collaborative as a result of the Conservancy's structure and the member agencies' inter-reliance.

4.3 PROGRAMMATIC PLAN AND EIR

The Master Plan Update and EIR are both programmatic documents that provide a framework to guide the continued phased implementation and tiered site- and project-specific CEQA review of future Parkway projects in context with the overall intent and build-out of the Parkway. This framework enables individual projects to be consistent with the overall goals and policies of the Parkway. A program-level EIR provides the following efficiencies and benefits for the Parkway:

- More exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual project.
- Ensured consideration of cumulative impacts that might be slighted when reviewing individual projects.

- Avoids duplicative reconsideration of basic policy considerations.
- Allows the Conservancy to consider broad policy alternatives and program-wide mitigation measures.
- Expedited environmental review for future projects that are consistent with the Master Plan Update.

If a future project has no new effects or no new required mitigation measures, the scope of that project can be covered by the program-level EIR, and no new environmental document would be required.

When there are new effects or new required mitigation measures, or new projects not previously addressed, the program-level EIR may be used for tiering later EIRs or negative declarations, thus expediting future environmental reviews.

5 THE PROPOSED PROJECT

5. THE PROPOSED PROJECT

5.1 GENERAL DESCRIPTION

5.1.1 THE REGIONAL PARKWAY

The San Joaquin River Parkway is a planned 22-mile regional natural and recreation area primarily in the river's floodplain extending from Friant Dam to Highway 99, encompassing portions of both Fresno and Madera Counties. The adopted and proposed updated San Joaquin River Parkway Master Plan envision: a primary multi-use trail from Friant Dam to Highway 99 (22+/- river miles); contiguous and continuous wildlife habitat and movement corridors; a regional, multifaceted parkway experience for visitors, consisting of river access, low-impact recreation, and conservation education; and functional regional conservation and restoration of habitat, the watershed, and ecosystems. On full build-out the Parkway will include a multi-use trail extending the entire length, an interconnected recreational trail system, habitat conservation areas and a protected wildlife movement corridor, non-motorized boating trail, low-impact recreation areas, educational and interpretive programs and features, watershed improvements, and ancillary facilities.

5.1.2 COMPONENT PROJECTS/FUTURE PROJECTS

The Parkway Master Plan is a long-term, large-scale plan and will be constructed incrementally and in phases over many years. The Master Plan presents the goals, objectives, policies, design standards, and best management practices to guide the development and management of the Parkway. The figures in the Master Plan illustrate existing public lands and their features, as well as features and uses that are planned or opportunities. It is anticipated that future acquired lands will build on the existing lands and features and provide additional connectivity, habitat conservation, public access and recreation. All future projects will require site- and project-specific design, environmental review, and public participation, and shall be subject to the policies, design guidelines, and best management practices in the Master Plan. Parkway Master Plan development and implementation may consist of the following types of projects:

- Land Acquisition—Acquire public conservation lands to achieve 5,900 acres for San Joaquin River Parkway purposes. Demolish abandoned buildings and infrastructure as necessary and appropriate.
- Conservation Education—Develop opportunities to provide education to people of all ages and abilities regarding the Parkway's natural and cultural resources, wildlife, and habitat. Develop ancillary facilities and features to support educational uses, including but not limited to: outdoor classrooms and small group amphitheaters; bus parking and turnarounds; interpretive signs; turfed areas; displays, exhibits, and outdoor museum features. Protect and utilize historic and cultural resources for

educational purposes. Develop Native American cultural gardens and restoration areas. Accommodate field research activities. Develop vista points, observation decks. Develop visitor and interpretive centers as feasible.

- Restoration/Habitat Enhancement—Implement improvements to preserve and/or enhance natural resources and to provide a contiguous and continuous native riparian and upland habitat corridor for wildlife movement and refuge. Restore and enhance self-sustaining riparian, wetlands, floodplain and upland habitat on Conservancy and other public lands, potentially including: grading to enhance the floodplain, ponds, and swales; wells, pumps and irrigation systems; planting native plants; non-native species eradication; fencing and other infrastructure; and hydrologic modifications. Construct berms to isolate abandoned gravel ponds from the river as feasible.
- Parkway Multi-use Trail – Create contiguous lands and rights-of-way for a connected recreational trail system consisting of a 22+/- mile primary multi-use trail, and for connected public open spaces, nature trails, river access spurs, and other secondary trails. Develop the multi-use primary trail, ideally consisting of a paved 12-foot-wide surface and a separate, parallel unpaved surface for equestrian uses. Safe roadway crossings may be constructed.
- Other Trails – Develop secondary trails and a trail system to connect Parkway features, to link to adjacent bikeways and other entities' trails, to provide loop routes and nature trails, and other recreational opportunities. Trails in the Parkway may provide for maintenance/management vehicles.
- River Crossings – Develop permanent, temporary, and seasonal bridges and crossings (including weirs, fords, culverts, pedestrian decks on vehicle bridges, ferries, cable crossings, and other types of crossings) for pedestrian, bicycling, equestrian, maintenance and management uses as necessary and feasible to: connect the primary trail system, provide separation from roads and safety related to vehicle traffic, and cross the river and seasonal drainages. Figure 3-14 identifies 14 potential Parkway river crossings. One bridge exists between Ledger Island and Ball Ranch; all others are planned crossings. Some combination of these crossings, based on opportunities and coordination with other agencies, are proposed to provide for a continuous Parkway multi-use trail. Rehabilitate inadequate bridges and crossings.
- Staging Areas – Develop staging areas to provide vehicle parking and access to trails within recreation areas of the Parkway. Most staging areas will consist of a parking area, barrier, and gates providing access for trail users while barring unauthorized vehicle access, and informational and interpretive signs. Staging areas may include restrooms, drinking water, and equestrian staging.
- Boating Trail, Canoe Rest Stops and Launches – Develop a river boating trail (a segment of the conceptual San Joaquin River Blueway), consisting of interspersed trailered boat launches and take-outs, hand-carried boat launches and take-outs, canoe docks, and rest stops with picnic tables and restrooms, and provide for boating on internal ponds. Locations shown in Figure 3-13 are conceptual; locations will be selected to provide for shorter as well as longer duration trips. Launch areas will provide vehicle parking and/or drop-off area close to the river with sanitation facilities, and drinking water, along with regulatory, safety, and informational signage. Rest stops will include sanitary facilities, picnic tables, litter receptacles, and generally would not have vehicular access with the

exception of patrol, maintenance, and rescue vehicles. Provide primarily for non-motorized watercraft and recreational fishing boats with small motors.

- Fishing and Fisheries – Develop facilities for in-stream and off-stream fishing, including but not limited to fishing piers and docks, and fish cleaning stations. Develop man-made ponds for recreational use, including fishing. Coordinate with the SJRRP to support anadromous fish restoration efforts, and collaborate to isolate abandoned gravel ponds from the river as feasible.
- Equestrian Facilities – Develop equestrian facilities, including trails and trailhead staging, and possibly involving private facilities and/or concession operations on public land. Where possible, separate trails will be constructed for equestrian use. Multi-use trails that allow equestrian use will have parallel unpaved surface and wide shoulders to minimize conflicts with other trail users. Equestrian staging areas could provide drive-through trailer parking, watering troughs, and hitching posts. Boarding facilities, trailer parking, and possibly training areas may be included in equestrian centers.
- Public Amenities and Support Services— Develop ancillary facilities and features to support low-impact recreational uses and Parkway infrastructure, including but not limited to: gates, fences, entrances and access roads; trailheads, parking, and staging areas; picnic areas and shade structures; restrooms; kiosks; children's play equipment; way-finding, and regulatory signs; water service and other utility connections; on-site stormwater drainage, swales, and erosion control; drinking fountains; picnic areas and shade structures; and Americans with Disability Act (ADA)/universal access accommodations. Develop designated campgrounds, including tent camping and recreation vehicle (RV) hookups and services. Develop areas to facilitate safe swimming and wading. Consider developing visitor attractions such as landmark bridges, zip lines, bird observation stations, and underwater fish-viewing features. Develop Parkway offices; small storage facilities; shops/interfaces for visitor amenities, information, refreshments, and recreational rentals; plant nurseries; stewardship and park host residences; and equipment maintenance yards.
- Concessions and Private Recreation Facilities – Develop concessions compatible with low-impact recreation to provide needed public services. Operate and rehabilitate existing golf courses, if such facilities are acquired for Parkway purposes. Develop features and facilities to support equestrian trail riding, non-motorized boating and paddling, bicycling, and refreshments. Support area-wide links among privately owned and operated public golf courses, fishing areas, equestrian centers, refreshment and retail services, rentals, and other recreational facilities to help meet the recreational needs of the Fresno-Madera community.
- Agricultural Features—Support small-scale, limited agriculture uses compatible with resources protection and multi-use, multiple-benefit land management, e.g., provide for managed or prescribed grazing to reduce fuel loads and control invasive plant species, and incorporate community-supported agriculture and education regarding historic agricultural uses where appropriate to a site.

PLANS FOR EXISTING PUBLICLY OWNED PARKWAY LANDS

The Parkway consists of a mosaic of land ownership, natural resource habitats, and low-impact recreational facilities. The Parkway includes developed, publicly accessible facilities as well as limited

access natural areas. Many properties are already developed, although some of these need further improvements. The Conservancy has adopted or conceptual plans for some properties, and possible projects for a few properties are in the process of being planned. In accordance with the San Joaquin River Conservancy Act, lands acquired by the Conservancy shall remain closed to public access, and planned public access projects will not be constructed until and unless adequate operations and management resources are available (PRC Section 32511). Figure 5-1 illustrates publicly owned properties within the Parkway and their existing features.

The following is a brief description and update of publicly owned Parkway properties and their existing and planned facilities along with additional opportunities for features at these sites; see Figure 5-2 for an overview. Features shown as "planned" means there is an adopted plan or a conceptual plan that has gone through some level of agency, stakeholder, and/or regulatory review that includes these features.

The conceptual diagrams in Figures 5-1 through 5-12 are graphic depictions of the Parkway vision and goals. Planned Parkway facilities and identified opportunities, including but not limited to trails, interpretative centers, canoe launches, and parking areas, are depicted in a generalized location and are not intended to be site-specific. The eventual locations of future Parkway projects are dependent on acquiring public lands and rights-of-way from willing sellers. The siting and alignments of improvements will be based on a complex interaction of numerous factors and associated Master Plan policies, including: existing habitat; potential habitat restoration and connectivity; flood hazard areas; visual impacts; recreation patterns and Parkway and regional connectivity; current and future recreational needs; available access routes; hazards and public safety; and land uses and land use plans.

Figure 5-3 gives an overview of areas of the Parkway. Figures 5-4 through 5-10 illustrate the proposed planning changes from the 1997 Master Plan based on subsequent acquisitions, developments, plans and opportunities. Figure 5-11 illustrates a boating or "blueway" trail, a water-based, non-motorized trail with launches and rest stops that support the goals laid out in the San Joaquin River Blueway. Figure 5-12 graphically depicts a conceptual alignment for the continuous Parkway multi-use trail with existing and potential river crossings. Figures 5-13 to 5-20 include adopted plans and conceptual plans for improvements to existing publicly owned Parkway properties. All Parkway lands and improvement projects may include habitat conservation, restoration, and enhancement components.

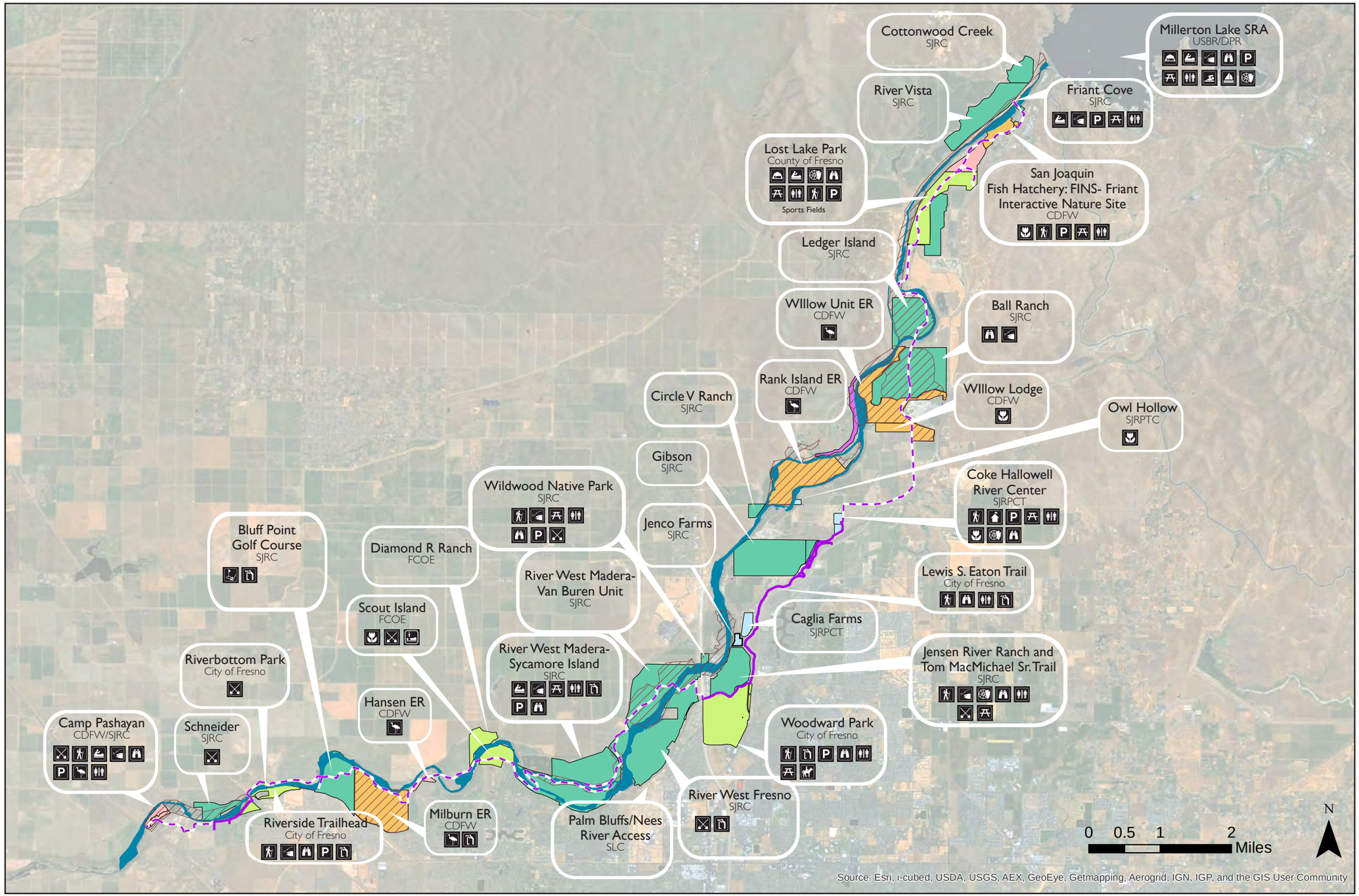
The following briefly characterizes the existing Parkway as well as plans and opportunities throughout existing Parkway and associated lands.

Millerton Lake State Recreation Area (adjacent to Parkway)

- Owned by the US Bureau of Reclamation and leased for operations to DPR.
- Existing camping, boat launches, fishing, nature observation, parking, picnicking, restrooms, swimming, marina, and cultural interests.

San Joaquin River Parkway Master Plan Update

Figure 5-1
EXISTING FEATURES



Features

- Camping
- Canoe Launch
- Canoe Rest Stop
- Concessions
- Conservation Education
- Cultural Interest
- Fishing
- Golf
- Marina
- Nature Observation
- Equestrian Facility
- Interpretive/ Visitor Center
- Parking
- Picnic
- Ecological Reserve
- Restoration
- Restrooms
- Swim
- Trails
- Vista/ Overlook

OWNERSHIP

- CONSERVANCY (SJRC)
- DEPT. OF FISH AND WILDLIFE (CDFW)
- JOINT OWNERSHIP
- LOCAL AGENCY
- STATE LANDS COMMISSION (SLC)
- SJR PARKWAY & CONSERVATION TRUST (SJRPCT)

HABITAT FOCUS AREAS

- HABITAT FOCUS AREAS

2017 Update

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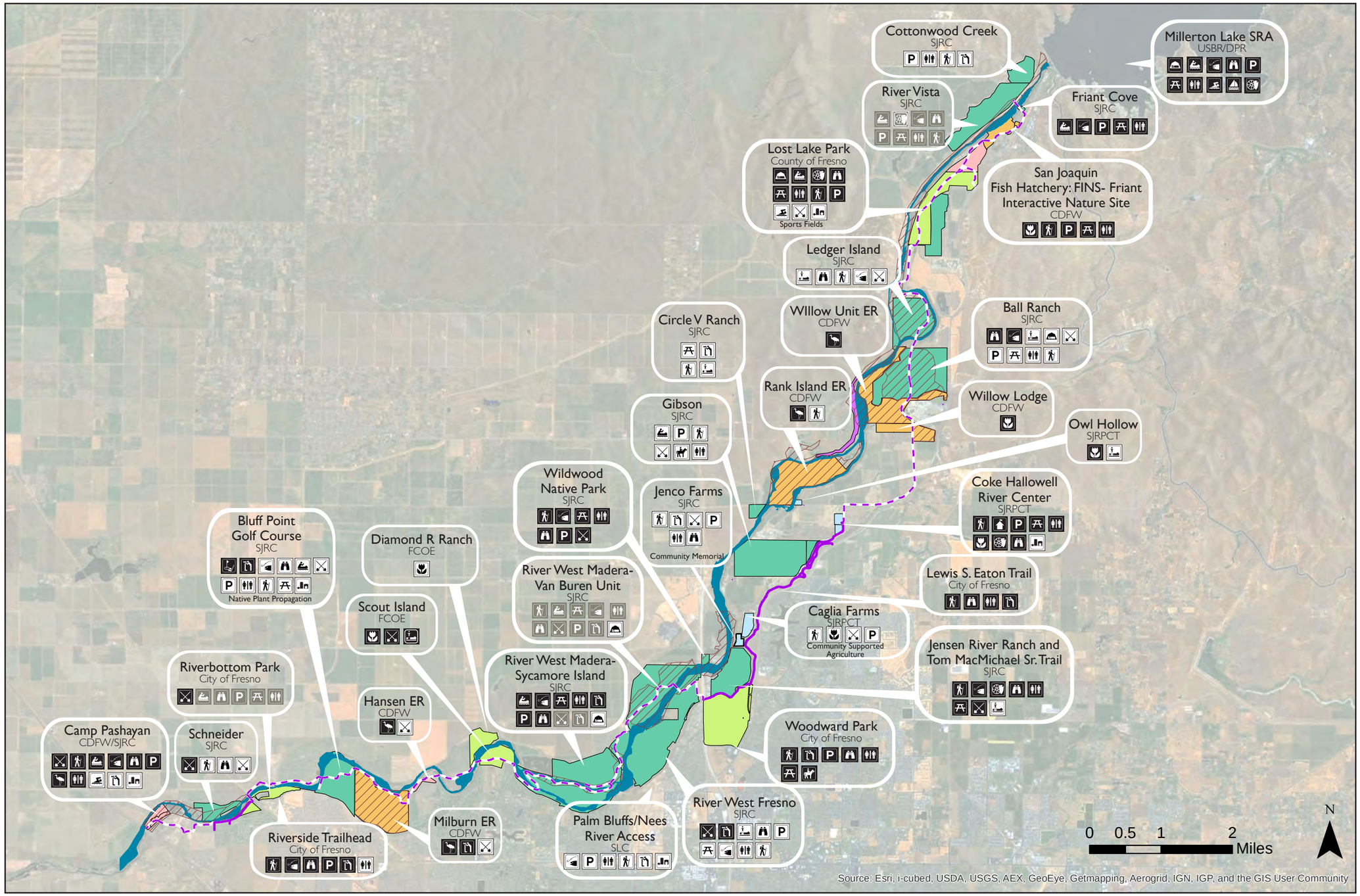
San Joaquin River Parkway Master Plan Update

Figure 5-2
PARKWAY MASTER PLAN MAP



Icon Heirarchy
- Black: Existing Features
- Grey: Planned Features
- White: Opportunity Features

Features
- Camping
- Canoe Launch
- Canoe Rest Stop
- Concessions
- Conservation Education
- Cultural Interest
- Fishing
- Golf
- Marina
- Nature Observation
- Equestrian Facility
- Interpretive/ Visitor Center
- Parking
- Picnic
- Ecological Reserve
- Restoration
- Restrooms
- Swim
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OWNERSHIP
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HABITAT FOCUS AREAS
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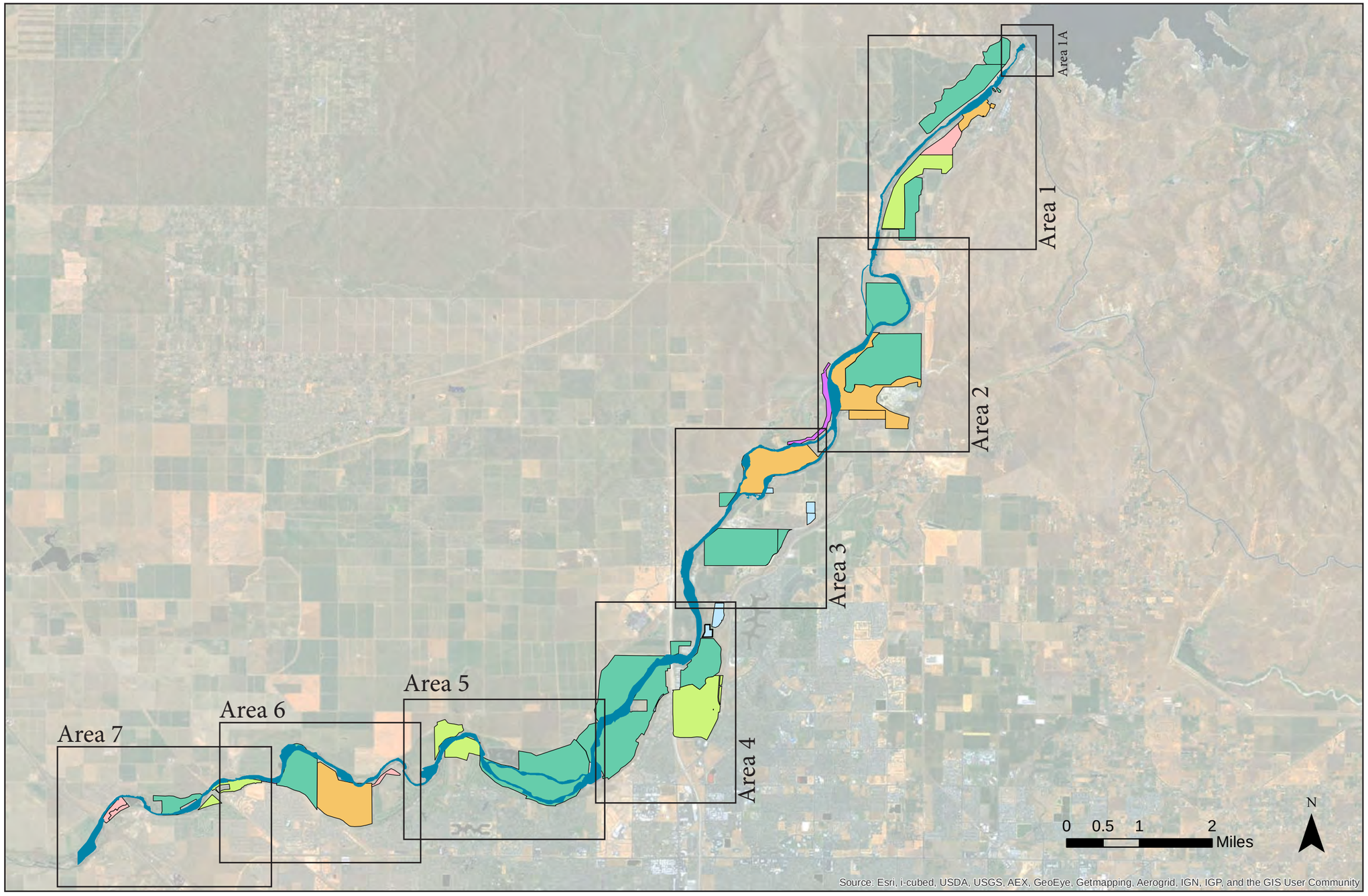
San Joaquin River Parkway Master Plan Update

Comparison of Trails and River Crossings - 1995 Master Plan and Preliminary Update

Figure 5-3

AREA LOCATOR



OWNERSHIP

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HABITAT FOCUS AREAS

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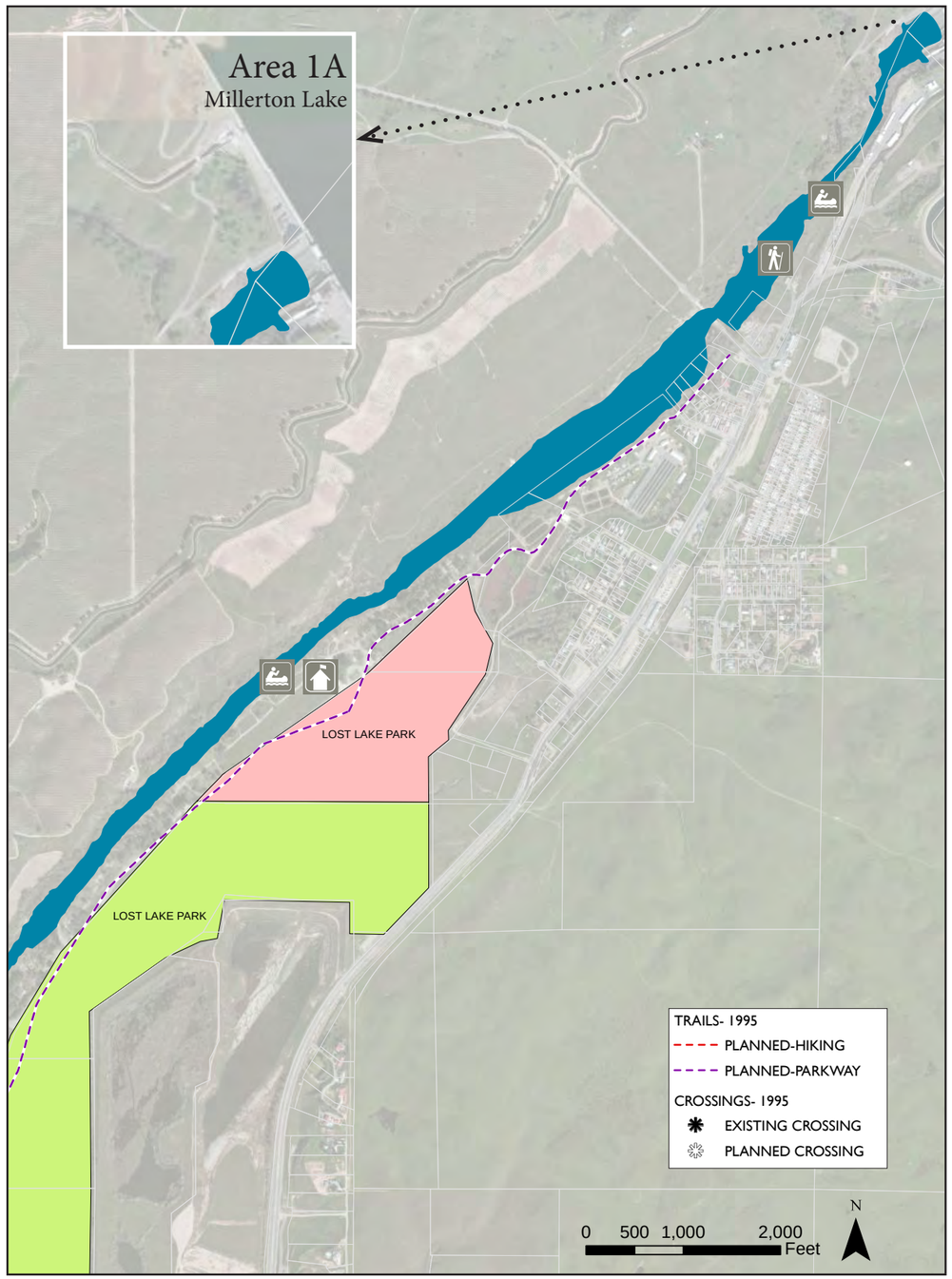
San Joaquin River Parkway Master Plan Update

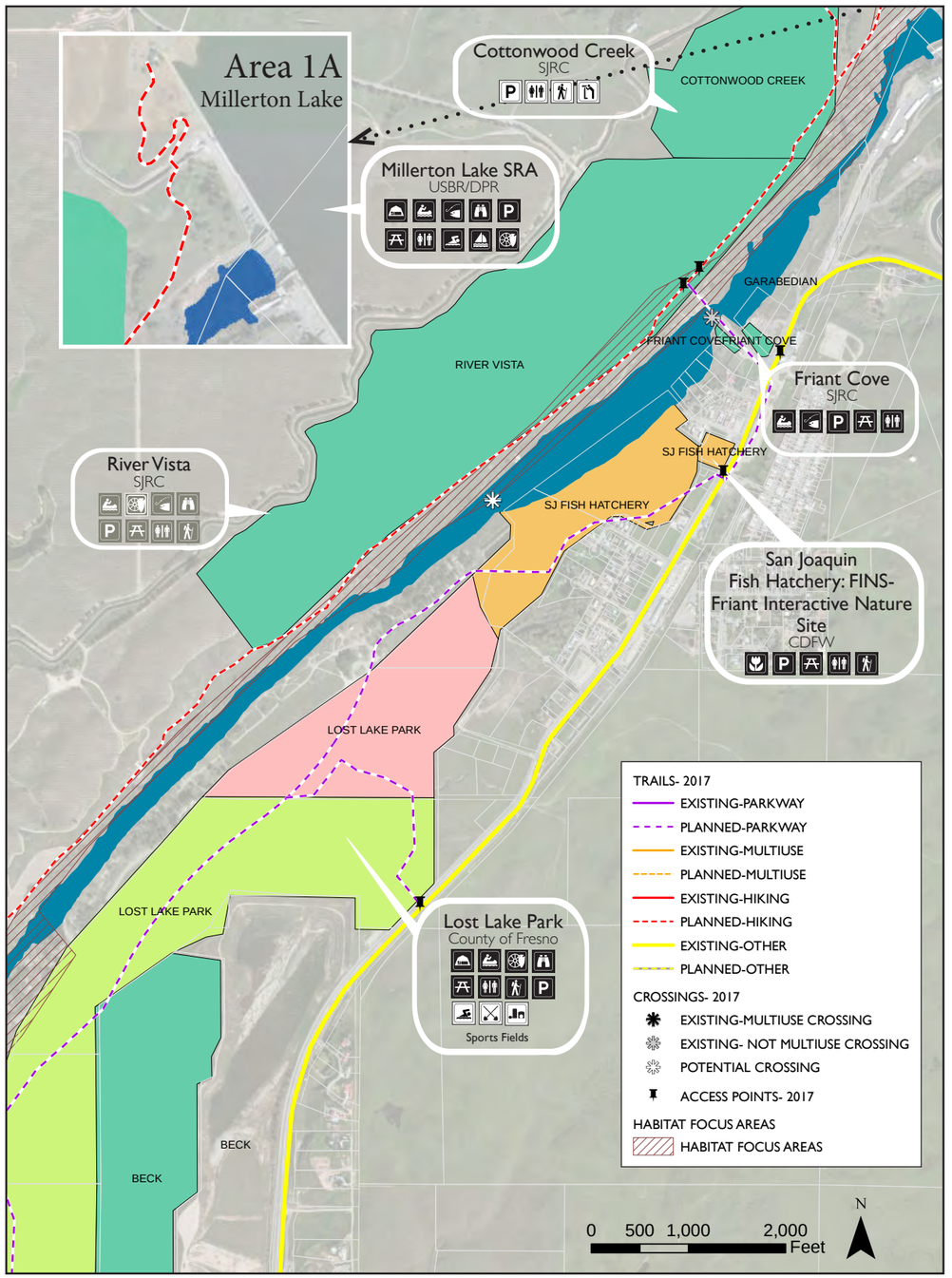
Comparison of Trails and River Crossings - 1995 Master Plan and Preliminary Update

Figure 5-4

AREA 1 OF 7



1995 Parkway Master Plan



2017 Update- Preliminary

OWNERSHIP
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HABITAT FOCUS AREAS
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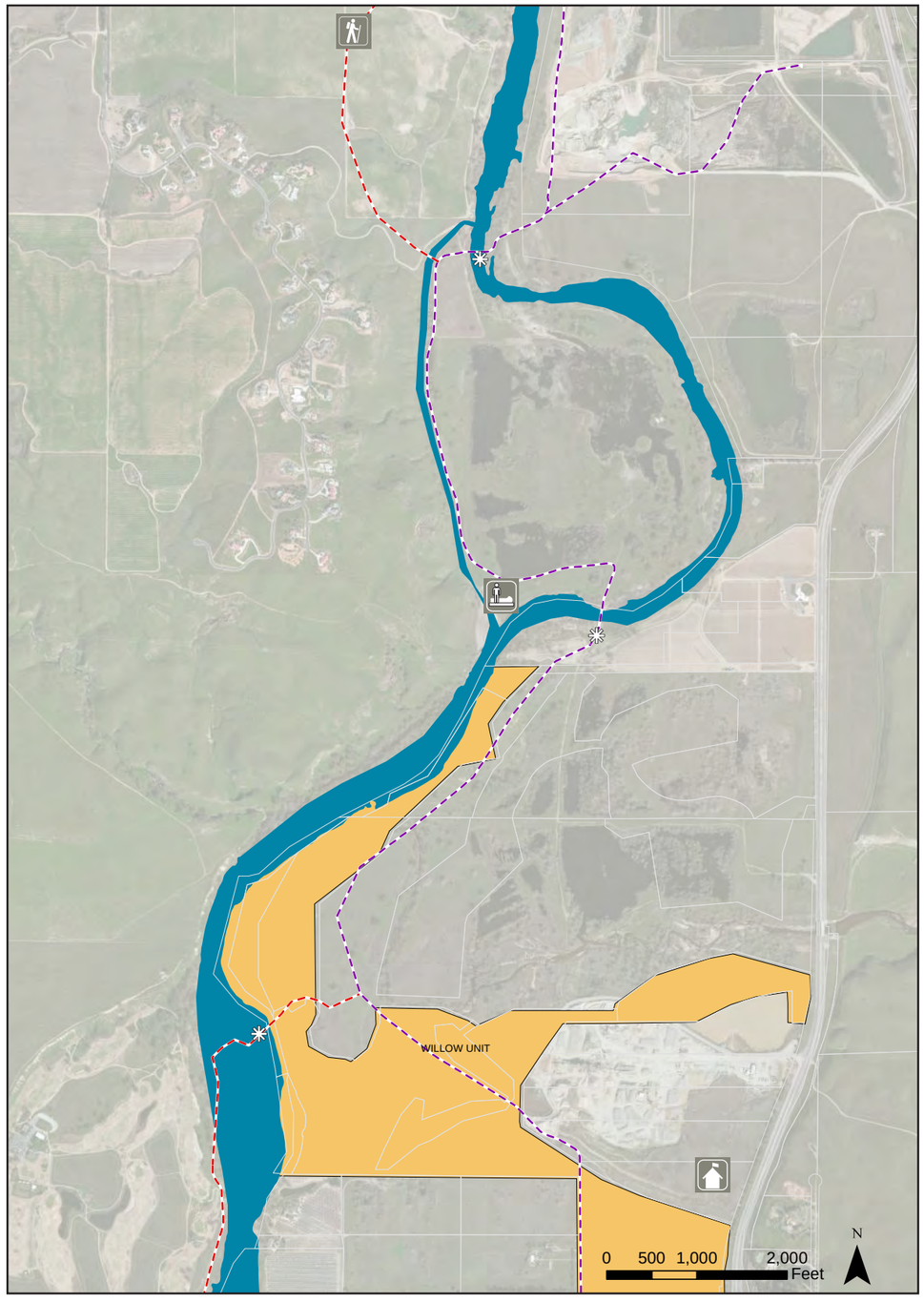
San Joaquin River Parkway Master Plan Update

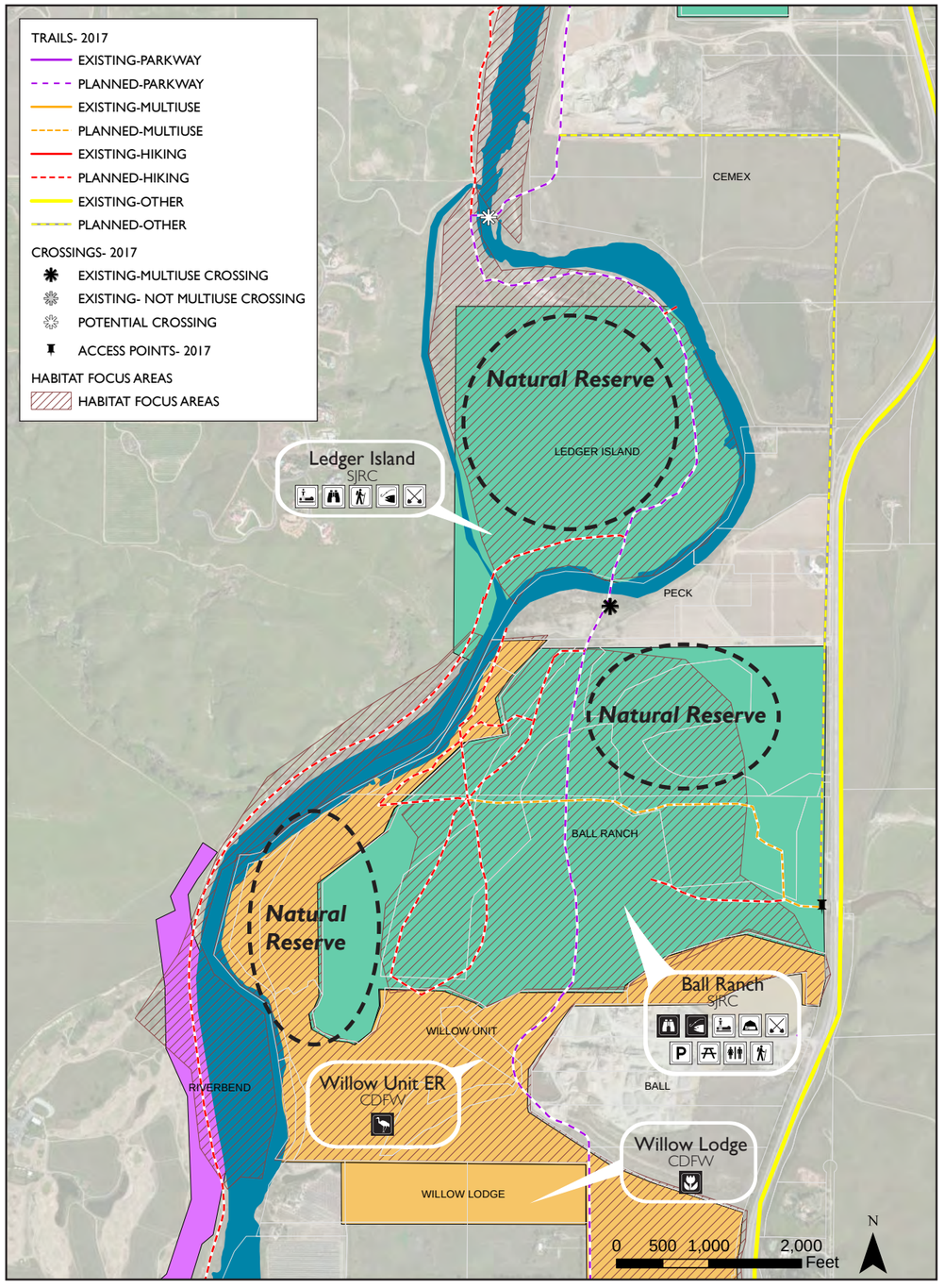
Comparison of Trails and River Crossings - 1995 Master Plan and Preliminary Update

Figure 5-5

AREA 2 OF 7



1995 Parkway Master Plan



2017 Update- Preliminary

OWNERSHIP
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HABITAT FOCUS AREAS
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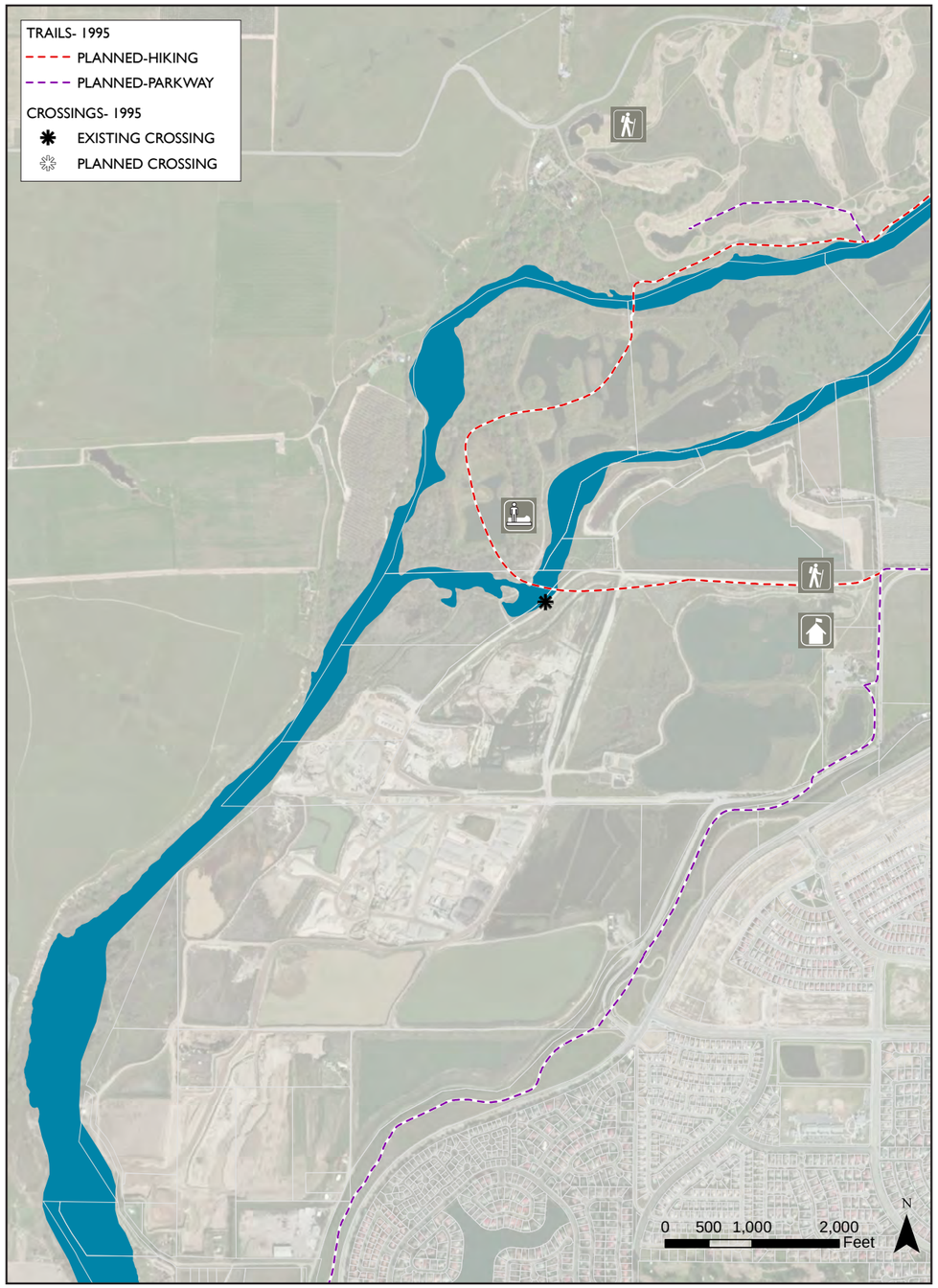
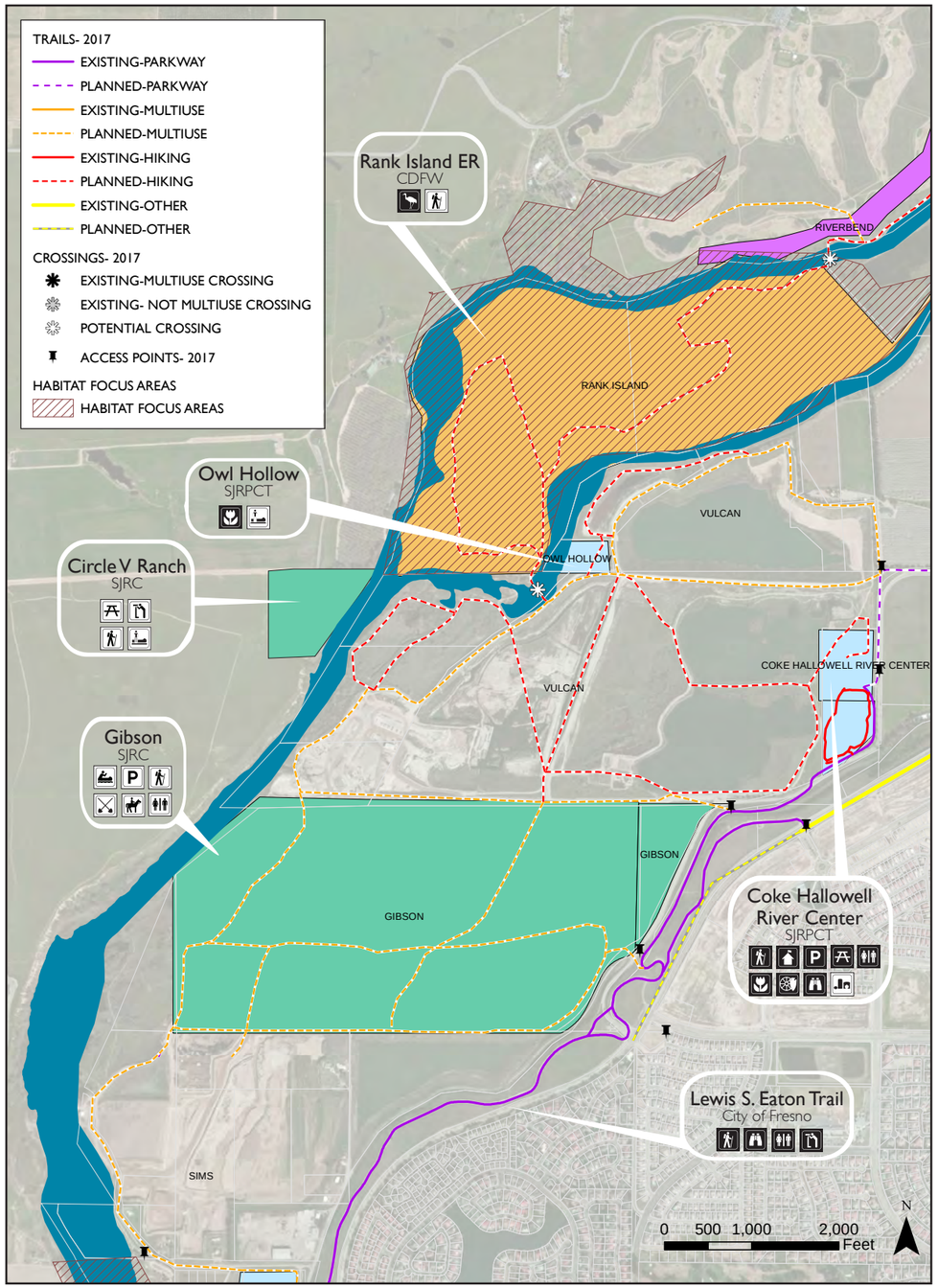
San Joaquin River Parkway Master Plan Update

Comparison of Trails and River Crossings - 1995 Master Plan and Preliminary Update

Figure 5-6
AREA 3 OF 7



1995 Parkway Master Plan



2017 Update- Preliminary

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HABITAT FOCUS AREAS
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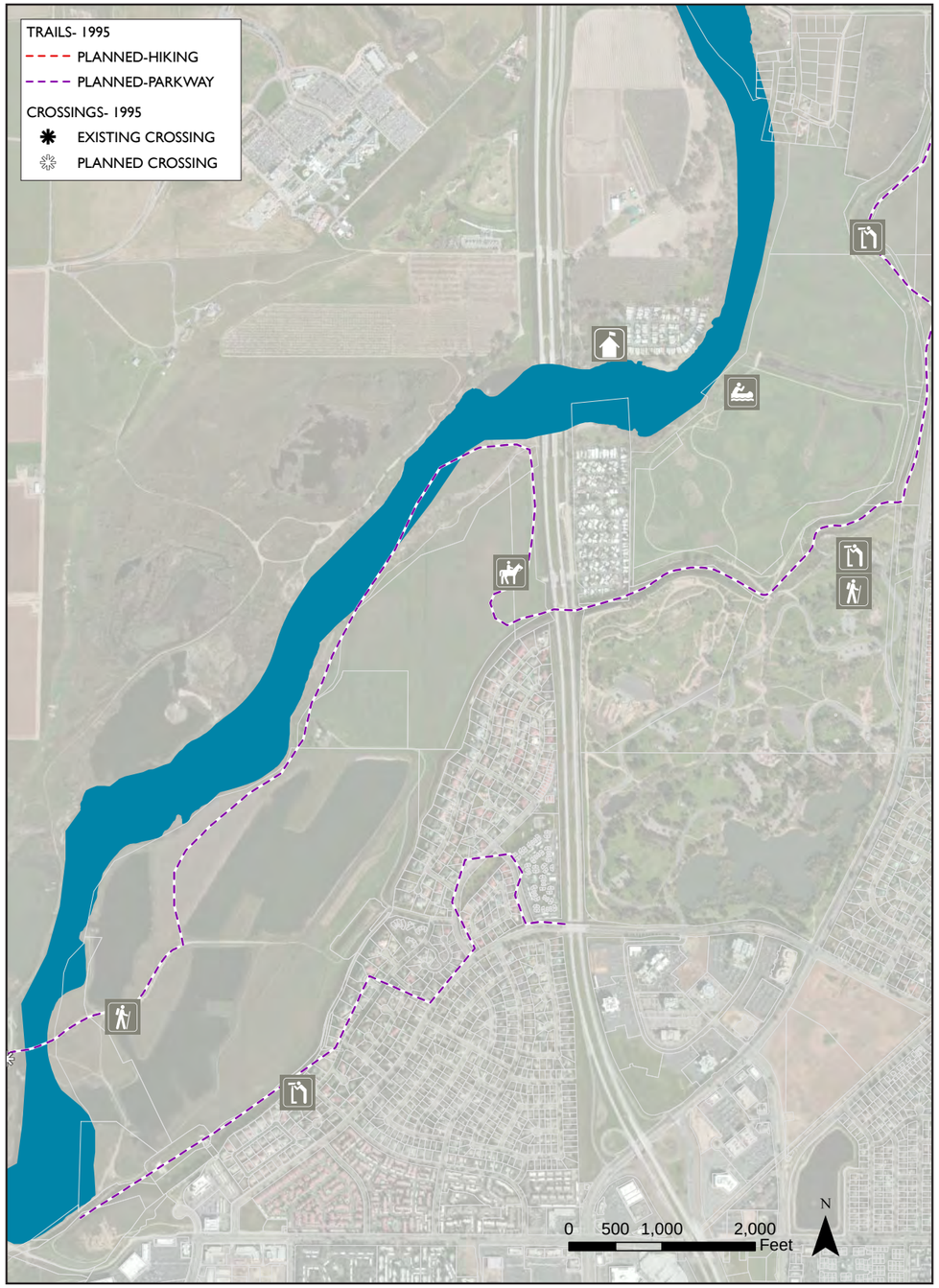
San Joaquin River Parkway Master Plan Update

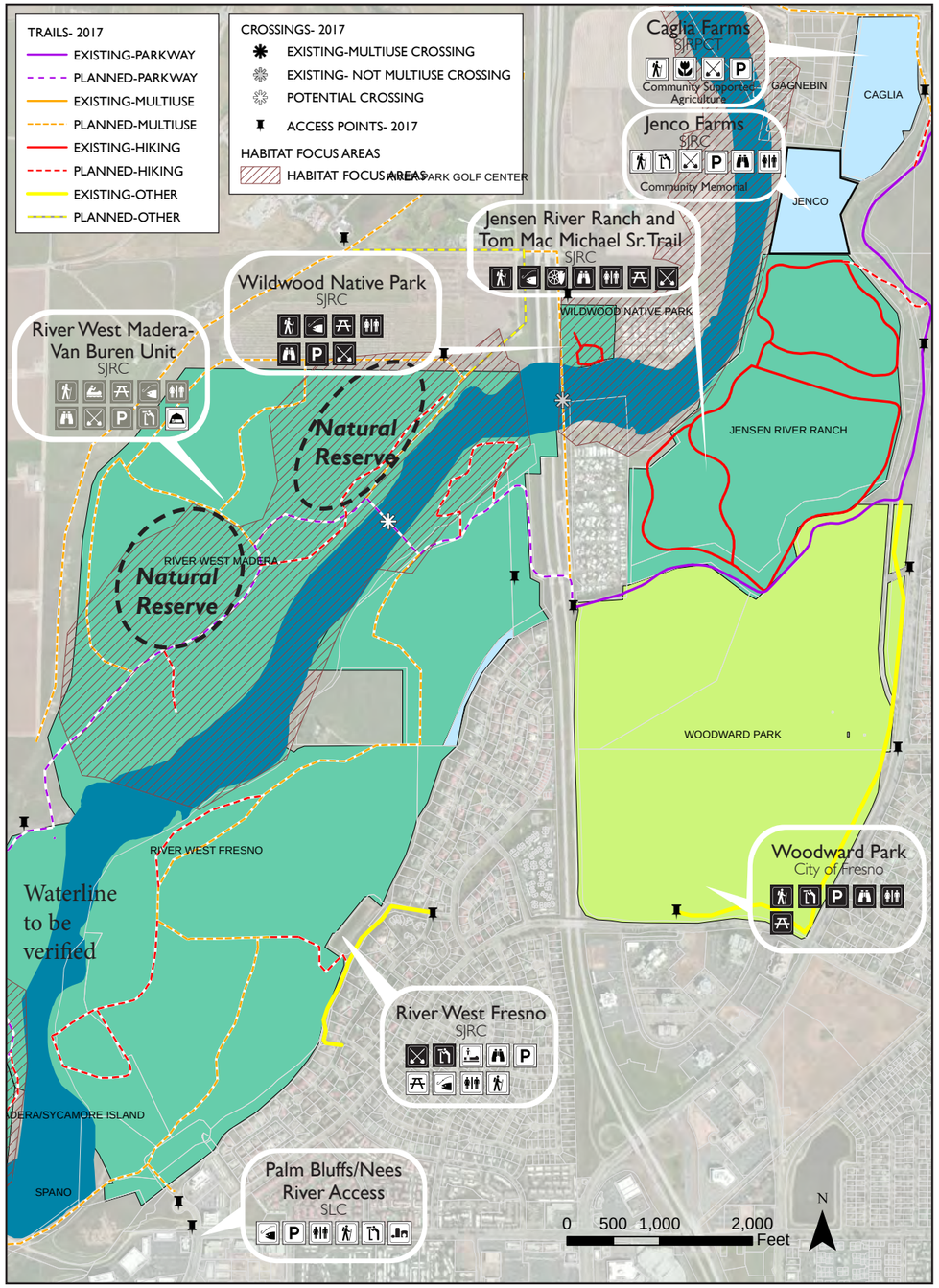
Comparison of Trails and River Crossings - 1995 Master Plan and Preliminary Update

Figure 5-7

AREA 4 OF 7



1995 Parkway Master Plan



2017 Update- Preliminary

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HABITAT FOCUS AREAS
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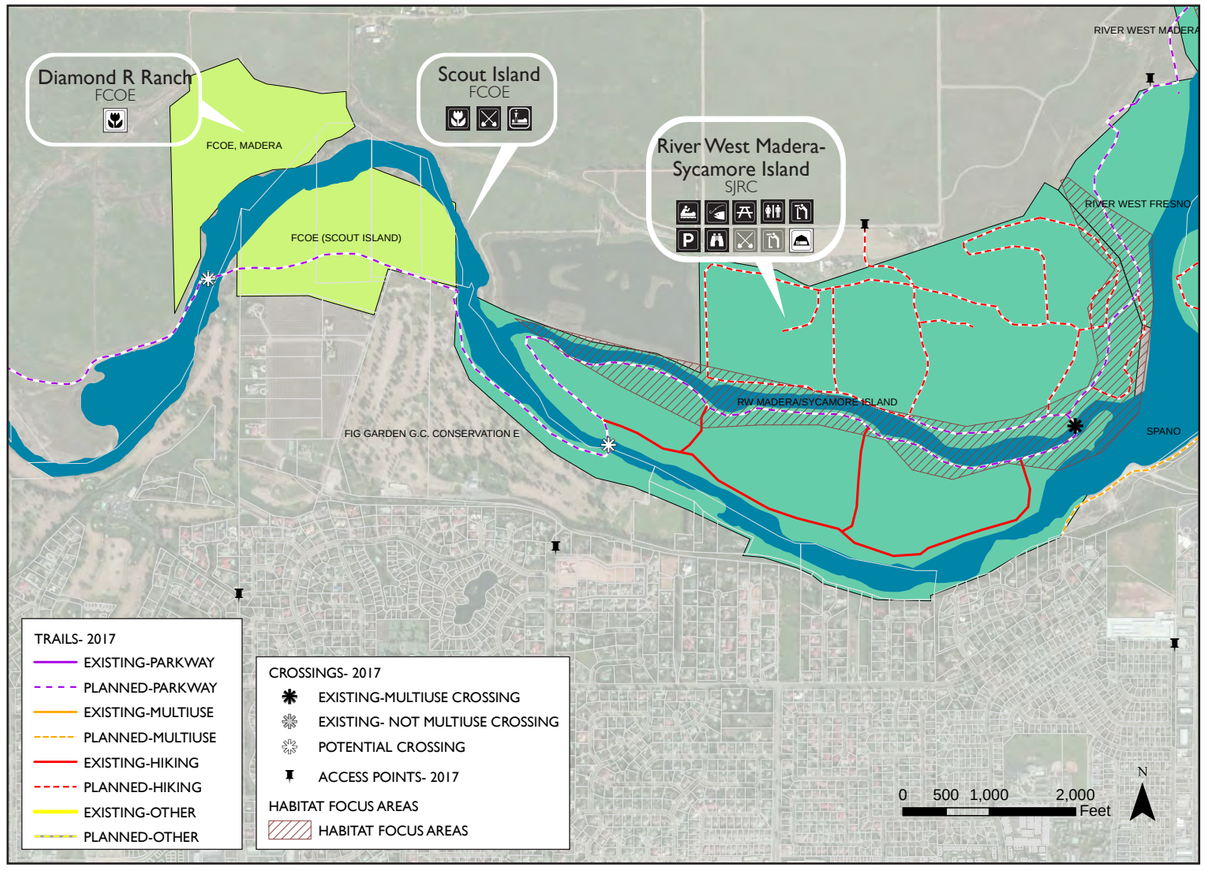
San Joaquin River Parkway Master Plan Update

Comparison of Trails and River Crossings - 1995 Master Plan and Preliminary Update

Figure 5-8
AREA 5 OF 7

1995 Parkway Master Plan



2017 Update- Preliminary

2017 Update

OWNERSHIP
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HABITAT FOCUS AREAS
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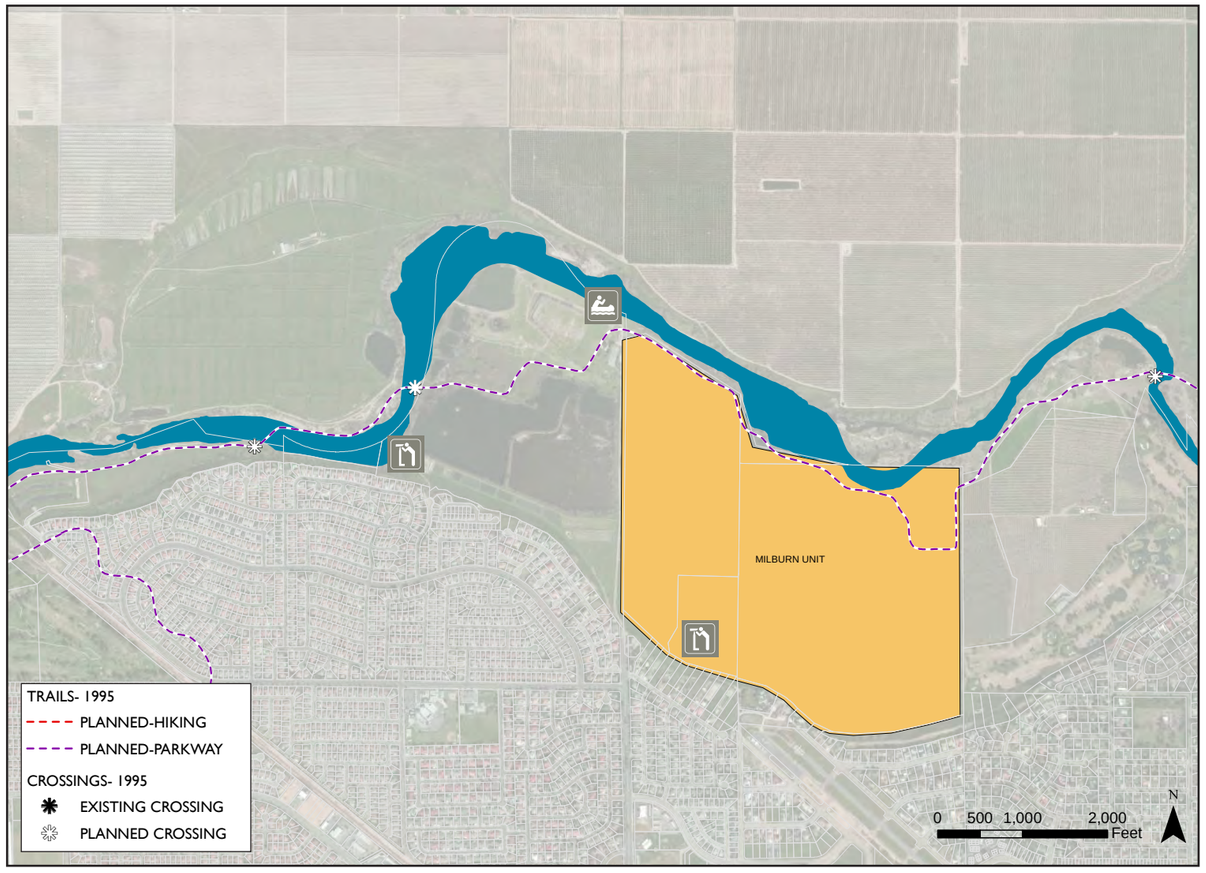
San Joaquin River Parkway Master Plan Update

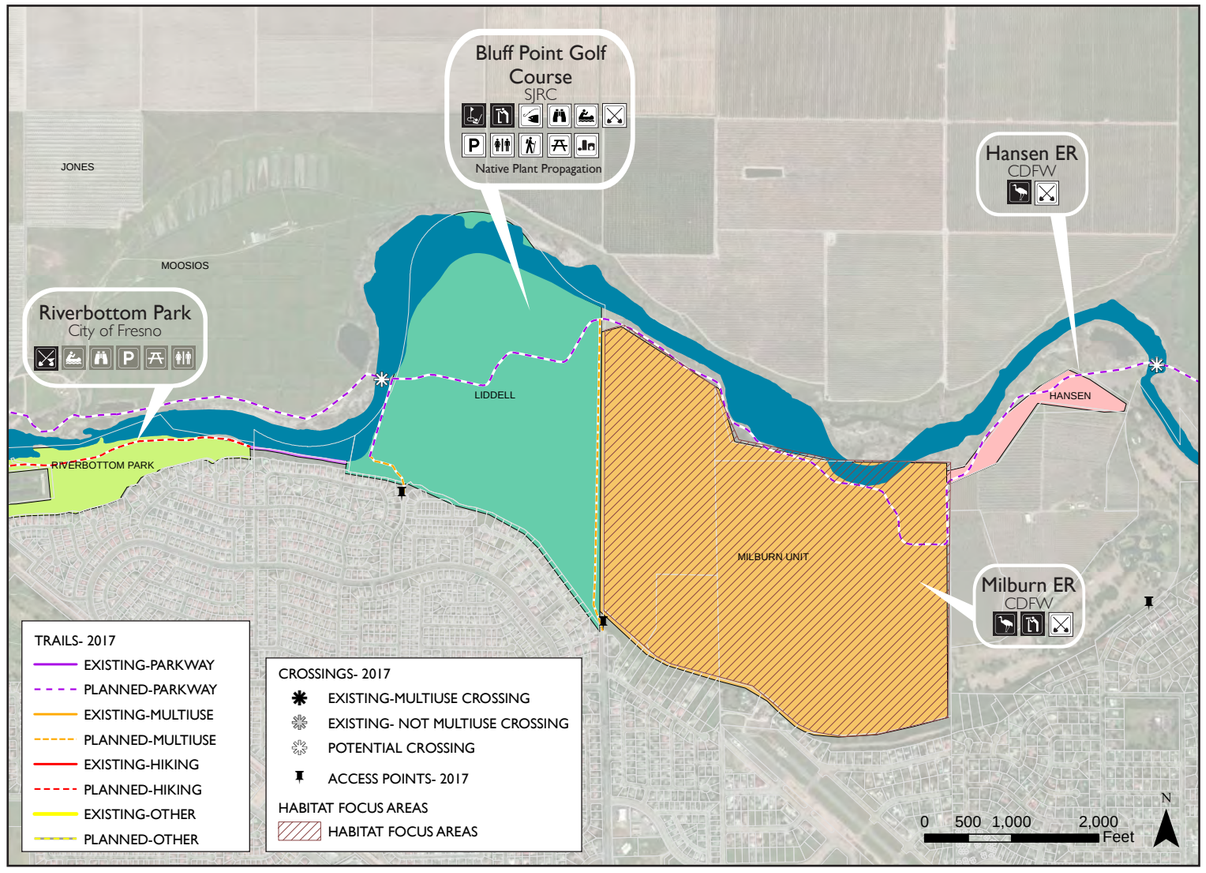
Comparison of Trails and River Crossings - 1995 Master Plan and Preliminary Update

Figure 5-9

AREA 6 OF 7



1995 Parkway Master Plan



2017 Update- Preliminary

2017 Update

OWNERSHIP
- CONSERVANCY (SJRC)
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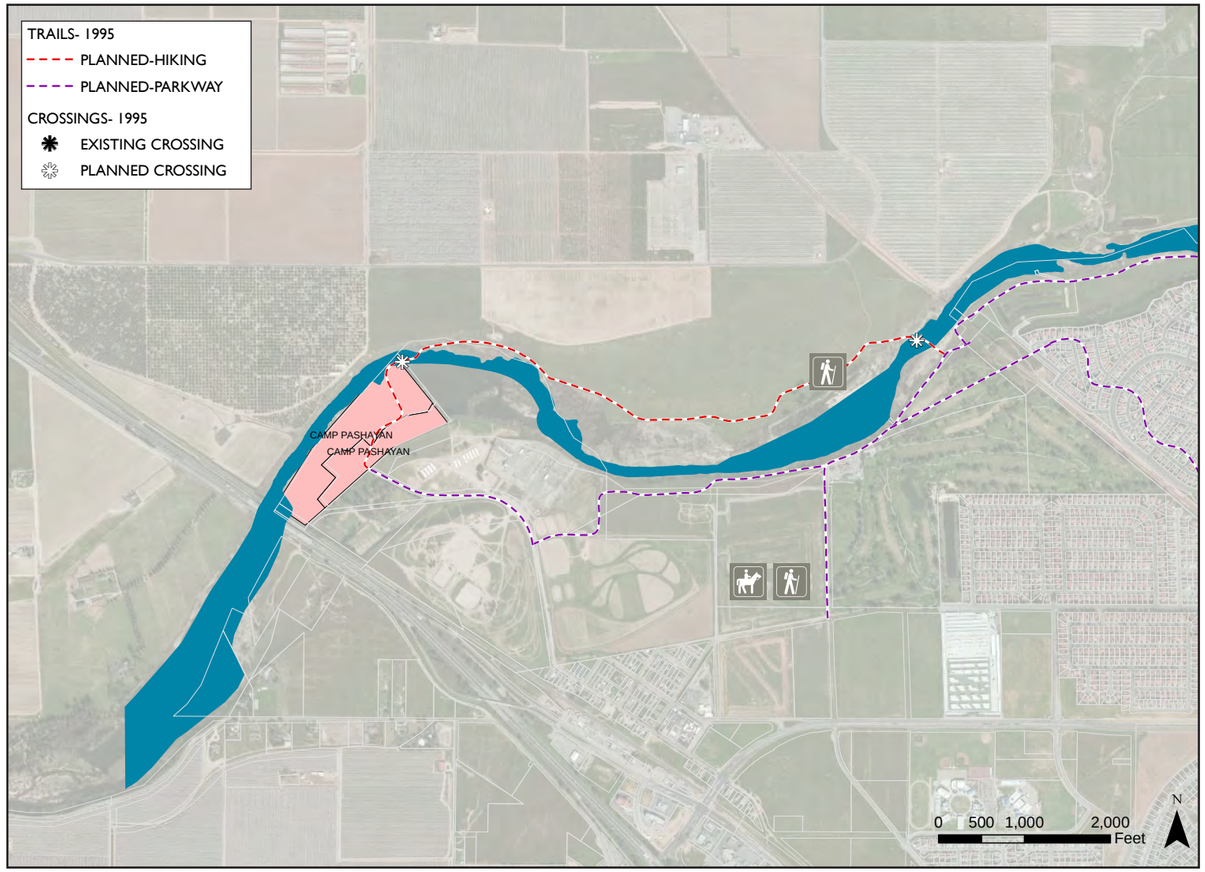
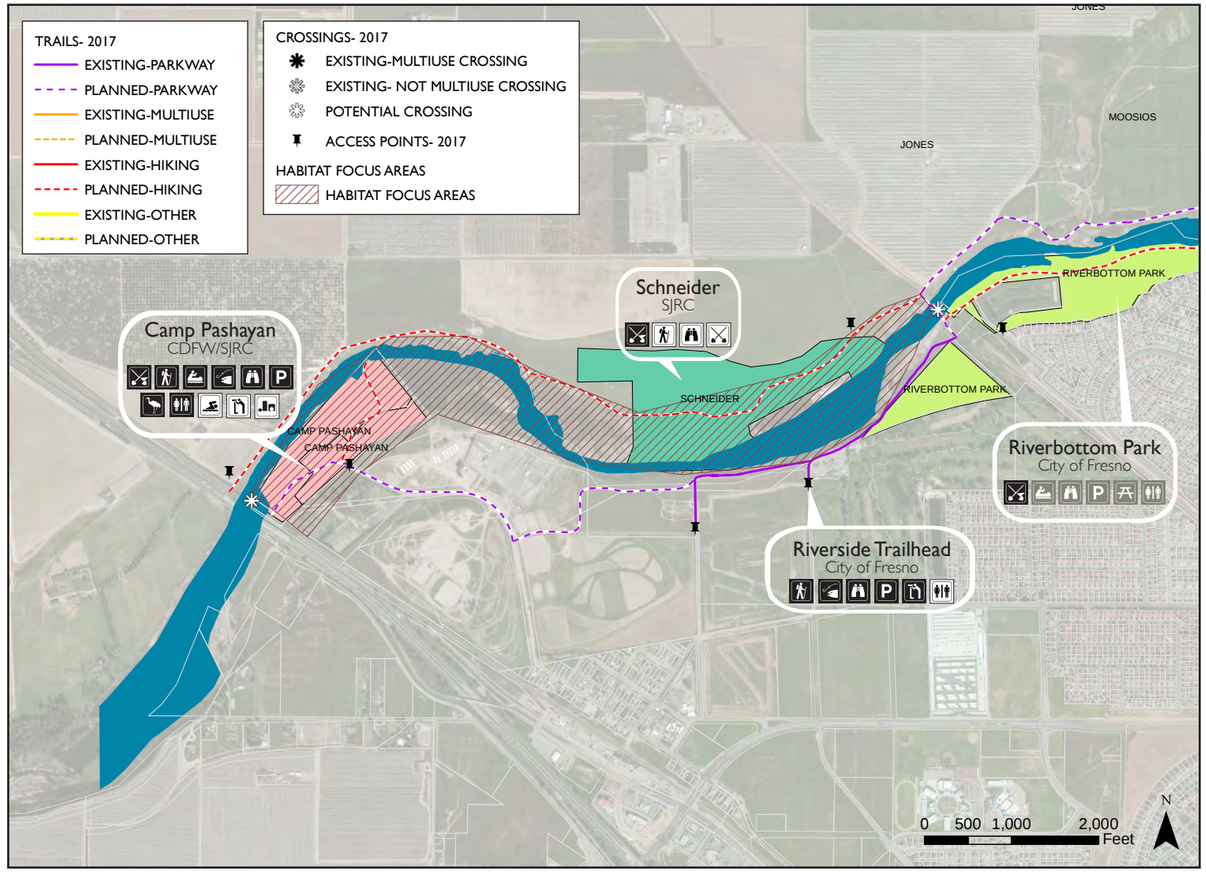
San Joaquin River Parkway Master Plan Update

Comparison of Trails and River Crossings - 1995 Master Plan and Preliminary Update

Figure 5-10
AREA 7 OF 7



1995 Parkway Master Plan



2017 Update- Preliminary

2017 Update

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HABITAT FOCUS AREAS
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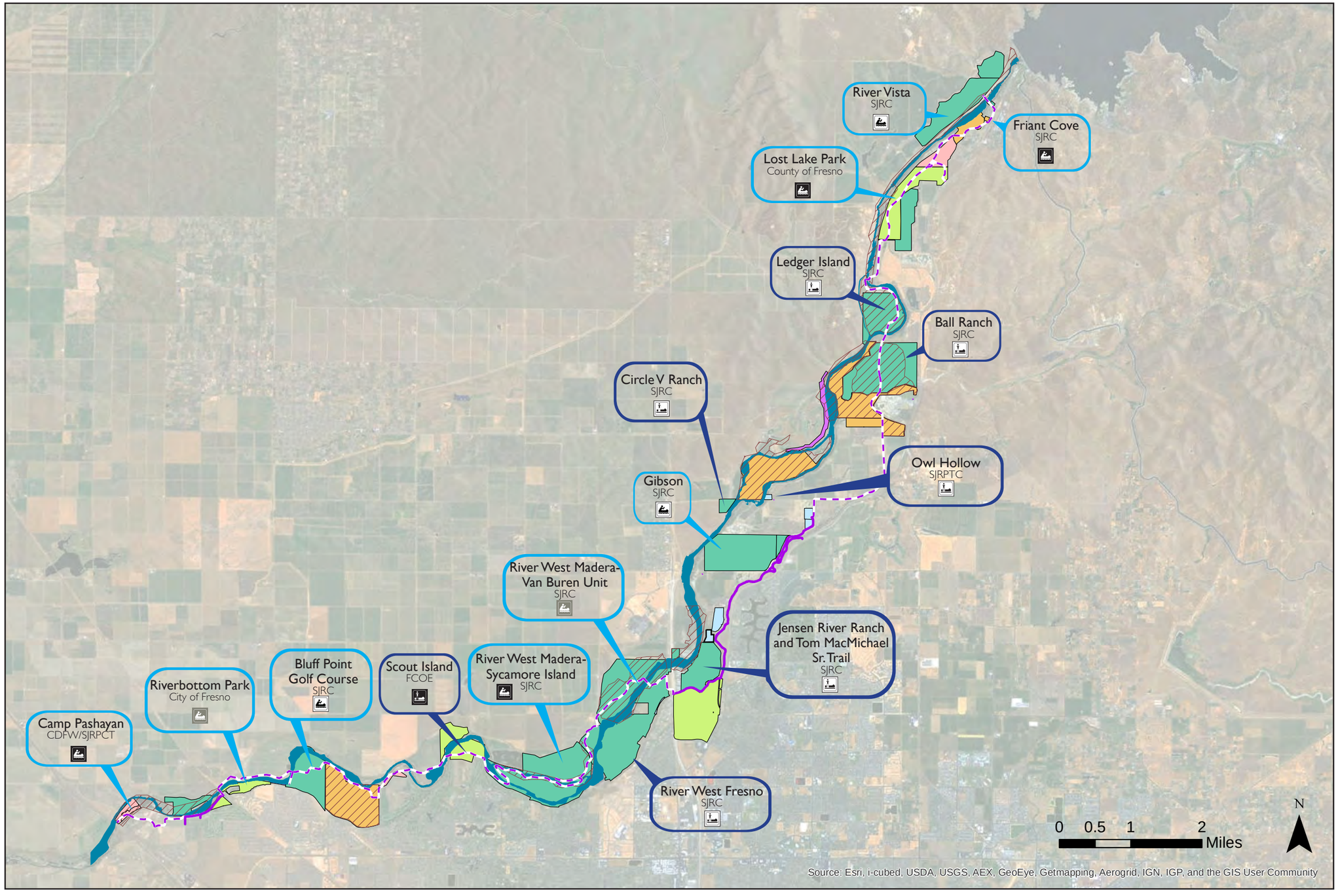
San Joaquin River Parkway Master Plan Update

Figure 5-11
CANOE TRAIL



Icon Heirarchy

- Black: Existing Features
- Grey: Planned Features
- White: Opportunity Features

Features

- Canoe Launch
- Canoe Rest Stop

OWNERSHIP

- CONSERVANCY (SJRC)
- DEPT. OF FISH AND WILDLIFE (CDFW)
- JOINT OWNERSHIP
- LOCAL AGENCY
- STATE LANDS COMMISSION (SLC)
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HABITAT FOCUS AREAS

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2017 Update

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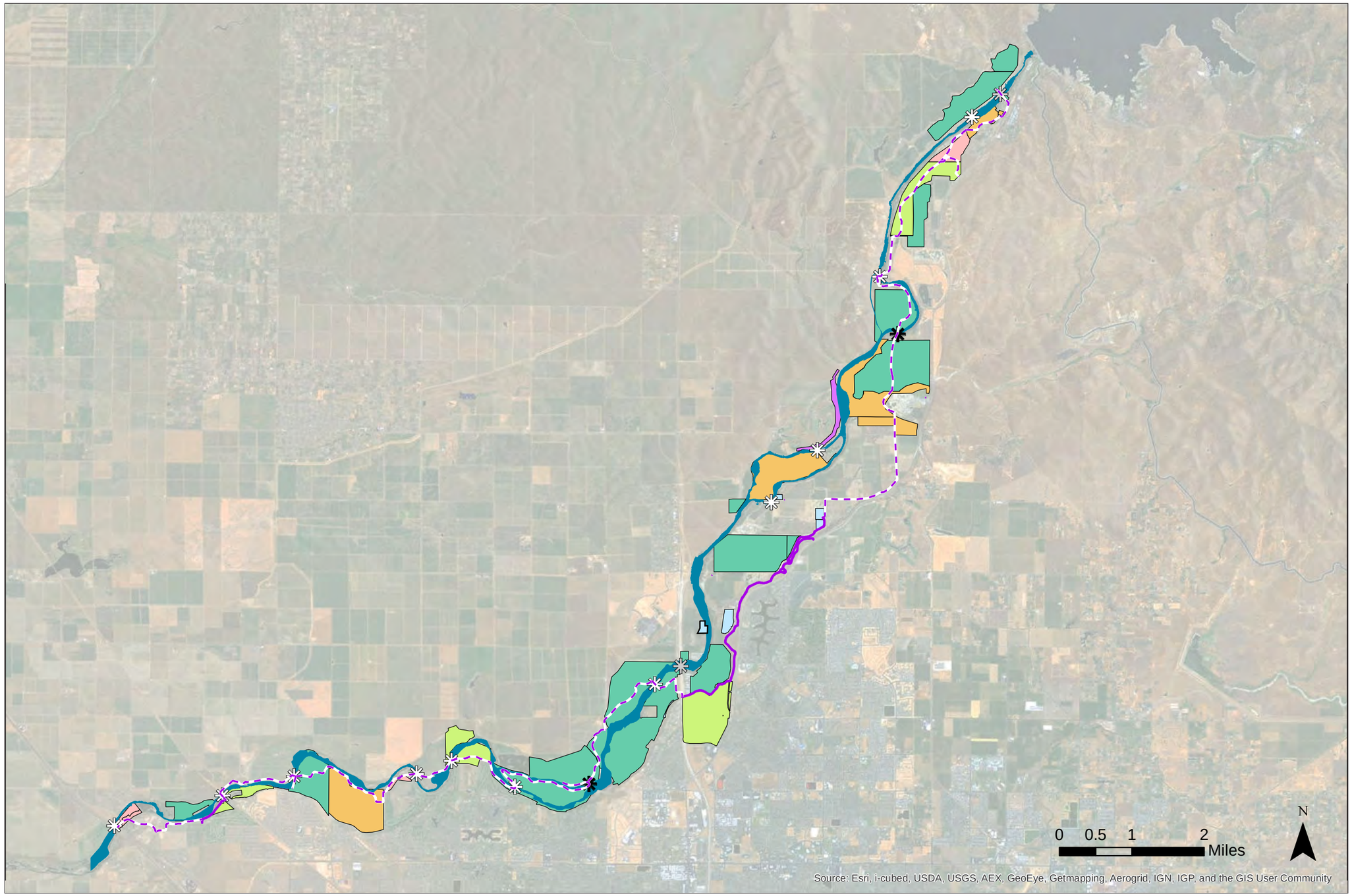
San Joaquin River Parkway Master Plan Update

Figure 5-12
PARKWAY MULTI-USE TRAIL



LEGEND

TRAILS- 2017
- EXISTING-PARKWAY
- PLANNED-PARKWAY

CROSSINGS- 2017
- EXISTING-MULTIUSE CROSSING
- EXISTING- NOT MULTIUSE CROSSING
- POTENTIAL CROSSING

ACCESS POINTS- 2017

OWNERSHIP
- CONSERVANCY (SJRC)
- DEPT. OF FISH AND WILDLIFE (CDFW)
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HABITAT FOCUS AREAS
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2017 Update

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FIGURE 5-13

RIVER VISTA

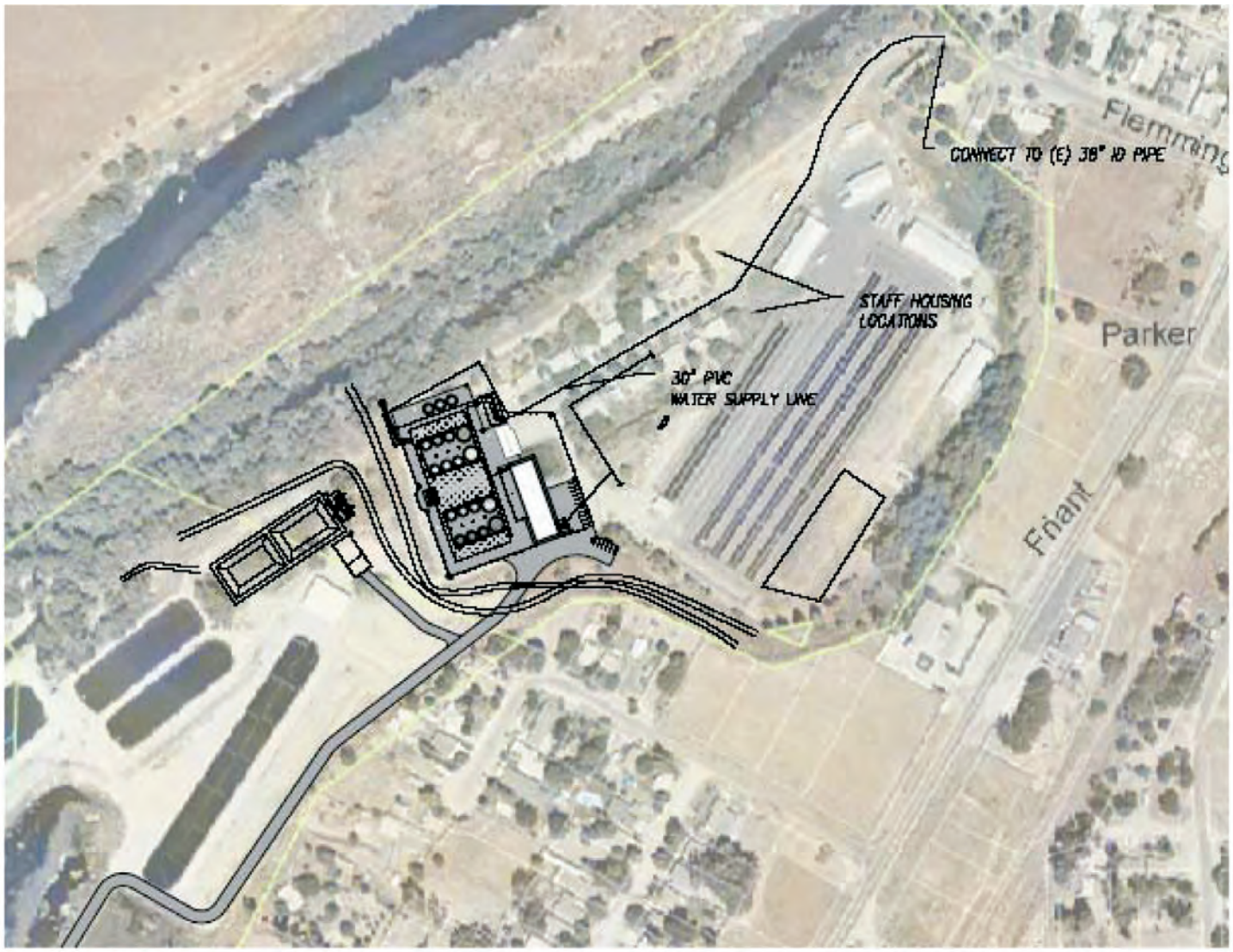


FIGURE 5-14

SAN JOAQUIN FISH HATCHERY CONCEPTUAL DESIGN

Figure 5-6

ILLUSTRATIVE MASTER PLAN

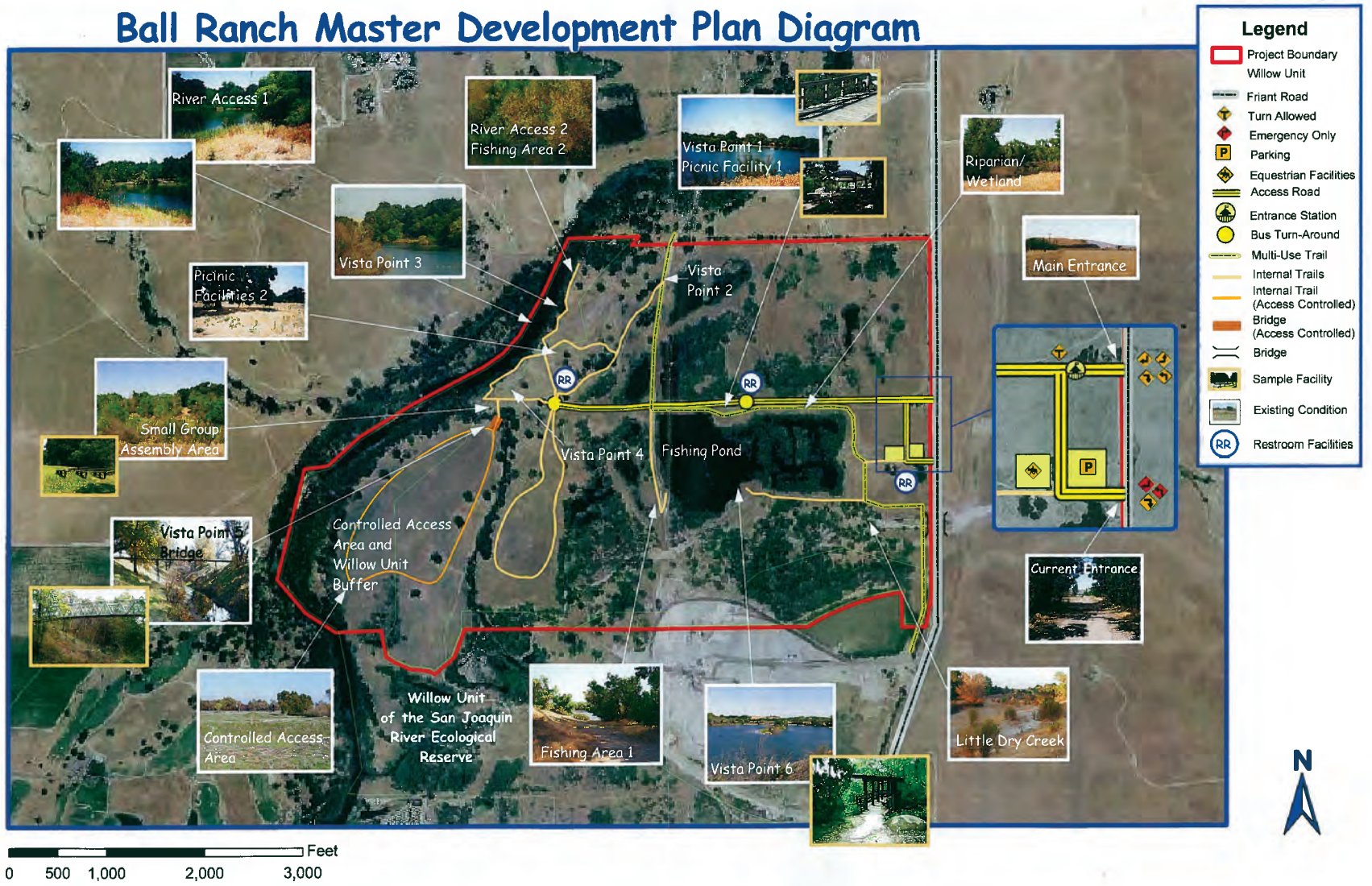


FIGURE 5-16

BALL RANCH MASTER DEVELOPMENT PLAN DIAGRAM

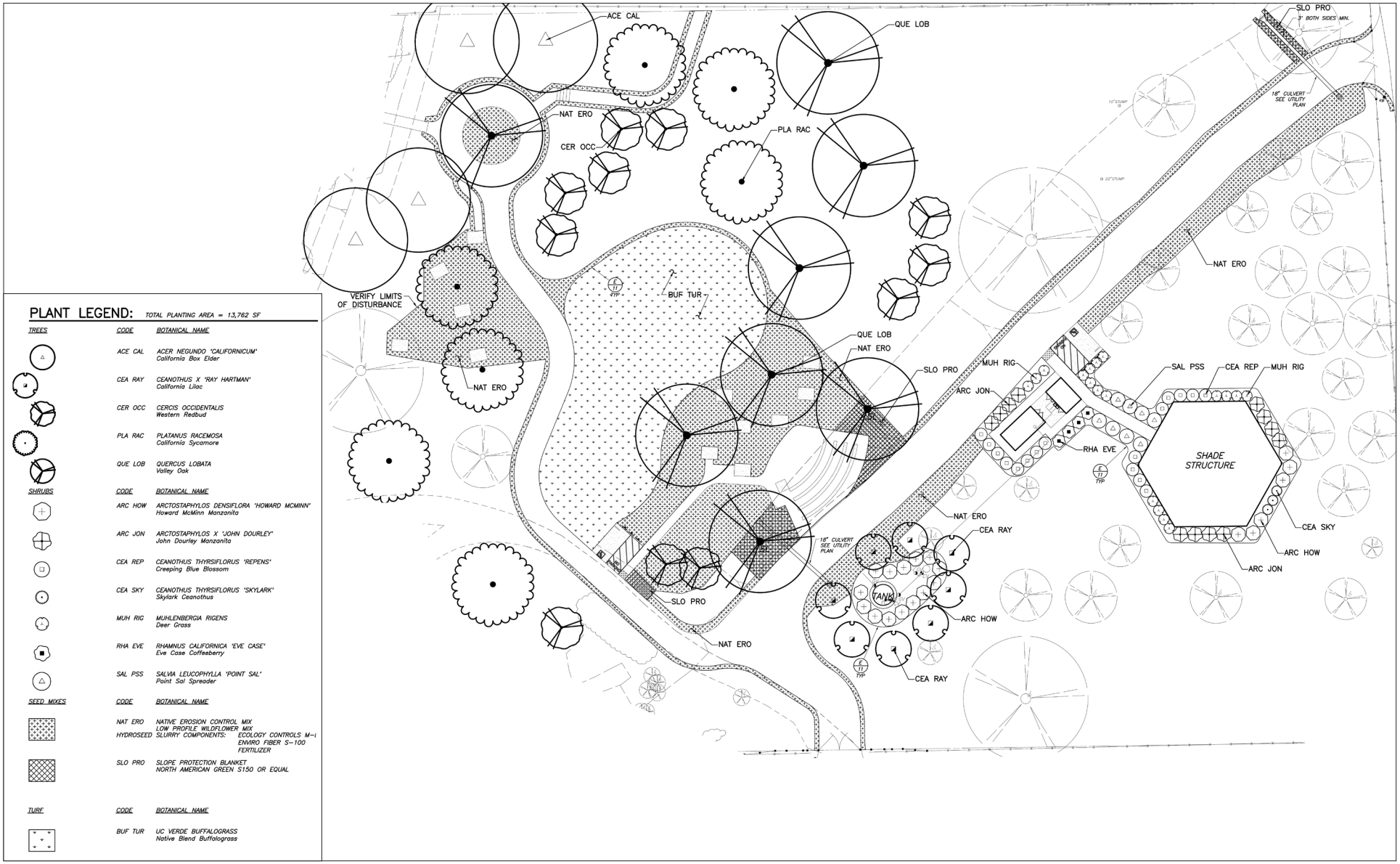
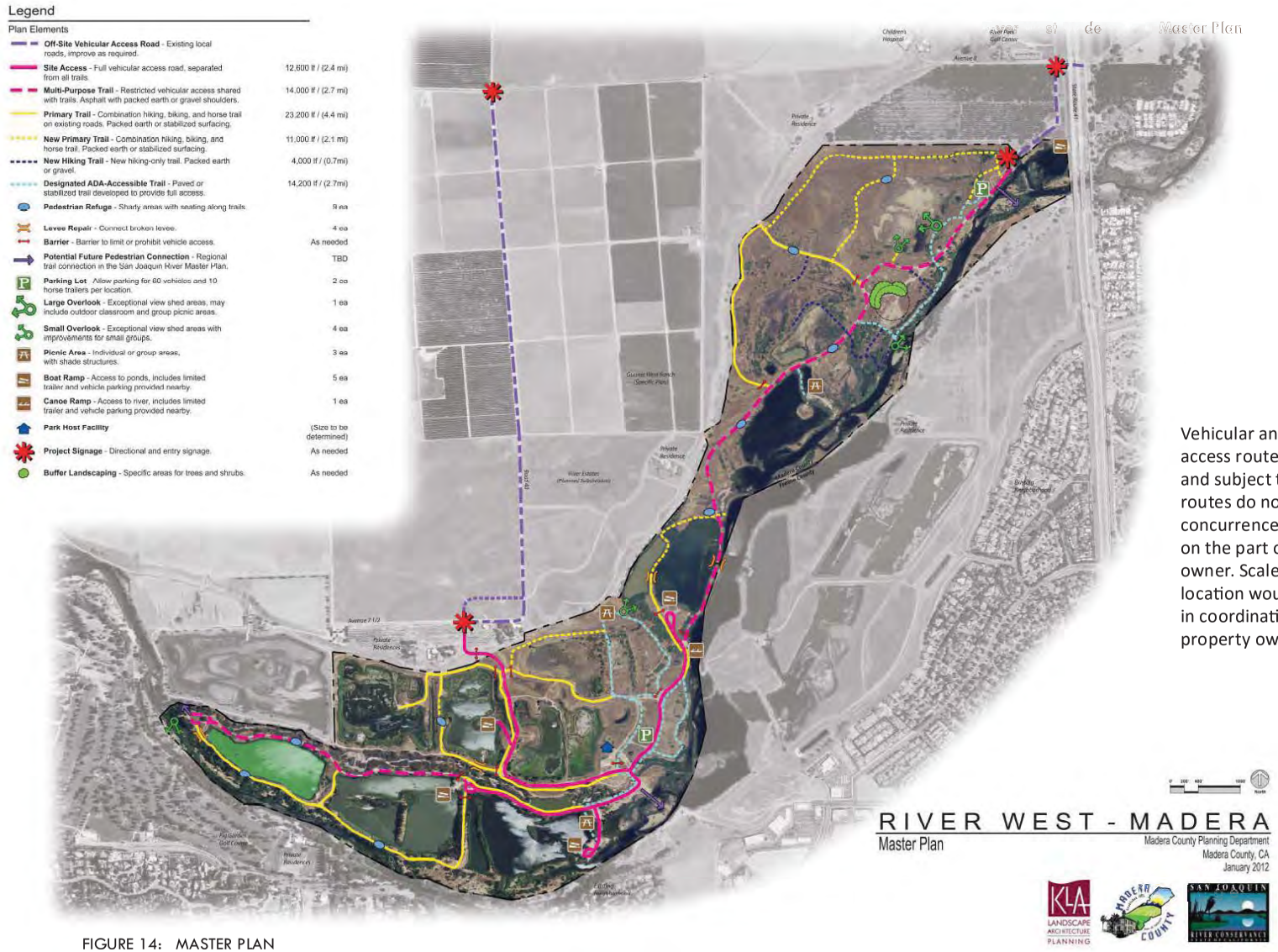


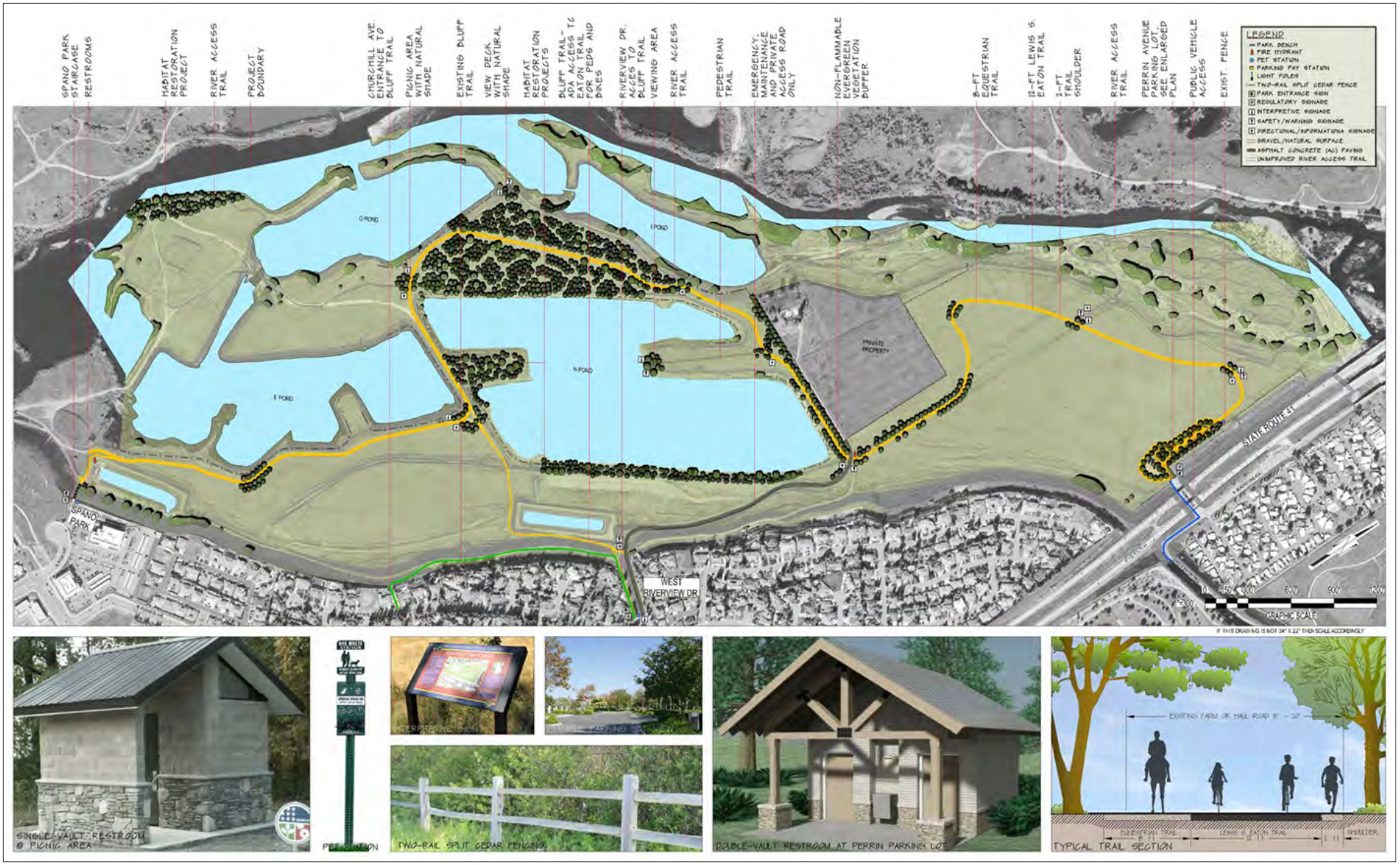
FIGURE 5-17

OWL HOLLOW



Vehicular and non-vehicular access routes are conceptual and subject to change. Such routes do not represent a concurrence or commitment on the part of the property owner. Scale and final location would be determined in coordination with the property owner.

FIGURE 14: MASTER PLAN



*Note: There are also several alternative plans.

FIGURE 5-19

RIVER WEST FRESNO PROPOSED PROJECT WITH CONSTRAINTS

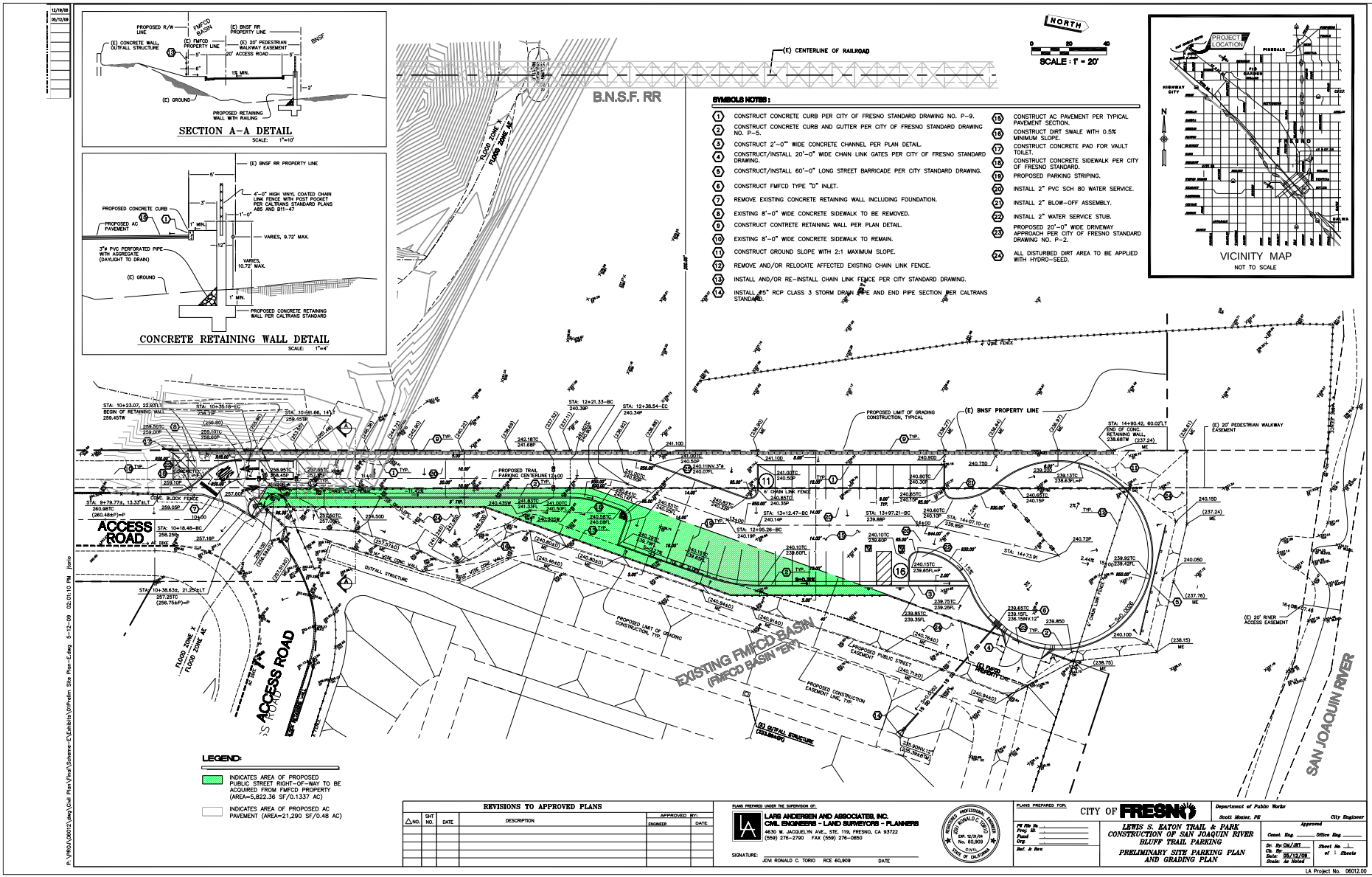


FIGURE 5-20

RIVERBOTTOM PARK

Cottonwood Creek Area (aka Wagner Property)

- Owned by the State of California and managed under the Conservancy's jurisdiction.
- Existing single-family residence is used as housing for Millerton Lake State Recreation Area ranger.
- Opportunities for parking, restrooms, hiking trails, and vista overlooks.

River Vista

- Owned by the State of California and managed under the Conservancy's jurisdiction.
- Approved plan for a hiking trail, hand-carried non-motorized boat launch, cultural interests, fishing, nature observation, parking, picnicking, and restrooms (see Figure 3-15). For additional information see the River Vista Public Access and Derelict Bridge Demolition Project Mitigated Negative Declaration adopted December 16, 2015.

Friant Cove

- Owned by the State of California and managed under the Conservancy's jurisdiction.
- Existing facilities for hand-carried canoe launching, fishing, parking, and picnicking with ADA access, restroom facilities, and park-and-ride.

San Joaquin Fish Hatchery: FINS—Friant Interactive Nature Site

- Owned by the State of California and managed under CDFW's jurisdiction.
- Existing picnicking, public visitation and conservation education programs with opportunities to expand outreach associated with the SJR Restoration Program Salmon Conservation and Research Facility.
- Existing Small Fry Trail—a educational play area designed for young children, parking, picnicking, restroom facilities, educational features, and hiking trails (see Figure 5-14). Multi-use Parkway trail from parking on Friant Road to neighboring Lost Lake Park. For additional information see the San Joaquin Hatchery Public Access and Trail Project Mitigated Negative Declaration adopted June 7, 2011.

Lost Lake Park

- Owned by the County of Fresno and CDFW/WCB, with adjacent undeveloped lands owned by the State under the Conservancy's jurisdiction.
- Existing camping, sports fields, canoe launch, cultural interests, nature observation, picnic facilities, hiking trails, and parking.
- Campground improvements under construction summer 2016.
- Conceptual plan for significant phased improvements including natural resource enhancements for improved hydrology, habitat, access, and safety; recontouring steep slopes and overburden stockpiles;

expanded floodplain and riparian corridor; expansion of nature area; creation of nature trail system; community park, equestrian staging, upgrading existing facilities, expanded camping, roadway reconfiguration, canoe launches, Parkway multi-use trail segment, and concessions (see Figure 5-15). For additional information, please see the Draft Lost Lake Park Master Plan and Draft Lost Lake Park Master Plan – Screening Level Initial Study, both dated April 8, 2011.

Ledger Island

- Owned by the State of California and managed under the Conservancy's jurisdiction.
- Opportunity for a canoe rest stop and/or launch, nature observation, hiking trails, fishing, and habitat restoration.

Ball Ranch

- Owned by the State of California and managed under the Conservancy's jurisdiction.
- Conceptual Master Development Plan (2005) identified opportunities for a canoe rest stop, camping, parking, picnicking, habitat restoration, restrooms, and multi-use and hiking trails (see Figure 5-16).

Willow Unit, SJR Ecological Reserve

- Owned by the State of California and managed under CDFW's jurisdiction.
- Existing Ecological Reserve with limited access.
- Opportunity for some hiking trail and access improvements for limited, seasonal, or supervised uses.

Willow Lodge

- Owned by the State of California and managed under CDFW's jurisdiction.
- On occasion available for organized conservation education programs, with limited access.

Rank Island Unit, SJR Ecological Reserve

- Owned by the State of California and managed under CDFW's jurisdiction.
- Existing Ecological Reserve with limited access.
- Opportunity for hiking trails for limited, seasonal, or supervised uses.

Owl Hollow

- Owned by the River Parkway Trust.
- Existing conservation education programs with limited access.
- Facility improvements for conservation education and stewardship uses in progress.
- Opportunity expanded access and a hand-carried canoe launch (see Figure 5-17).

Circle V Ranch

- Owned by the State of California and managed under the Conservancy's jurisdiction.
- Opportunity for hiking, vista, picnicking, and canoe rest stop.

Coke Hallowell River Center

- Owned by the River Parkway Trust.
- Existing hiking trails, an interpretive visitor center, conservation education programs, cultural interest, nature observation, parking, picnicking, and restroom facilities.
- Opportunity for increased visitors services such as concessions, expanded picnic facilities, outdoor exhibits, and expanded historical interpretation.

Gibson

- Owned by the State of California and managed under the Conservancy's jurisdiction.
- Opportunity for a canoe launch, parking, hiking trails, habitat restoration, an equestrian facility, and restroom facilities.
- Opportunity for Parkway administrative and operations use.

Lewis S. Eaton Trail

- Owned by the City of Fresno and County of Fresno.
- Existing segment of the planned Parkway-wide multi-use trail, nature observation, restroom facilities, and vista overlooks.
- Planned/opportunity to extend Parkway-wide and connect with other Parkway and regional trails.

Caglia Farms

- Owned by the River Parkway Trust.
- Opportunity for hiking trails, conservation education, community supported agriculture, habitat restoration, and parking.

Jenco Farms (Margaret Roberts Jensen farm)

- Owned by the State of California under the Conservancy's management jurisdiction.
- Opportunity for hiking trails, vista, observation, community memorial features, habitat restoration, parking, and restrooms.

Jensen River Ranch and the Tom MacMichael Sr. Trail

- Owned by the State of California under the Conservancy's management jurisdiction.

- Existing hiking trails, fishing, cultural interest ("Pathways of Our Ancestor" Native American cultural garden), nature observation, restrooms, picnicking, and habitat restoration.
- Opportunity for a canoe rest stop and expanded trails and interest areas.

Woodward Park (adjacent to Parkway)

- Owned by the City of Fresno.
- Existing hiking trails, vista overlooks, parking, nature observation, restrooms, picnicking, and equestrian trail. Includes active recreation areas, such as bicycle track and physical courses; playgrounds; amphitheaters; developed gardens; and a dog park.
- Provides operational management and parking for the adjacent Tom MacMichael Sr. Trail.

Wildwood Native Park

- Owned by the State of California under the Conservancy's management jurisdiction.
- Existing hiking trail, fishing, picnicking, restrooms, nature observation, parking, and habitat restoration.

River West Madera – Van Buren Unit

- Owned by the State of California under the Conservancy's management jurisdiction.
- Planned hiking trails, canoe launch, picnicking, fishing, restrooms, nature observation, habitat restoration, parking, and vista overlooks (see Figure 5-18). See the October 2012 adopted River West-Madera Master Plan and the certified River West – Madera Initial Study/Mitigated Negative Declaration for additional information.
- Opportunities for camping and stewardship housing.

River West Fresno

- Owned by the State of California under the Conservancy's management jurisdiction.
- Existing habitat restoration.
- City of Fresno Spano Park and vista overlook is adjacent.
- EIR pending for multi-use Eaton Trail extension, hiking trails, fishing and nature observation, parking area(s), and restrooms (plan in development 2013 – see Figure 5-19).
- Opportunities for canoe launch additional picnicking, etc.

River West Madera - Sycamore Island

- Owned by the State of California under the Conservancy's management jurisdiction.
- Existing canoe launch, fishing, picnicking, restrooms, parking, and nature observation.

- Construction of gravel pit isolation, floodplain restoration, and emergency egress/future public access road through to the Van Buren Unit summer 2016.
- Plans for habitat restoration, vista overlooks, improved trail and ancillary facilities. See the October 2012 adopted River West-Madera Master Plan and the certified River West – Madera Initial Study/Mitigated Negative Declaration for additional information.
- Opportunity for camping.

Palm Bluffs/Nees River Access

- State sovereign lands under the jurisdiction of the State Lands Commission.
- Opportunity for fishing, parking, restrooms, trailhead and trail connection to River West Fresno, Eaton Trail extension, vista point, and concessions. EIR pending see River West Fresno, above.

Scout Island

- Owned by the Fresno County Office of Education.
- Existing conservation education facilities and habitat restoration.

Diamond R Ranch

- Owned by the Fresno County Office of Education.
- Opportunity for conservation education.

Hanson Unit, SJR Ecological Reserve

- Owned by the State of California under CDFW's management jurisdiction.
- Existing Ecological Reserve with limited access.
- Opportunity for habitat restoration and limited public access.

Milburn Unit, SJR Ecological Reserve

- Owned by the State of California under CDFW's management jurisdiction.
- Existing Ecological Reserve with limited access.
- Adjacent City of Fresno vista overlook.
- Opportunity for habitat restoration and improved, although limited, public access (planning project in progress).

Liddell/Bluff Pointe Golf Course

- Owned by the State of California under the Conservancy's management jurisdiction.
- Existing small-scale golf facility.

- Adjacent City of Fresno overlook.
- Opportunity for fishing, nature observation, a canoe launch, parking, restrooms, hiking trails, picnicking, concessions, native plant propagation site, and habitat restoration.

Riverbottom Park Site

- Owned by the City of Fresno.
- Existing habitat restoration.
- Approved plan for a hand-carried canoe launch, nature observation, parking, picnicking, and restrooms (see Figure 5-20).

Riverside Trailhead and Trail

- Owned by the City of Fresno.
- Existing paved trails, fishing, nature observation, trailhead, and parking.
- Opportunity for restrooms and vista overlooks.

Schneider

- Owned by the State of California under the Conservancy's management jurisdiction.
- Existing habitat restoration.
- Opportunity for hiking trails and nature observation.

Camp Pashayan

- Owned by the State of California, with parts under CDFW's and the Conservancy's management jurisdiction.
- A portion is a unit of the SJRC Ecological Reserve.
- Existing hiking trails, a paved canoe launch for boat trailers, fishing, nature observation, parking, restroom facilities, and habitat restoration.
- Opportunities for improved restrooms, designated swimming area, nature observation, and concessions.

Parkway Multi-Use Trail

- Existing segments built in City of Fresno are named the Lewis S. Eaton Trail.
- A segment at the San Joaquin Fish Hatchery connects a parking area/trailhead on Friant Road with Lost Lake Park.
- Planned segments on existing public lands at Lost Lake Park, River West Madera (Van Buren Unit and Sycamore Island), and Ball Ranch.

- Opportunities to extend on existing and future public lands and easements throughout the Parkway.

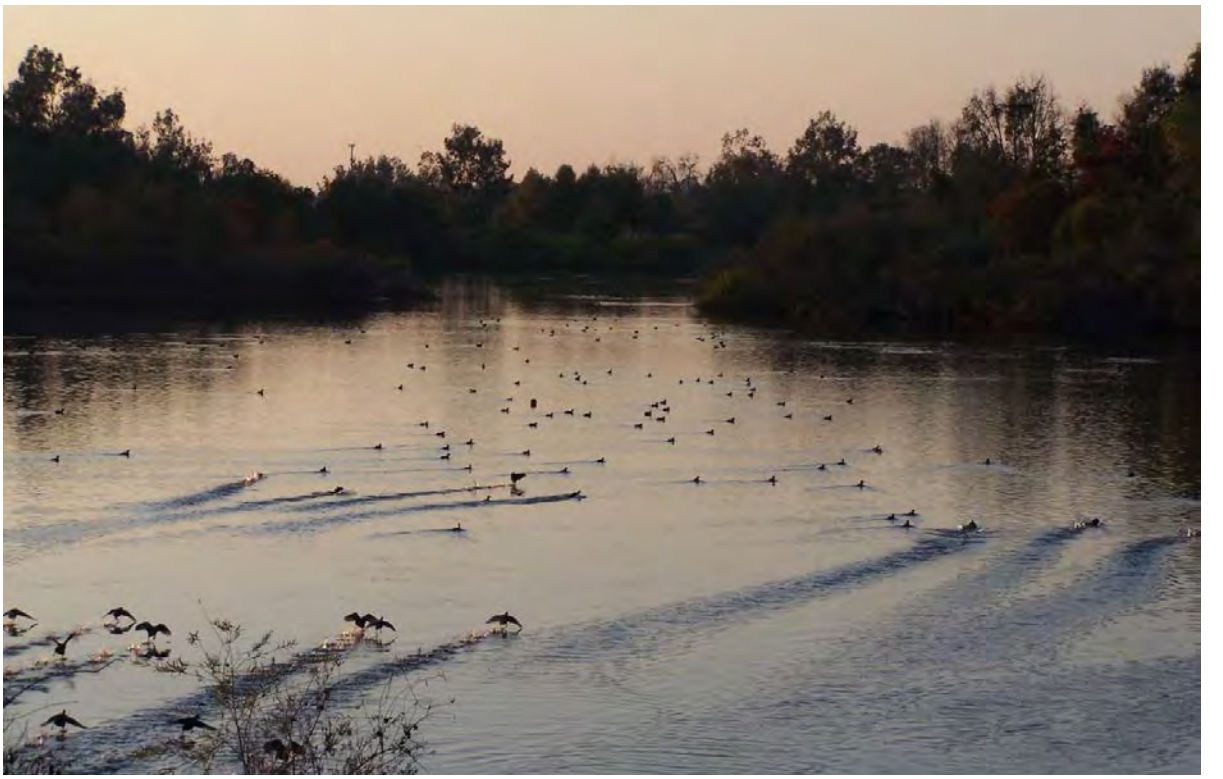
Vistas and Overlooks

- Existing improved overlooks on the Lewis S. Eaton Trail, and at Copper River Ranch, Raptor Point, Spano Park, Milburn overlook, and Polk overlook.
- Opportunities at other publicly accessible bluff-top locations.

FUTURE PARKWAY LAND ACQUISITIONS

The Conservancy is charged with acquiring and managing 5,900 acres of public lands within the Parkway "…to provide a harmonious combination of low-impact recreational and educational uses and wildlife protection through the preservation of the San Joaquin River, existing publicly owned lands, the wildlife corridor, and natural reserves" (PRC §32510). Existing Parkway lands are described in Section 3.A. Additional lands will be acquired over time to bridge gaps in connectivity, to protect and create habitats, and to provide low-impact recreational and educational opportunities for the public. Lands or easements will be acquired from willing sellers as opportunities arise and as prioritized by the Conservancy in accordance with established evaluation criteria. Approximate, conceptual locations for canoe trail facilities, the Parkway multi-use trail, river crossings, and other Parkway features are shown in Figures 5-2 through 5-12; however, specific alignments and locations may vary as public land and easement acquisitions occur.

6 GOALS AND POLICIES



6. GOALS AND POLICIES

6.1 VISION AND VALUES

The Parkway preserves natural areas and resources important to the community's quality of life as well as to wildlife. The Parkway provides outdoor nature-oriented recreational and educational experiences for the regions' residents and visitors—of all ages and backgrounds—to enjoy and value. Some Parkway features can be experienced now, while others are being planned; the Parkway will provide a legacy far into the future.

In developing the Parkway, the Conservancy and its partners are striving to provide:

- Safe, nearby, high-quality, and affordable outdoor, nature-oriented exercise, recreation, and hobbies;
- Natural areas and parklands in a metropolitan area deficient in such amenities;
- Conservation and diversification of habitats and wildlife species that have dwindled over time; improved habitat and vitality of the wildlife of the area;
- Direct benefits to many target audiences—e.g., anglers, bicyclists, outdoors-people, families, seniors, children, etc.
- Stewardship of important resources: e.g., water, floodplains, cultural sites;
- Venues, programs, and displays for hands-on, in-the-environment learning;
- Involvement and engagement in stewardship and service;
- Connections to other regional recreational trails, open spaces, and land uses; trail systems that enhance non-motorized commuting and transportation;
- Quality scenery, aesthetics, and viewsheds;
- Services and features within the Parkway that, as a by-product, also enhance the views, character, amenities, and values of neighboring properties; and
- Assurance that future generations will enjoy these resources, recreational and educational experiences.

The values held in common in developing the Parkway are:

- The natural environment must be respected, cared for, and conserved;
- Water resources are extremely important to any community;

- Experiences in nature invigorate, refresh, instill wonder, and educate;
- Outdoor activities contribute to individuals' health and well-being;
- The community deserves and needs broadly available, convenient public access to open spaces and parks;
- The Parkway must benefit the public and serve all constituencies effectively, efficiently, and equitably, to maximize the common good;
- The community must be involved in and have the opportunity to influence Parkway development; and
- The Parkway will preserve natural areas and open spaces for the benefit of generations to come.

The Parkway represents a partnership among state and local, government and private, business, tourism, homeowner, and environmental interests.

6.2 GOALS AND POLICIES

The goals, policies, guidelines, best management practices, and mitigation measures presented and adopted within the Parkway Master Plan Update and EIR will guide the siting, location, design, and management of public Parkway lands developed, funded, or managed by the Conservancy to the extent the policies are within its authorities and jurisdiction.

The goals and policies established in this document provide the framework for consideration and action by the Conservancy and shall be considered for their discretionary adoption by all jurisdictions with Parkway management responsibilities or land use regulatory authority, including the County of Fresno, the County of Madera, and the City of Fresno. Policies requiring the cooperation of private landowners and non-member agencies are advisory recommendations.

It is anticipated that each land use jurisdiction will take separate action to incorporate these goals and policies into its General Plan or the applicable community plan. The effectiveness of these goals and policies in guiding the realization of the Parkway will depend on the extent to which the actions taken by each jurisdiction conforms to the actions of the others. The Parkway will be driven by the Conservancy's implementation of the Parkway Master Plan Update, and to a lesser extent by the policies of other jurisdictions.

Implementation of a San Joaquin River Parkway consistent with the San Joaquin River Conservancy Act's goals of natural resources protection, public education, and low impact recreation requires a Parkway Master Plan that includes natural resources, educational, and recreational elements. In recognition of the need to coordinate with private property owners and with the programs of the appropriate land use and regulatory agencies, the Parkway Master Plan Update must be programmatic and conceptual in nature.

The Parkway Master Plan Update is a conceptual plan derived from the natural features of the San Joaquin River, its wildlife and aquatic resources, and the constraints and opportunities of the river and its

surrounding conditions. The Master Plan Update is based on the goals to preserve, protect, and restore the natural resources of the river corridor and to provide public access to the river without adverse effects.

The original Parkway goals and policies have been revised for clarity of intent and parallel construction, deleted where no longer applicable or where redundant, and added to address components/issues that were not previously included. Some original policies were subdivided into separate policies. References to original goals and policies are noted in parenthesis at the end of text. In some cases, original goals and policies were included in a narrative or did not have a specific identifier; "no #" is used to note where this is the case. Goals and policies that are new are shown in **bold**.

6.2.1 FUNDAMENTAL GOALS

The goals expressed for the Parkway reflect a general agreement that it should provide for a harmonious combination of low-impact recreational uses, education, and natural resource protection. The particular human activities to be provided for in the Parkway become a largely subjective effort to achieve an appropriate balance between facilitating recreational and educational pursuits, protecting wildlife, buffering habitat from human habitation and activities, and minimizing conflicts with neighboring land uses.

These goals support a varied plan that includes natural reserves where wildlife protection predominates, recreation and education areas where such use is appropriate to the environmental setting, and transitional areas that blend the interface between different Parkway and non-Parkway areas.

FG.1 Preserve and restore a riparian and floodplain corridor of statewide and regional significance along the San Joaquin River from Friant Dam to the Highway 99. (FG1)

FG.2 Conserve wildlife species that depend on the river environment. (FG2)

FG.3 Provide education and recreation facilities and programs, including a continuous multi-use trail the length of the Parkway. (FG3)

FG.4 Conserve, restore, and enhance natural resources and protect cultural resources, while also meeting recreational and educational needs. (FG4)

FG.5 Conserve undeveloped areas of the floodplain to provide that they remain non-urbanized. (FG5)

FG.6 Develop the Parkway in a transparent and cooperative manner among local and state agencies; nonprofit land trusts, conservation, and stewardship organizations; neighboring landowners; and other stakeholders. (FG3)

FG.7 Create a Parkway and encourage land use and management policies for the San Joaquin River, its floodplain and bluffs, that will contribute to the economic vitality of the region, and enhance the health and quality of life of the region's residents. (FG6)

FG.8 Develop rules, regulations, outreach, and management practices to protect public health, safety, and natural resources.

6.2.2 SPECIFIC GOALS AND POLICIES

The following present goals and policies for specific elements of the Parkway Plan.

SAN JOAQUIN RIVER RESTORATION PROGRAM (SJR RESTORATION PROGRAM)

Goals:

- Coordinate and cooperate with the SJR Restoration Program to ensure efficiency and develop projects that meet mutual objectives.
- Support, promote, and educate Parkway visitors about river history, restoration ecology, water supply, and the SJR Restoration Program.

Policies:

SJRRP.1 Cooperate and collaborate in the isolation of gravel pits on public Parkway lands from the San Joaquin River. Explore and collaborate with the Program on other restoration measures, such as floodplain habitat improvement and spawning bed enhancement, to generate multiple-use benefits from public Parkway lands.

SJRRP.2 Engage the SJRRP in Parkway planning and project design to avoid conflicting infrastructure plans or habitat restoration.

SJRRP.3 Cooperate and collaborate in providing off-stream recreational fishing.

SJRRP.4 Provide public information to enhance Parkway visitors' knowledge of river water resources and the SJR Restoration Program and to protect the fisheries and natural resources.

SJRRP.5 Ensure that lawful public uses and management activities do not result in incidental violations of the Endangered Species Act, through safe harbor agreements or other methods.

SJRRP.6 Maximize recreation and public access, while still taking into account the goals and objectives of the SJRRP.

HABITAT CONSERVATION AND MANAGEMENT

Goals:

- Conserve, enhance, restore, and provide for public enjoyment of the aquatic, plant, and wildlife resources of the San Joaquin River Parkway. (NRG1)
- Conserve, enhance, restore and maintain contiguous and continuous native riparian, wetland and upland habitat on public lands and conservation easements for wildlife movement and refuge. (NRG2)
- Encourage conservation of habitat on private lands in the floodplain. (NRG2)

Policies:

HABITAT.1 Recommend to local land use agencies requirements, conditions, and mitigation measures consistent with the Parkway Master Plan for proposed projects that are in or adjacent to the Parkway plan area, or may affect or be affected by the Parkway. (NRO6)

HABITAT.2 Conserve the San Joaquin River as aquatic habitat. Collaborate with wildlife agencies to enhance and protect fisheries in the river and in ponds in the Parkway. (NRO1)

HABITAT.3 Establish, through purchase, easements, or other mutually satisfactory arrangements, natural resource conservation areas, open space, and a continuous wildlife corridor along the river to facilitate the movement of large mammals between habitat areas, to provide a variety of nesting and foraging areas, and to enhance and protect the aquatic habitats of the river and associated wetlands. (NRO3)

HABITAT.4 Collaborate to conserve a wildlife movement corridor from the Parkway to Little Table Mountain. (NP2)

HABITAT.5 Control and remove exotic plant species from the Parkway as feasible, including in the river channel, where they threaten to displace native plant species or disrupt natural plant community structure. Employ measures that will discourage repopulation of exotic plant species. Establish management practices to control the introduction of exotic plant species from horse feed and bedding. (NRO4)

HABITAT.6 Establish management practices to minimize the introduction of exotic species from livestock, boats, equipment, etc.

HABITAT.7 Enhance, restore, and maintain native vegetation, riparian, wetland, woodland, and grassland habitats within natural reserves, open spaces, and wildlife corridors. (NRO5)

HABITAT.8 Coordinate Parkway habitat restoration programs with agencies responsible for flood protection to ensure revegetation does not displace or obstruct floodwaters. (NP4)

HABITAT.9 Incorporate natural features (e.g., wetlands, grasslands, woodlands, and other native vegetation) and integrate supporting artificial features (e.g. existing access roads, ponds on reclaimed mined lands) into Parkway development. (NP8.2)

HABITAT.10 Minimize grading, except as necessary to improve hydrology, enhance and restore habitat, or protect public safety. (NP8.3)

HABITAT.11 Exclude dogs, or require them to be leashed, in areas designated as natural reserves. (NP8.5)

HABITAT.12 **Create a framework conservation strategy for the entire Parkway to provide a broad, coordinated approach to conservation efforts, address project-level mitigation for potential impacts on species and habitats, streamline permitting, and to guide management plans for individual areas.**

HABITAT.13 Within public Parkway lands, designate natural reserves of contiguous significant or high quality habitat (or future enhanced/restored habitat) that should receive higher levels of protection from public disturbance and use. (NP10.2)

HABITAT.14 Designate no less than three areas of 100 acres each as natural reserves for the purposes of conserving and supporting those species that require refuge in relatively large blocks of habitat. Parkway natural reserves shall consist of areas managed to conserve native ecological associations, unique fauna or flora, geological features, and scenic qualities. Improvements shall be for the purpose of providing day use for public enjoyment and education in a manner consistent with the preservation of the areas' natural features. Vehicular use in natural reserves is limited to paved areas and other areas specifically designed and maintained for normal ingress, egress, and parking. (NP10.2)

HABITAT.15 Design restoration projects based on site-specific studies of soils, water availability, slopes, hydrology, and other environmental conditions. (NP13)

HABITAT.16 Use native plant species for landscaping and vegetation restoration to the greatest extent possible. (RP5/NRD1.3)

HABITAT.17 Generally, use locally-sourced native plant species for habitat restoration projects. (RP5/NRD1.3)

HABITAT.18 Site new facilities in disturbed, reclaimed, or previously developed areas to avoid intrusion into sensitive habitat areas and to avoid habitat fragmentation, to the extent feasible. (NRD1.1)

HABITAT.19 Whenever feasible, route primary and multi-use trails on the outside edges of habitat areas, rather than through the center of mature riparian stands or other high-value habitat. (NRD1.2)

HABITAT.20 Work to accomplish a net benefit/no net loss of habitat collectively through conservation and restoration improvements in the Parkway. (NRD1.3)

HABITAT.21 To the extent feasible, conserve and re-establish the upper canopy of riparian habitat (i.e., oaks, cottonwoods, sycamores) to provide roosting and nesting habitat for raptors, herons and egrets, and other bird species. (NRPE3, NRD1.4)

HABITAT.22 Use appropriate best management practices and protection measures for restoration projects to limit damage by animals. (NRD1.4)

HABITAT.23 Provide for the managed grazing needed for fuel load reduction and invasive weed management on public Parkway lands. (NRD1.4)

HABITAT.24 Reestablish to the extent possible a continuous corridor of riparian vegetation on both sides of the river to provide for the movement and migration of wildlife, as well as the restoration and improvement of in-stream shaded habitat. (NRD1.5)

HABITAT.25 Use design features and signage to protect egret and heron rookeries from public Parkway uses.

HABITAT.26 Seasonally close specific areas of the Parkway where necessary to protect sensitive habitats during vulnerable periods, such as areas near rookeries during breeding and nesting periods.

HABITAT.27 Place informative signage a distance of 750 feet upstream from a rookery discouraging landing for at least the following 1500 feet and signage to indicate a "quiet zone" for river users to observe. (NRD5)

HABITAT.28 To minimize disturbance of breeding birds, particularly those in heron and egret rookeries, and to minimize disturbance on foraging of wintering bald eagles, work with appropriate authorities to develop boating regulations limiting gas-powered vessels between Friant Dam and the Highway 99 during the months of November through July. (NRD6)

HABITAT.29 Consider potential benefits to bald eagles in determining appropriate areas to designate as natural reserves or protected sites. (NRD7)

HABITAT.30 Avoid removal of snags, except in public use areas and near infrastructure where they may be hazards. (NRD9)

HABITAT.31 To the extent feasible, acquire, enhance, restore and maintain a continuous riparian wildlife corridor throughout public parkway lands with a minimum width of 200 feet and gaps of no greater than 200 feet or the minimum necessary to allow for infrastructure (e.g. roads or bridges). Where it is not feasible to conserve the corridor on both sides of the river, provide an offsetting expansion of the corridor on one side. (NRD10)

HABITAT.32 To the extent possible, restore a continuous distribution of elderberry shrubs throughout public Parkway lands striving for a distance no greater than 0.25 mile between elderberry plants. (NRD13)

HABITAT.33 Enhance existing ponds, swales, and other features to increase habitat diversity. (NRPE1)

HABITAT.34 Enhance pond habitat and associated wetland vegetation to benefit geese and other waterfowl (e.g. rocks, logs, nest boxes, artificial islands, foraging habitat). (NRPE2)

HABITAT.35 Incorporate a habitat enhancement component into all Parkway projects. (BZ5)

HABITAT.36 Place a high priority on riparian habitat conservation and restoration to establish and enhance wildlife habitat and corridors and improve aquatic habitat. (BZ6)

HABITAT.37 Restore a variety of habitat types, such as Great Valley cottonwood riparian forest, cottonwood willow riparian forest, and Great Valley willow scrub, taking into account the needs of varied species. (NRPV2)

HABITAT.38 Implement a low-impact wildlife-friendly landscape maintenance program, and minimize the use of pesticides and herbicides where possible. (RFP6)

FLOODPLAIN AND WATER RESOURCE MANAGEMENT

Goals:

- Develop the Parkway in a manner that will not interfere with the river's floodwater conveyance capacity. (FP1)
- Protect the river's water quality through appropriate management of stormwater runoff in the Parkway.
- Conserve, improve, and manage lands and natural resources in the Parkway to facilitate more reliable water supplies; restore important species and habitat; and contribute to a more resilient, sustainably managed water resources system.

Policies:

WATER.1 Design Parkway bridge crossings to minimize impacts on the natural environment, be aesthetically pleasing, meet safety requirements for cyclists and other users, and to withstand and pass flood flows as determined by regulatory agencies. (RCP3)

WATER.2 Do not construct levees (elevated flood protection structures) in the Parkway. (NP7)

WATER.3 Ensure Parkway facilities do not increase riverbank erosion. Design and manage Parkway facilities and improvements in recognition of natural fluvial processes including erosion and

meanders. Remediate riverbank erosion as necessary to protect buildings and infrastructure. (FP5)

WATER.4 Design and site Parkway structures and amenities to ensure that such features do not obstruct flood flows, do not create a public safety hazard, or result in a substantial increase in off-site flows or water surface elevations. For permanent above-grade structures, the minimum level of design flood protection shall be the adopted 100-year event, or as regulated by state and federal agencies. (RFMP2/RDP1)

a. Design, place, and fasten picnic tables, litter containers, interpretive displays, and vault toilets to allow flows through or around them and minimize their becoming dislodged during flood events.

b. Fences shall be sized, placed, and securely anchored to minimize the potential to create obstructions during high flows.

WATER.5 Collaborate with emergency planning and response agencies to develop and implement emergency flood warning alert and evacuation procedures for Parkway visitors. (RFMP3)

WATER.6 Allow for the restoration of channel and floodwater flow capacity by other parties, including but not limited to the SJR Restoration Program. (FP4)

WATER.7 Install vault toilets and septic systems only in areas where community wastewater treatment is not available and feasible. Design, install, and operate such systems in accordance with all applicable laws and regulations. (RFP8)

WATER.8 Avoid, minimize, and ensure pollution prevention and compliance in the use of herbicides. (RFP5)

WATER.9 Minimize impervious surfaces to allow natural percolation and limit runoff. (ROP1)

WATER.10 Incorporate construction best management practices for stormwater quality management, including erosion and sedimentation controls and spill prevention and control, into construction specifications and permits. (RFP3/RFP4)

WATER.11 Incorporate drainage swales and other appropriate post-construction best management practices into the design of Parkway improvements to manage stormwater runoff. (RDP3)

WATER.12 Properly maintain stormwater quality management post-construction controls. (RDP11)

WATER.13 Facilitate projects that demonstrate multiple benefits to water quality, water supply, and/or ecosystem and watershed protection and restoration, including, but are not limited to: protecting healthy watersheds, fisheries, and stream flows; implementing projects within

watersheds that facilitate climate change adaptation; conserving and restoring ecosystems; collaborating and coordinating with the San Joaquin River Restoration Program and collaborating with federal agencies to protect fish and wetlands; reducing wildfire risks; improving watershed health; reducing contamination of rivers, lakes and streams; and assisting in the recovery of sensitive species by improving watersheds and associated habitat.

MINERAL RESOURCE

Goals:

- Work with gravel mining companies to acquire high priority properties after they have been mined. Promote reclamation plans that enhance and complement Parkway goals and are Parkway-ready to the extent practicable. (MR1)
- Design, construct, and manage the Parkway in a manner that will not conflict with sand and gravel mining operations. (MR2)

Policies:

MINERAL.1 For new mining permit applications within the Parkway planning area, provide recommendations to local land use control agencies to ensure the appropriate application of Parkway policies. (MRO2)

MINERAL.2 For new mining permit applications in the Parkway planning area, provide recommendations to local land use control agencies to protect existing riparian woodlands, enhance or complement the revegetation of the river wildlife corridor and adjacent areas, improve excavated gravel ponds by providing for specific wildlife habitat needs or replication of natural landscapes, and to reflect public safety needs. (MRP3)

MINERAL.3 In public Parkway areas that have significant sand and gravel reserves that may be needed for the San Joaquin River Restoration Program or other habitat and floodplain restoration needs, site significant permanent structures where they will not preclude or interfere with future extraction of those resources.

AGRICULTURAL RESOURCES

Goals:

- Design, construct, and manage the Parkway in a manner that is compatible with agricultural uses (crops, livestock, orchards, and nurseries). (AO1)
- Encourage the preservation of agricultural uses in the Parkway planning area. (AO1)

Policies:

AGRI.1 Work with agencies that conserve farmland to secure conservation easements within the Parkway planning area.

AGRI.2 Support community supported agriculture.

AGRI.3 Provide buffers, fencing, signage and other measures to reduce potential conflicts between public Parkway use and nearby agriculture.

AGRI.4 Encourage agricultural uses as buffers between the Parkway and more intensive urban/suburban uses.

AIR RESOURCES, CLIMATE CHANGE ADAPTATION, AND SEQUESTRATION

Goals:

- In developing the Parkway, utilize opportunities to improve regional air quality and reduce the potential for Parkway projects to contribute to air pollution. (RFP1)
- Incorporate climate adaptation and sequestration strategies in Parkway projects.

Policies:

AIR.1 Restore habitat and conserve natural areas to contribute toward carbon sequestration.

AIR.2 Promote cooperative reforestation projects to maximize carbon sequestration.

AIR.3 Maximize habitat, diversity, wildlife movement corridors, and regional habitat linkages.

AIR.4 Work with other agencies to perform fire prevention thinning and weed abatement on property boundaries and access roads.

AIR.5 Work with community and regional interests as a positive contributor to conservation of habitat and natural resources, and partner in the reduction of greenhouse gas (GHG) emissions.

AIR.6 Work to minimize the GHG footprint, energy and water use of Parkway operations, Conservancy and grant projects.

AIR.7 Participate in and implement state and regional strategies to address climate change.

AIR.8 Explore and support intergovernmental mitigation and sequestration partnerships.

AIR.9 Develop and incorporate climate change goals and evaluation criteria in Parkway projects and grants, elevating priorities for components such as sequestration and habitat and trail linkages.

AIR.10 Strive to connect primary multi-use trails to increase pedestrian and bicycle travel, reduce residents' reliance on motorized vehicles, and allow for longer, contiguous sections of the Parkway trail. (no #)

AIR.11 Utilize appropriate surfaces and maintenance methods to reduce dust generation on trails, roads, and parking areas, and from un-vegetated ground surfaces where possible. (RDP3/4)

CULTURAL AND HISTORIC RESOURCES

Goals:

- Preserve and protect cultural and historic resources on Parkway public lands. (RA1)
- Foster community pride, attract visitors and tourists to distinctive areas, provide recreational opportunities, enhance educational opportunities, and augment the body of scientific and historic knowledge through identification, appropriate recognition, and promotion of historic and cultural resources
- Utilize Parkway cultural and historic resources to educate the public about the values of this heritage (ROP10, RA1).

Policies:

CULTURE.1 Develop operations and management measures to protect cultural or historical resources within the Parkway, including providing training for Parkway staff. (ROP9)

CULTURE.2 Develop educational materials and provide them at key pubic use locations instructing the public on value of cultural heritage and the need to leave sites undisturbed. Include what to do in the event a cultural site is disturbed or an artifact is discovered. (ROP10)

CULTURE.3 Evaluate the potential for cultural resources at project sites and protect all such resources from disturbance during project construction. (RDP19)

CULTURE.4 Work with local Native Americans organizations to develop programs allowing ceremonial use of Parkway lands.

CULTURE.5 Work with local Native Americans organizations to develop programs allowing cultivation and harvesting of culturally significant plants.

CULTURE.6 Solicit the views of the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or sites of cultural importance.

CULTURE.7 Coordinate with the City of Fresno, counties of Madera and Fresno, and relevant advisory councils to promote the preservation and maintenance of paleontological, archaeological, and historical resources within the Parkway.

CULTURE.8 Within the Conservancy's power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts. If significant archaeological and cultural resources are open to the public, the Conservancy shall manage public access to protect against damage or vandalism.

CULTURE.9 Promote the placement of historical markers or signs on adjacent roadways and major thoroughfares to attract and inform visitors of important historic resource sites.

CULTURE.10 To the extent feasible, preserve the original architectural character of significant historic structures acquired for the Parkway in accordance with the State Historic Building Code.

CULTURE.11 As part of any required CEQA review, identify and protect important historical, archeological, paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse to the maximum extent feasible. Project-level mitigation shall include accurate site surveys, consideration of avoidance and project alternatives to preserve archaeological and historic resources, and provision for resource recovery and preservation when displacement is unavoidable.

CULTURE.12 Register cultural resources within public lands in the Parkway in appropriate landmark designations (i.e., National Register of Historic Places, California Historical Landmarks, Points of Historical Interest, or Local Landmark).

CULTURE.13 Preserve and enhance historic resources for educational and cultural purposes through maintenance as feasible and through development of interpretive programs and facilities within the Parkway.

CULTURE.14 To the extent feasible, preserve any unique geologic resources within the Parkway for public enjoyment.

CULTURE.15 Cooperate with other jurisdictions, agencies, and organizations to collect information on historic and candidate sites in the Parkway. Coordinate with the State Office of Historic Preservation and other agencies and interested parties to determine needs, design alternatives, and funding strategies to encourage people to enjoy the Parkway's historical and cultural features.

CULTURE.16 Before demolishing any structures over fifty years old, evaluate the historical significance, including reviewing the historical register and records, and consulting with the State Office of Historic Preservation.

CULTURE.17 Before any nonemergency/nonhazard removal of historic trees or landscapes, determine potential alternative actions to avoid or otherwise preserve the resources to the extent feasible.

CULTURE.18 If the site of a proposed project is found to contain unique prehistoric (archaeological or paleontological) resources, and the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in in an undisturbed state). In situ preservation may include the following option, or equivalent measures: amending construction plans to avoid prehistoric resources; dedicating sites containing these resources for permanent protection and conservation; capping or covering these resources with a protective layer of soil before building on the sites; and/or leaving prehistoric sites undisturbed within parks, green space, or other open space areas.

PUBLIC ACCESS AND RECREATION

Goals:

- Provide river access and high quality recreation areas and facilities to meet recreational and environmental educational needs while conserving natural and cultural resources. (RA1)
- Ensure access to all segments of the population and to all residents of the region, in metropolitan and outlying areas. (no#)
- Manage recreational uses to minimize indiscriminate activities, trespass on private lands, and human impacts to natural resources in the Parkway. (RA3)
- Encourage trail corridors of sufficient width (varying with terrain, vegetation, and land) to preserve a scenic environment for users and to minimize impacts of trail use on wildlife and their habitat and on adjacent land uses. (no #)
- Provide public information, proper maintenance, rules, and enforcement to provide for public health and safety in the Parkway.

Policies:

ACCESS.1 Acquire, through purchase, easements, or other mutually satisfactory transactions, land for recreation areas and the expansion of existing parks and recreation areas. (RP2)

ACCESS.2 Minimize potential impacts to sensitive natural resources by grouping facilities and intensive uses, or siting facilities and intensive uses in areas that are already disturbed or developed, where feasible. (RP3)

ACCESS.3 Locate relatively intensive recreational activity sites away from natural resources that may be sensitive to those uses (such as rookeries, spawning beds, etc.) and private residences (see Buffers). (RO1)

ACCESS.4 Link public Parkway lands between Highway 99 and Friant Dam with a continuous, multi-use trail on land, and with canoe put-in, take-out, and rest areas along the river to create a recreation system with a variety of recreational opportunities. (RO3)

ACCESS.5 Coordinate with local land use agencies to provide public access points where public roads and the Parkway meet. (RO3)

ACCESS.6 **Support, as possible, implementation of the Central Valley Vision calling for river/water oriented recreation in the Valley and for the Parkway as a high-priority new park to serve the region.**

ACCESS.7 Where feasible, provide a minimum width of 100 feet for the primary multi-use Parkway trail corridor. (no #)

ACCESS.8 Design and build the continuous multi-use trail sufficiently wide and structurally sound to permit passage of patrol, rescue, fire, and maintenance vehicles. (RP9)

ACCESS.9 Where possible, align and design trails and bikeways to avoid steep grades, environmentally sensitive areas, erodible soils, and potential hazards – see also Buffers. (RP9)

ACCESS.10 Provide separate surfaces for pedestrians, wheeled vehicles, and equestrians as feasible. (RP9)

ACCESS.11 Utilize existing paths and unimproved roads for Parkway trail alignments where appropriate. (RP9)

ACCESS.12 Provide adequate bicycle locking facilities at recreational and educational facilities. (RDP2)

ACCESS.13 Control access to the Parkway to the extent practicable with gates, fences, bollards, boulders, and other appropriate measures. (RP6)

ACCESS.14 Coordinate with local agencies to provide linkages to the regional bicycle and trail systems, and to link the continuous multi-use trail along and throughout the Parkway. (RCP1)

ACCESS.15 Facilitate alternative transportation access to the Parkway including coordinating with transit providers to develop a regional transit map showing linkages to the Parkway facilities. (RCP4)

ACCESS.16 Encourage the use of alternative transportation to Parkway events. (RCP4)

ACCESS.17 Plan for transit connections/stops at trailheads, Parkway staging areas, and activity centers during project development. (RTPP1)

ACCESS.18 Participate in regional public transit planning to secure service to the Parkway, particularly during periods of high activity such as summer weekends. (RTPP2)

ACCESS.19 Provide sufficient on-site parking at each public recreational facility for the desired usage level during peak periods and to meet the parking recommendations of the affected local jurisdiction. (RPP1)

a. Include landscaping to limit parking areas' visual impacts on the adjacent natural areas and residences, while ensuring safety and security for users.

ACCESS.20 To the extent possible, schedule Parkway events to minimize traffic congestion and crowding. (RTP1)

ACCESS.21 Develop a trails system consisting of a continuous multi-use trail the length of the Parkway and secondary trails to provide additional connectivity to Parkway facilities and amenities including but not limited to river access, hiking trails, and trail loops. (RDP7)

ACCESS.22 Construct the continuous multi-use trail with separate, parallel trails: one with a firm granular or paved 12-foot-wide surface for cyclists, disabled individuals and other users preferring a hard surface; and one with a soft granular (e.g., decomposed granite or crushed quarry fines) or native soil 8-foot-wide surface for equestrians and hikers. Where separate trails are not appropriate or feasible, provide an extra-wide single corridor trail constructed of a 12-foot-wide firm granular or asphalt section and an 8-foot-wide soft granular or native soil shoulder on one side. (RDP7)

a. In the event there is not sufficient width to construct a multi-use trail as described above, implement restrictions (such as signage and barriers) on horse, bicycle and foot traffic to reduce potential conflicts or effects from heavy use.

b. Consider paving the primary multipurpose trail system with asphalt, concrete, or other durable smooth surface materials. Consider such paving for other trails anticipated to receive heavy traffic, sections designed to provide ADA access, and other trails where long term durability is desired.

c. For internal trails that provide access to natural reserves, river access, hiking trails, and trail loops within the trail system, construct low-impact footpaths a minimum of 24 inches wide using soft granular material, such as decomposed granite or crushed quarry fines, or native soil.

ACCESS.23 To the extent feasible, locate and design any new Parkway public access features that may generate noise to reduce disturbance at the nearest noise-sensitive land uses. (RPS2)

ACCESS.24 Maintain Parkway areas, access, and facilities in good condition and repair. (ROP4/RDP13)

ACCESS.25 Rehabilitate and improve recreation areas and facilities that existed prior to establishing the Parkway, particularly Lost Lake Park, the San Joaquin Fish Hatchery, Sycamore Island, and Camp Pashayan, on a priority basis. (RP1)

ACCESS.26 Provide recreation facilities, programs, and visitor services compatible with the environment of the recreation area. The types of uses potentially accommodated on public Parkway lands shall be primarily: hiking, jogging, bicycling, wading/swimming, canoeing, picnicking, fishing, golfing, equestrian riding, nature observation, nature study and educational interpretive programs, camping (tent, trailer, and RV), turf areas for informal and educational play, a limited number of visitor centers, ancillary facilities, and supporting retail and services. Playgrounds, turf areas, and sports facilities should be retained, and provided in areas designated for more intensive uses if warranted by demand. Large-scale, high-intensity use facilities, such as waterslides, amusements zones, or any recreational pursuit involving motor vehicles or motorized watercraft, other than electric trolling motors on fishing boats generally are not compatible with the Parkway or other uses currently found in the riverbottom. Spectator events or other large assemblies should be limited to an occasional basis. (RP4)

ACCESS.27 Utilize the Design Guidelines for San Joaquin River Parkway Public Access and Recreation Improvements (as adopted and refined over time), California State Parks design guidelines and trail classification system, and the project operator's design guidelines, as applicable.

ACCESS.28 Develop, operate, and manage Conservancy projects and lands in conformance with statutory requirements (PRC §32511) and Resolution 93-4: The Conservancy shall close to the public any lands or facilities which it is unable to maintain in a clean and safe manner and to adequately protect the wildlife and rights of adjacent property owners. (RP15)

ACCESS.29 Construct recreational projects only when there are sufficient long-term resources to provide for operations maintenance and management of that project. (no #)

ACCESS.30 Develop and implement Parkway public education regarding appropriate behavior while on Parkway property. (ROP6)

ACCESS.31 Provide drinking water in Parkway recreation areas where a community water system connection is available. If feasible, new public drinking water systems may be built, operated and monitored in compliance with state and local laws and regulations. (PS3)

ACCESS.32 Permit commercial activities needed to serve Parkway visitors, such as sales of food and beverages, camper's grocery items, and books, guides, and educational materials, under special use permits or concession agreements and consistent with other Parkway goals, objectives and policies. (CP1)

ACCESS.33 Site, grade and construct equestrian facilities, equestrian trails, and other unpaved trails of suitable materials and with appropriate runoff best management practices to minimize the potential for sediments to be carried into adjacent waterways. (RDP11)

ACCESS.34 Develop equestrian staging areas with a drinking water source (if potable water is available) and no ground level obstructions such as curbs. (RDP11)

ACCESS.35 Facilitate public/private partnerships to provide equestrian facilities and services to improve equestrian trail use, such as one or more concessions, on public Parkway lands or nearby. (RDP11)

ACCESS.36 Maintain sufficient trash receptacles, including recycling bins, in numerous locations at Parkway sites and at times with heavy public use. (RDP13)

ACCESS.37 Implement a pack-it-in and pack-it-out policy for trash in lighter use and more remote Parkway areas.

ACCESS.38 Facilitate, promote, and organize community-based litter removal, stewardship, and habitat restoration programs for the Parkway. (ROP5)

ACCESS.39 Install and properly maintain restrooms, including vault toilet restrooms in areas where septic systems and community wastewater connections are infeasible, in easily accessible locations, such as parking areas, trailheads, and public use areas. (RDP15)

ACCESS.40 Limit access to or use of recreational areas within the Parkway, other than developed camping areas, to the hours between sunrise and sunset. (ROP7)

ACCESS.41 Limit vehicle access within the Parkway to designated roads and parking areas, implementing appropriate traffic control as needed, to minimize off-road use, environmental impacts, and policing problems.

ACCESS.42 Establish and implement a Parkway management program to monitor trail conditions, canoe put-ins, and bridge overcrossing approaches and footings and for regular maintenance and repair of such features. (ROP4)

ENVIRONMENTAL EDUCATION, INTERPRETATION AND OUTREACH

Goals:

- Provide within the Parkway a range of outdoor and environmental educational opportunities and programs to serve all members of the community.
- Develop support for the Parkway through outreach and engagement.
- Assure that educational opportunities highlight and incorporate the Parkway's natural resources, wildlife, and habitat.

Policies:

INTERP.1 Develop Parkway exhibits, interpretive walks and trails, programs, outdoor classrooms, and self-guided brochure tours. (NRPE1)

INTERP.2 Provide interpretive signs and display panels at recreation areas and other points of access to the Parkway. (NRPE1)

INTERP.3 Utilize a Parkway brand in all print media and signs in order to present a unified Parkway image. (RO4)

INTERP.4 Establish unified Parkway facility design elements for the purposes of branding the Parkway. (RP11)

INTERP.5 Provide education programs for people of all ages and abilities. (NRPE2)

INTERP.6 Develop public education elements in all Parkway projects, facilities and programs. (NRPE2)

INTERP.7 Utilize educational and recreational programs developed by volunteer, school, and nonprofit organizations in the area to provide public outreach. (RP13)

INTERP.8 Develop educational and interpretive programs to highlight the diversity of features and uses of the river. Create an interpretive theme for each area. (NRPE4)

INTERP.9 Engage in public outreach to a variety of groups and cultures; incorporate designs, text and graphics to communicate across multiple languages.

INTERP.10 Develop specific outreach messages and programs to reach a variety of audiences including, but not limited to, visitors, business and economic development interests, tourism, and others.

INTERP.11 Lead a process to secure community consensus in support of the Parkway.

INTERP.12 Conduct interpretive programs as close as feasible to the site where the physical evidence of the theme being interpreted is found. (RP12)

INTERP.13 Provide signage to discourage litter, illicit dumping, and other inappropriate behaviors. (ROP3/RDP14)

BUFFER ZONES AND ADJACENT LAND USES

Goals:

- Where possible and to the extent feasible (see BUFFER.2), implement buffer zones which protect, conserve, and enhance the Parkway's natural resources, wildlife, and habitat. (no #)
- Combine buffers, design, and management measures to adequately reduce and mitigate potential impacts from Parkway recreational uses on habitat, riparian corridors, and neighboring uses. Screen and separate recreational uses from adjacent private property, to the extent feasible. (no #)
- Encourage local land use agencies to protect habitat and natural resources of the river and floodplain through set-backs and buffers. (no #)

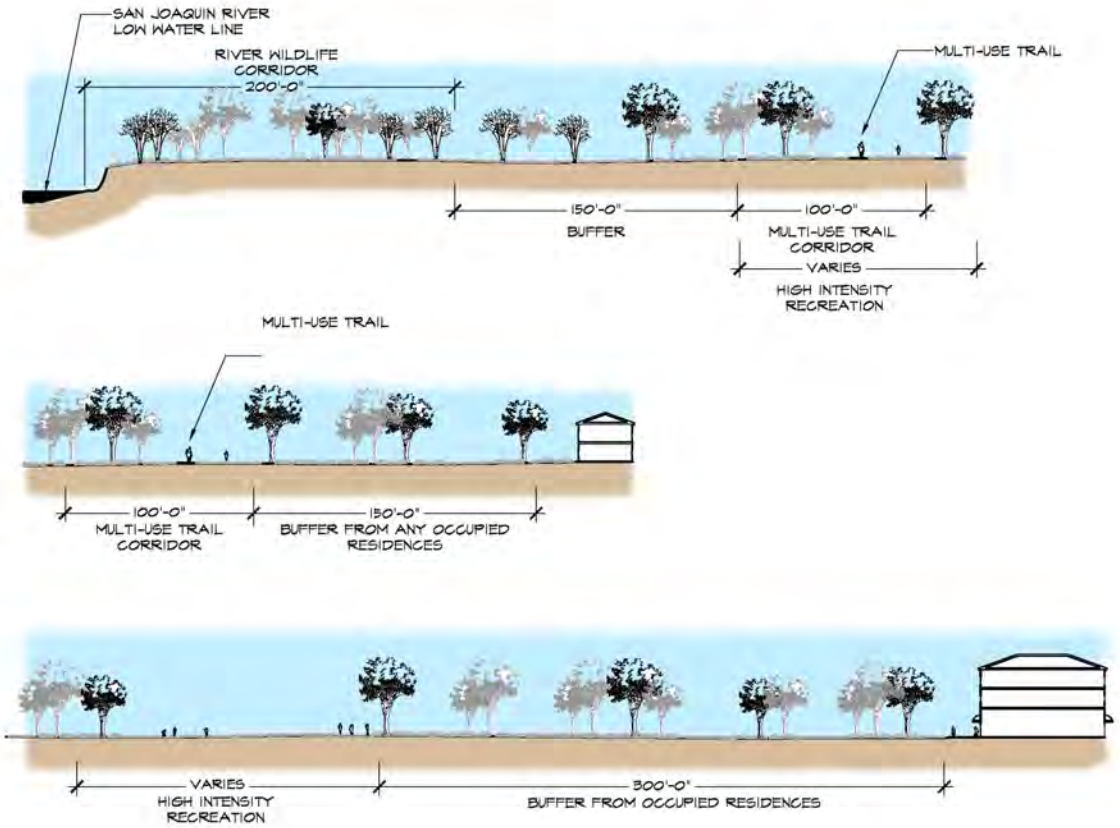
Policies:

BUFFER.1 Provide buffer zones appropriate to the intensity of the planned Parkway recreational uses or improvements as depicted in Figure 6-1, and further described in the policies below. (NP8.1/BZ4)

BUFFER.2 To the extent feasible, acquire, enhance, restore and maintain a continuous riparian/wildlife corridor throughout public Parkway lands with a minimum width of 200 feet upland from the ordinary low water mark and gaps of no greater than 200 feet or the minimum necessary to allow for infrastructure (e.g. roads, bridges, boat launches, etc.). Where it is not feasible to conserve the corridor on both sides of the river, provide an offsetting expansion of the corridor on one side. (NRD10/NP1)

BUFFER.3 Build trails, bikeways and other recreation areas at least 300 feet from the boundary of active mining operations and processing plants, separate them by physical barriers, and avoid trail/bikeway crossings of active haul routes. (MRP2)

BUFFER.4 Where feasible, provide a minimum width of 100 feet for the Parkway multi-use trail corridor. (no #)



NOTE:
CONSERVED RIPARIAN CORRIDOR AND BUFFERS MAY VARY FROM THESE POLICIES BASED ON SITE-SPECIFIC, PROJECT-SPECIFIC REVIEW AND DESIGN, AND IN CONSIDERATION OF ENVIRONMENTAL CONDITIONS AND PHYSICAL LIMITATIONS, NATURAL AND CULTURAL RESOURCES, REGULATORY COMPLIANCE, GOVERNMENT AGENCY GUIDANCE, COST, AND PUBLIC INVOLVEMENT.

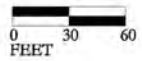


FIGURE 6-1

PARKWAY DEVELOPMENT BUFFERS

BUFFER.5 Provide native vegetation for screening wildlife from human activity as necessary to accommodate less width for a buffer zone. (BZ2)

BUFFER.6 Where use is more intensive on one side of the river, provide less intensive use on the other side of the river if feasible. (NP1)

BUFFER.7 Provide a 700-foot buffer between any Parkway improvement and sensitive habitat. (Sensitive habitat includes areas of special biological significance that provide habitat for locally unique biotic species/communities; that are adjacent to essential habitats of rare, endangered or threatened species; or any natural community vulnerable to environmental effects of projects). (BZ1)

BUFFER.8 Require observation points and trails be designed to pass no closer than 750 feet from rookeries with screening of rookeries provided along path, or close the features during the breeding season. (NP12)

BUFFER.9 Avoid more intensive recreational or other uses within 1500 feet of rookeries where feasible. (NP11)

BUFFER.10 Other than water-dependent and less intensive uses, such as fishing access, individual picnic sites and benches, wading areas, boat launches, observation points, boating rest stops, and trails other than the primary Parkway multi-use trail, avoid developing significant recreational facilities within the riparian corridor or within existing riparian woodlands. (RPS1)

BUFFER.11 Use existing vegetation or new plantings of native vegetation to buffer Parkway uses from adjacent land uses. (no #)

BUFFER.12 Provide a buffer of 150 feet between the riparian corridor or the edge of existing riparian habitat and the primary Parkway multi-use trail and more intensive Parkway recreational activities (facilities serving concentrations of people, such as campgrounds, large picnic areas, parking, visitor service facilities, and staging areas). Where the 150-foot buffer is not feasible, consider providing an offsetting expansion of the riparian corridor on the opposite bank. (BZ8)

BUFFER.13 Provide a minimum buffer of 150 feet between any occupied residence and the primary Parkway multi-use trail, and if possible provide screening vegetation as well. (RP7)

BUFFER.14 Provide a minimum buffer of 300 feet between any occupied residence and any more intensive Parkway recreational use, and if possible provide screening vegetation as well. (ROP8)

BUFFER.15 Encourage local land use agencies to require where feasible buffer zones for the protection of wildlife habitat in natural reserves and wildlife/riparian corridors. From the river wildlife

corridor encourage 100-foot buffers from agriculture/pasture; 150-foot buffers from rural residences (less than .05 unit per acre); 300-foot buffers from medium density rural residences (.05 units per acre to less than 1 unit per acre); 600-foot buffers from business/industry or urban density development (more than 1 unit per acre); and 700-foot buffers for any development from sensitive habitat. (Sensitive habitat includes areas of special biological significance that provide habitat for locally unique biotic species/communities; that are adjacent to essential habitats of rare, endangered or threatened species; most wetland and riparian areas; or any natural community vulnerable to environmental effects of projects. See Figure 6-2. (BZ3)

BUFFER.16 Lighting: Minimize lighting associated with Parkway development and encourage land use policies that minimize light impacts in the floodplain. With the exception of public safety, preclude lighting in the vicinity of the wildlife corridor or a natural reserve, to the extent possible. (BZ9)

BUFFER.17 Lighting: Require all Conservancy-funded projects to reduce light pollution and intrusion; exterior luminaries should emit no light above horizontal or be Dark Sky certified. (BZ9)

OPERATIONS, MANAGEMENT, AND IMPLEMENTATION

Goals:

- Acquire lands to implement the Parkway Master Plan Update, including establishing natural reserves, recreation areas, a continuous wildlife movement corridor, and trail system. (LA1) Acquire lands on a willing buyer/willing seller basis. (LA2)
- Acquire lands according to established prioritization policies and criteria to ensure effective use of limited funds.
- Secure financial resources over the long-term to establish and continue the safe and efficient operation and maintenance of Parkway facilities and visitor services.
- Pursue a strategic yet flexible approach to a phased implementation of Parkway development that is responsive to funding and partnership opportunities, operations and maintenance resources, and public recreation/education needs.
- Ensure efficient and effective implementation of Parkway operations, programs, and facilities.
- Develop measureable objectives for projects, programs, and services provided on public Parkway lands.

Policies:

OPER.1 Place a higher priority on acquiring relatively undisturbed or fragile land with higher habitat values suitable for the wildlife corridor or a natural reserve, than on acquiring previously disturbed land for restoration or for recreation. (LO1)

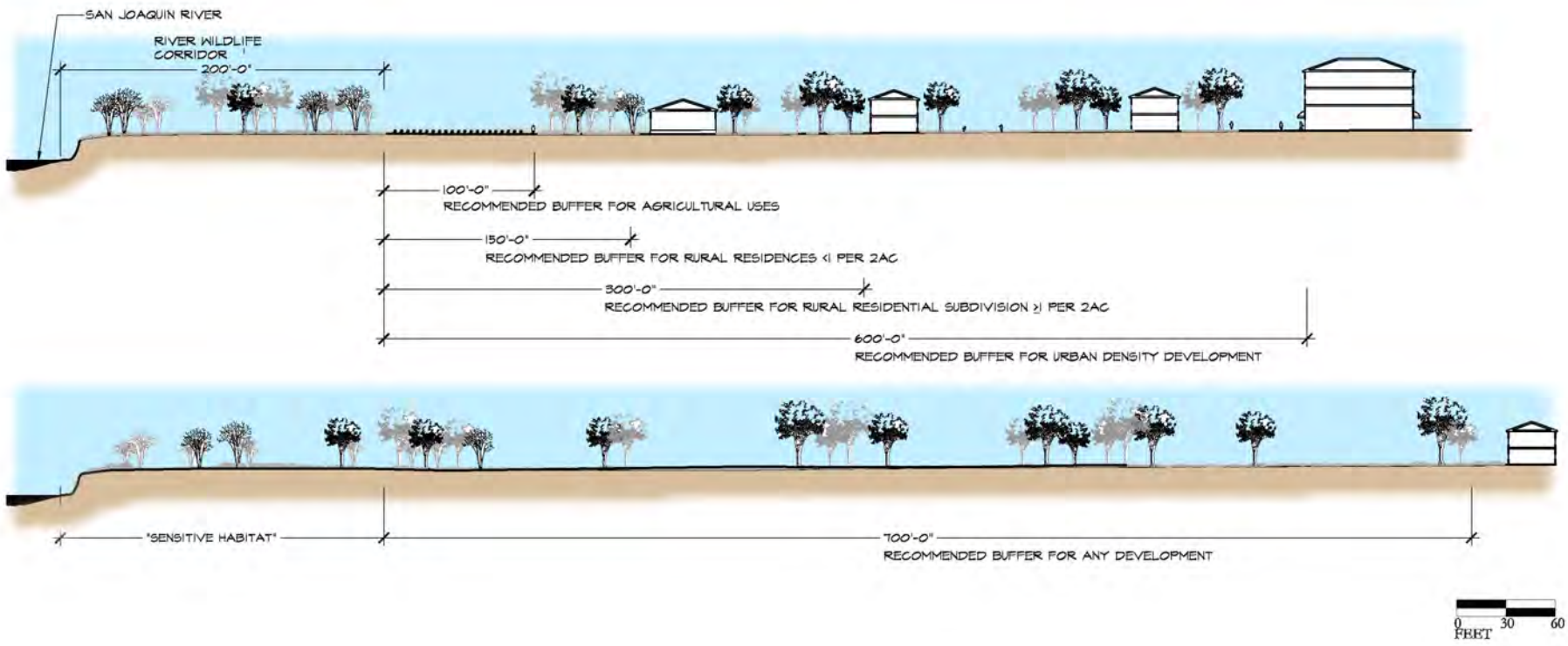


FIGURE 6-2

RECOMMENDED LAND USE BUFFERS FROM WILDLIFE HABITAT

OPER.2 In choosing among lands from willing sellers and for which acquisition funding is available, acquire land and water areas for habitat protection before acquisitions for recreational uses. (LP3)

OPER.3 Prioritize bond funds first to land acquisitions and second to capital improvements including but not limited to habitat enhancement, public access and recreation, resources protection and education. Land and improvements shall be consistent with the Parkway Master Plan.

a. Candidate land acquisitions offered by willing sellers shall be reviewed by staff and the Interagency Project Development Committee to make recommendations to the Conservancy Board based on the following criteria: habitat values, potential for restoration or enhancement of natural resources or habitat, connectivity for a wildlife movement corridor, cultural and historical values, public access and recreation potential, connectivity for trails, contiguous public lands and uses, operations and management issues, potential lease and concession revenue, need for conservation, development threats, and other relevant criteria.

b. Candidate capital improvement projects shall be reviewed by staff and the Interagency Project Development Committee to make recommendations to the Conservancy Board based on the following criteria: identification of a potential or committed operator; public demand/acceptance; environmental impacts and benefits; connectivity for trails, other public uses, habitat and wildlife movement; project readiness; independent function of improvements; underserved population served by the project; long term benefits; demonstration of Parkway success; meets partner agency needs; potential funding/in-kind support; potential lease/concession revenue; interagency complexity; capital cost; and other relevant criteria.

OPER.4 Ensure that Parkway plans do not interfere with others' existing development entitlements. (LO3)

OPER.5 Develop operating plans for each Parkway segment, including access control locations, park hours, fees, and enforcement provisions, and adopt rules and regulations to minimize undesirable activities in conjunction with affected local jurisdictions. (RTP4/RO2)

OPER.6 Design off-site improvements needed for access to and from Parkway facilities in accordance with standards of the applicable local jurisdictions. (RTP5)

OPER.7 Collect day use, user, and other fees to support Parkway operations and deter indiscriminate activities. Manage high-demand Parkway uses through permits or additional fees as needed. (no #)

OPER.8 As appropriate, seek donations, facilitate land exchanges, acquire easements, and create mitigation partnerships whenever possible to minimize expenditures of public funds for land acquisitions. (LP4)

OPER.9 Acquire lands from willing sellers for no more than fair market value and mutually satisfactory terms. (LP1)

OPER.10 Encourage public-public and public-private partnerships with other agencies and organizations that can assist in funding, implementing, managing, and maintaining Parkway facilities and programs.

OPER.11 Consider establishing a Friends of the Parkway group to provide opportunities for community involvement.

OPER.12 To the extent possible meet multiple-purposes in developing and funding Parkway facilities and programs.

OPER.13 Coordinate with game wardens and enforcement authorities to prevent and control undesirable activities and unlawful conduct in the Parkway. (NP9)

OPER.14 Develop appropriate authorities, rules, regulations, and resources to supplement enforcement capacity. (NP9)

OPER.15 Coordinate in the development and implementation of a public safety operational plan for the Parkway with all affected state and local law enforcement agencies that addresses, but is not limited to, emergency response planning, coordination with public safety and response agencies, park closures due to high flows, and other hazards. (RFMP3)

OPER.16 Develop and implement best management practices to encourage water safety.

7 DESIGN GUIDELINES AND BEST MANAGEMENT PRACTICES

7. DESIGN GUIDELINES AND BEST MANAGEMENT PRACTICES

7.1 DESIGN GUIDELINES

This section provides guidance for the design and construction of specific Parkway components, while allowing for flexibility and innovative design solutions.

The Parkway Master Plan Update presents conceptual locations for habitat enhancements, low-impact recreation and environmental education facilities and features on existing and potential public lands. These facilities would generally include vehicular access, parking and staging areas, kiosks, restrooms, a variety of trails, river access facilities for non-motorized boating, interpretive features including outdoor classrooms, and operations and management facilities. Parkway features may also include visitor and nature centers, on-site stewardship housing, and other improvements.

7.1.1 AMERICANS WITH DISABILITIES ACT

Parkway facilities shall meet the requirements of the American with Disabilities Act. The following standards apply to all Parkway features:

- United States Architectural and Transportation Barriers Compliance Board. *Architectural Barriers Act Accessibility Guidelines; Outdoor Developed Areas.* September 26, 2013 (effective November 25, 2013)
- California Department of Parks and Recreation. California State Parks Accessibility Guidelines, 2009 Edition.

Federal standards require newly designed or newly constructed and altered portions of existing trails connecting to designated staging areas or accessible trails to comply with the guidelines. The ADA guidelines recognize that the natural environment often prevents full implementation of certain technical provisions. Departures are permitted from certain technical provisions where at least one of four conditions is present:

- Where compliance would cause substantial harm to cultural, historic, religious, or significant natural features or characteristics;
- Where compliance would substantially alter the nature of the setting or the purpose of the facility, or portion of the facility;

- Where compliance would require construction methods or materials that are prohibited by federal, state, or local regulations or statutes; or
- Where compliance would not be feasible due to terrain or the prevailing construction practices.

Table 7-1 below lists the types of trail treads that could be used in the Parkway and their applicability to accessibility guidelines.

TABLE 7 1 TRAIL SURFACING

Surface Material	Firmness	Stability	Slip Resistance (Dry Conditions)
Asphalt	firm	stable	slip resistant
Concrete	firm	stable	slip resistant*
Soil with Stabilizer	firm	stable	slip resistant
Packed Soil without Stabilizer	firm	stable	not slip resistant
Packed Soil without Stabilizer	firm	stable	not slip resistant
Soil with High Organic Content	soft	unstable	not slip resistant
Crushed rock (19 mm (¾") minus) with Stabilizer	firm	stable	slip resistant
Crushed rock without Stabilizer	firm	stable	not slip resistant
Wood Planks	firm	stable	slip resistant
Engineered Wood Fibers that comply with ASTM F1951	moderately firm	moderately stable	not slip resistant
Grass or Vegetative Ground Cover	moderately firm	moderately stable	not slip resistant
Wood Chips (bark, cedar, generic)	moderately firm to soft	moderately stable to unstable	not slip resistant
Pea Gravel or 38 mm (1½") Minus Aggregate	soft	unstable	not slip resistant
Sand	soft	unstable	not slip resistant

7.1.2 UTILITIES AND INFRASTRUCTURE

The utilities and infrastructure necessary to support the Parkway's operations and recreational uses will be as low-impact as possible, allowing for efficient water and energy use and minimizing impacts to natural resources. All new utilities and infrastructure will be limited to that which is essential for providing high-quality visitor experiences.

LIGHTING

Parkway outdoor lighting will be limited to individual entrances of individual Parkway facilities, security lighting associated with structures, and for safety within any overnight campground areas. All lighting will be dark sky compliant, may be motion detection activated, and will not be directed into sensitive habitats to limit effects.

WATER STORAGE

Water storage will be in accordance with State regulations and will be evaluated based on the number of proposed service connections, the number of guests expected to be served and the production capacities of wells within any particular unit of the Parkway, and the need for fire suppression.

POTABLE WATER

Provided access to a community water main is feasible, drinking fountains will be located at Parkway staging areas, picnic grounds, features designed for school or student use, Parkway hubs, and along the Parkway multi-use trail at least every mile. All drinking fountains shall provide for wheelchair access. In areas allowing leashed dogs, shallow basins may be provided to provide the dogs with water. Watering facilities (potable or non-potable water) for horses shall be provided if feasible at specific equestrian resting and staging area locations.

SANITARY SEWER

Where feasible, new restroom facilities should be connected to municipal sanitary service collection systems. Where such connections cannot be made, new restroom facilities, whether a vault toilet or serviced by a septic tank and leach field system, should be located above the 100-year base flood elevation. In some circumstances this may involve facility construction on raised topography. In situations where site topography is not conducive to gravity flow, a wastewater lift station may be utilized. If a lift station is used, the lift stations within the 100-year floodplain will be equipped with mechanisms to terminate operation in the event of a flood.

7.1.3 STAGING AREAS

New staging areas would be located for access from existing public roads or easements and would typically include the following features:

- Identity, regulatory, and wayfinding signs
- Universal access information
- Parking areas with designated ADA-accessible parking spaces and bicycle parking
- Restrooms if not located within the 100-year floodplain
- Drinking water (if available)
- Water trough and hitching posts when developed for equestrians

Bicycle parking should be provided at all major facilities within the Parkway, at key entrance points, and in all parking areas. Bicycle racks should be galvanized steel U-racks, looped-racks, or racks with similar design, with metal or painted finish. If paint is necessary, racks should be painted with neutral tones.

All parking areas should be designed for efficient circulation and to maximize permeable surfaces. The surface for parking areas should be compatible with anticipated use. Parking areas that receive heavy and regular use should be paved with asphalt or porous paving systems such as open grid paving systems and permeable asphalt. For parking areas that experience lighter use, unpaved surfaces with road base material may be appropriate. Overflow parking areas for special event parking should be unpaved or planted with low growing grasses that can meet guidelines for non-point source pollution control.

Parking areas should all be designed to comply with the appropriate California Regional Water Quality Control Stormwater NPDES Permit post-construction requirements. These requirements promote on-site stormwater treatment and detention and emphasize infiltration, water harvesting and re-use. In addition to utilizing permeable surfaces that allow for infiltration, the use of swales and other stormwater best management practices should be used. Swales should have flat bottoms at least 18-inches wide, utilize rock cobble at points of concentrated flow, and be vegetated with native plants.

7.1.4 TRAILS

PARKWAY MULTI-PURPOSE TRAIL

The San Joaquin Parkway Master Plan Update envisions a Parkway multi-use trail for pedestrian, bicycle, and equestrian uses extending the entire 22-mile length of the Parkway. For continuity, the Parkway multi-use trail will cross the river in various locations. Figures 7-1 and 7-2 illustrate the portions of the Parkway multi-use trail that have been constructed in the City of Fresno and Fresno County, and other segments that have been planned within the Parkway. The Parkway multi-use trail is to be paved to support relatively intensive levels of use providing recreation, transportation, and health benefits. It is intended to connect with other Parkway trail systems within individual facilities of the Parkway.

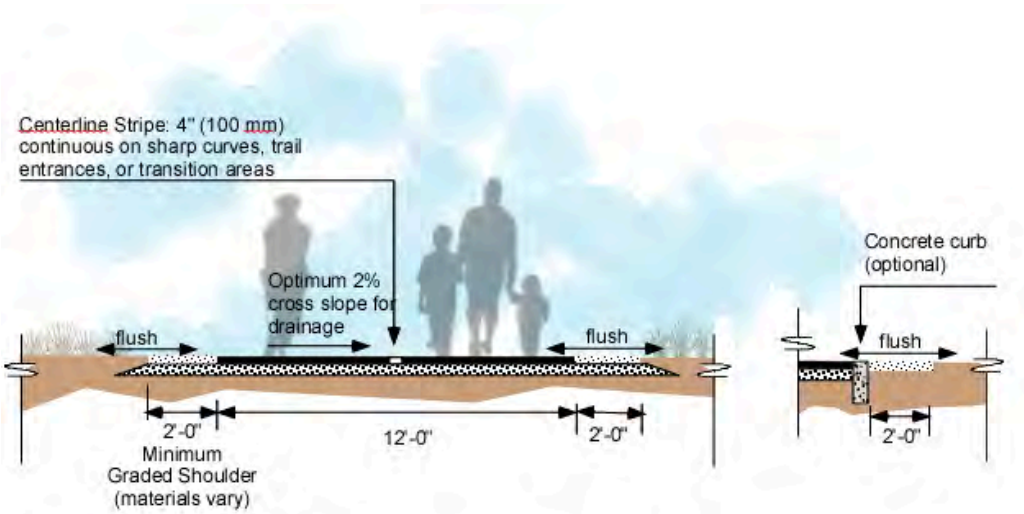
Equestrian use can be accommodated with an 8-foot-wide graded shoulder or as a separate 10-foot wide trail composed of natural surfaces. A natural-surface equestrian trail should be disked once each year.

Design recommendations for the Parkway multi-use trail and its signage are contained in:

- State of California, Department of Transportation (Caltrans): California Highway Design Manual Chapter 1000 — Bikeways (latest edition)
- State of California, Department of Transportation (Caltrans): California Manual on Uniform Traffic Control Devices (latest edition)
- American Association of State Highway Transportation Officials (AASHTO): Guide for the Development of Bicycle Facilities (latest edition)

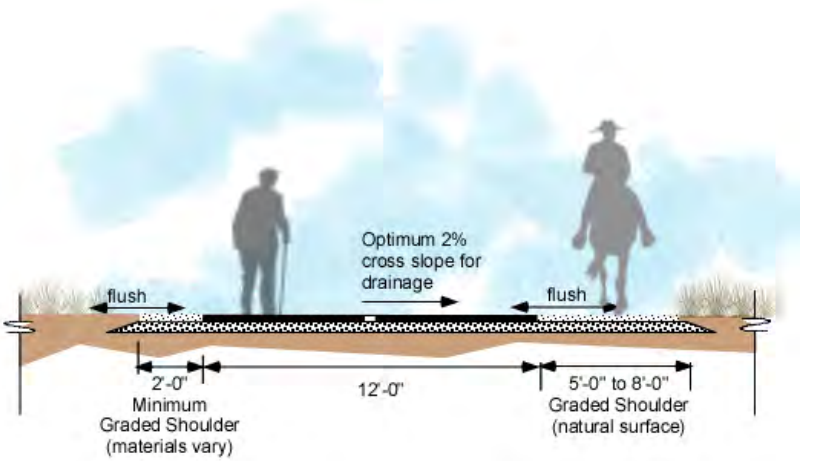
- Julie Bondurant, Laura Thompson, et al: Trail Planning for California Communities (Solano Press Books)

Figure 7-1 Parkway Multi-use Trail



Notes:
- Section shown illustrates optimum trail widths.
- Trail pavement surface and shoulder widths may vary based on specific site/use conditions and consistent with CalTrans design standards.
- Trail designed to accommodate use by maintenance and emergency access vehicles.

Figure 7-2 Parkway Multi-use Trail with Shoulder for Equestrian Use



Notes:
- Section shown illustrates optimum trail widths.
- Trail pavement surface and shoulder widths may vary based on specific site/use conditions and consistent with CalTrans design standards.
- Trail designed to accommodate use by maintenance and emergency access vehicles.

SECONDARY TRAILS

The State Department of Parks and Recreation's Trails Handbook (undated), is the primary document referenced for detailed design criteria for secondary trails. Secondary trails include interpretive trails and fishing access trails, and may be used by bicycles or equestrians; they may be paved or natural surfaced. In most cases secondary trails or segments of secondary trails would be ADA accessible. DPR's minimum trail characteristics of secondary trails that can serve as a guideline for similar trails in similar settings within the Parkway are outlined in Table 7-2.

TABLE 7 2 SECONDARY TRAILS

	8.33%	5'-0"	5'-0"
	10%	4'-0"	5'-0"
Bluffs	12%	4'-0"	4'-0" – 6'-0"

TRAIL ACCESS

It is recognized that the Parkway multi-use trail and most secondary trails within the Parkway are intended to provide access to Parkway facilities. In the situations where it is not possible to provide ADA accessible trails, trails should strive to provide as much access as feasible and should follow the recommendations for universal access to the greatest extent possible. For example:

- The trail should be free of constructed barriers, and natural barriers should be removed if feasible.
- If the steepest grade on a trail cannot be less than 20 percent, the segment should be as short as possible and the remainder of the trail should comply with the recommendations.
- If there is a segment of trail that has a 10 percent grade for more than 30 feet a level rest interval should be provided as soon as possible, and the remainder of the trail should be designed according to the recommendations.
- If there is a segment of trail that has a cross slope of more than 5 percent, the segment should be as short as possible and the remainder of the trail should follow the recommended specifications; or
- If a trail travels along a bluff or bank, and a drop-off creates a tread width less than 36 inches wide, the narrow section should be made as wide as possible and the trail on either side of the narrow section should be designed according to the recommendations.

7.1.5 STRUCTURES

All new structures within the Parkway will incorporate sustainable design principles to reduce energy consumption. Structures include but are not limited to entrance stations, restrooms, picnic shelters, concession buildings, and the interpretive/nature/visitor centers. Energy saving measures include consideration of the following:

- LEED building certification based on the current U.S. Green Building Council certification criteria at the time of design.
- Compliance with the latest California Energy Commission building standards.
- Solar orientation, use of solar panels, employment of passive solar designs with a surrounding vegetation design not blocking solar access.
- Use of Energy Star roofs to exceed Title 24 requirements where possible.
- For non-roof surfaces, provide shade, light-colored/high-albedo materials, and open grid pervious pavement where possible.
- Use of recycled building and facility materials where possible.

All structures built within the Parkway should utilize an architectural style that is consistent with other structures in the Parkway or that are historically appropriate.

Structures that will be used by the public should be designed to highlight the Parkway's historical landscape. Structures may be designed to maximize views to the San Joaquin River, its riverine setting, and the Sierra Nevada to the east. Structures that will be used for Parkway operations, such as storage buildings, should be designed to complement the character of the riverbottom lands and use materials that blend with the landscape backdrop to minimize visual impacts.

7.1.6 ACCESS CONTROL: BOLLARDS, GATES AND FENCES

GATES

Parkway entrance and service roads gates should use pipe or other sturdy vehicular entrance gates. In some locations gates may be necessary to limit access to maintenance vehicles and personnel.

BOLLARDS

Access control bollards shall be used as necessary to control inappropriate vehicular access. Bollards should be removable and striped as per guidelines indicated for the Parkway multi-use trail.

FENCES

The main categories of fences that will be required for the Parkway are security fences, boundary fences, grazing fences, and low barriers. Low barriers may also include hedgerows or boulders as a substitute to constructed fences. Fences may be coupled with vegetative buffers of native plants that create aesthetically pleasing and high-functioning barriers. Fencing may be associated with the development of new staging areas, around use areas, or in selected locations to mark property boundaries and discourage trespass.

For staging areas, trails, and use areas that are highly visible to the general public, wood split-rail or composite fencing should be used.


Split Rail Vehicle Barrier


Split Rail Fencing

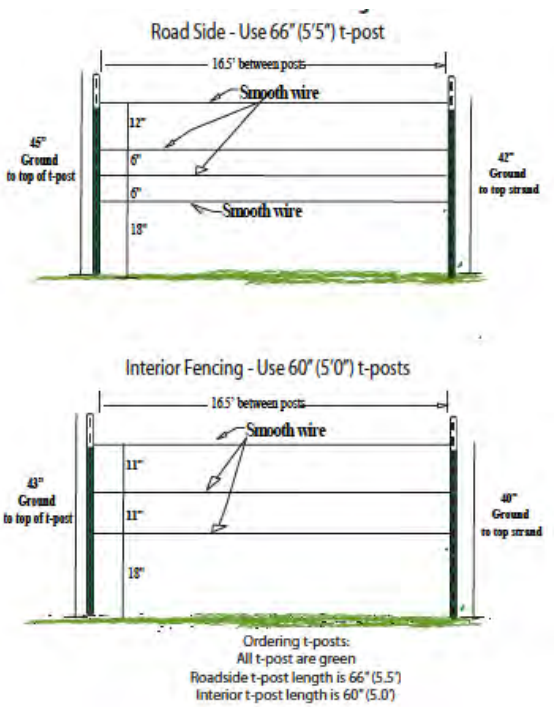

Split Rail Fencing with Wire Mesh

Chain link fencing may be used in areas where access control from adjacent land uses is important to the safety and security of the Parkway visitor or neighbors. Such conditions include, but are not limited to, active railroad facilities, mining operations, residential areas, or near the top edges of steep bluffs.

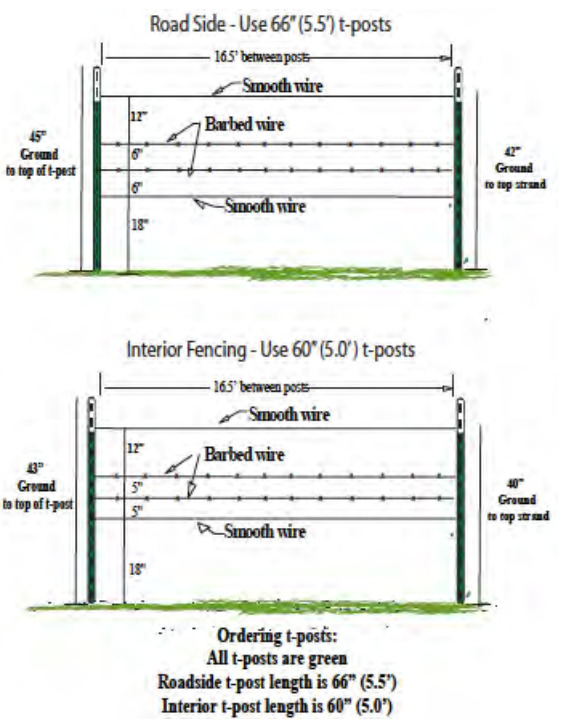
In other Parkway areas, fencing should be wildlife-friendly consisting of t-stakes with barbed or barbless wire depending on the circumstances. Examples of fences are illustrated in Figure 7-3.

Figure 7-3 Parkway Cattle Fencing

Limited use, limited grazing



Heavy use, standard cattle grazing



7.1.7 BENCHES

Benches will be placed to take advantage of views or shade. Along the Parkway multi-use trail benches should be placed at least at every one-half-mile interval.

7.1.8 PICNIC TABLES

Picnic tables will be pre-cast concrete or other sturdy construction, individually or clustered in groups to be used for family or group use. Based on the scale of the picnic area, appropriate numbers of tables should accommodate ADA requirements.

7.1.9 SIGNS

PARKWAY IDENTITY AND BRANDING

The Parkway consists of lands and facilities owned and managed by numerous agencies and organizations. A brand has been adopted by the Conservancy for use by the partner organizations. The San Joaquin River Parkway identity logo consists of an egret silhouette and the text "San Joaquin River Parkway, Explore. Experience. Enjoy!" The identity logo is intended to be incorporated into signs and collateral public outreach materials of many entities. Parkway facilities and activities are inherently cooperative, involving multiple partners in funding, development, promotions, operations, and programs. All efforts should be made to create the common Parkway-wide visual identity by prominently displaying the brand, and designing layouts that minimize clutters of confusing logos while appropriately recognizing the entities' contributions.

Ideally all Parkway units, regardless of ownership, will include the common logo and will be displayed at:

- Entrances.
- Staging area kiosks.
- Wayfinding and trail directional signs along the Parkway.

STANDARDS

All Parkway facility and trail signage should conform to the sign standards of California State Parks.

Selected segments of the Parkway multi-use trail and connecting trails leading to surrounding communities will cross or parallel the local road network. In those circumstances the following sign standards should be referenced:

- California Department of Transportation Sign Guidelines: State of California, Business, Transportation and Housing Agency Department of Transportation. *California Manual on Uniform Traffic Control Devices*, 2012 Edition.

SIGN TYPES

The following types of signs should be used within the Parkway.

- Entrance Signs: To be used at the entrances to each Parkway facility or staging areas naming the specific facility.
- Information Signs: To be used to provide a wide-range of information including fees, hours of operation, wayfinding, education and interpretation, rules and courtesies, sponsors/operators, and other pieces of information.
- Site Control and Safety: To be used to provide speed limits, property boundaries, prohibitions and other safety related information.
- Staging Area Kiosks: To be sited at each staging area in a prominent location so that may learn about the general use regulations and trail-related information.

The following are suggested points to include in kiosk signage and in printed material for public distribution. These may be condensed for use as text on signs. This information will not apply to all trails or all uses and should only be posted as necessary in appropriate locations.

- Be friendly and courteous.
- Take only pictures. Leave what you find.
- If you carry it in, carry it out.
- Stay on designated trails. Shortcutting and bypassing the trail destroys vegetation, leads to erosion, reduces habitat quality, and causes unsightly damage to the landscape.
- Respect wildlife. Keep your distance. Never feed wild animals.
- Respect private property.
- Respect other visitors and their experience. Avoid excessive noise.
- Use extra caution when using headphones. You may not be able to hear warnings.
- Keep your dog on leash at all times or noting if dogs are prohibited.
- Follow “Leave No Trace” principles.
- Keep yourself and your bike or horse under control and proceed at a safe speed and within your ability at all times. Anticipate other trail users around blind curves.
- Share trails. Keep to the right except to pass. When in doubt, give the other user the right of way. Warn people when you are planning to pass.
- Bicyclists yield to pedestrians and equestrians. Runners and hikers yield to equestrians.

Information-Bulletin Board: To be used at kiosks to provide specific information, for example, information about the trail and its universal access characteristics.

Objective information about the trail conditions (e.g., grade, cross slope, surface, width, obstacles, length) should be provided at trail staging area kiosks. This information is needed regardless of whether or not the trail is accessible. Objective information is preferable to subjective trail difficulty ratings (e.g., easier, most difficult) because subjective ratings of difficulty typically represent the perceptions of the person making the assessment and cannot be accurate or appropriate for the range of trail users. The following information should be objectively measured and conveyed to the trail user through appropriate information formats:

- Trail name
- Permitted users
- Trail length
- Change in elevation over the total trail length and maximum elevation obtained
- Average running grade and maximum grades that will be encountered
- Average and maximum cross slopes
- Average tread width and minimum clear width
- Type of surface
- Location and length of any soft or unstable surfaces
- Size, location, and frequency of obstacles

Trail Markers: To be used at all trail entry points and intersections with other trails. Permissible uses will be identified. Non-permissible uses should be identified where they present management challenges.

Street Signs:

- Road Crossings: Where the Parkway multi-use trail crosses a local road, stop signs would be directed to trail users and trail crossing signs directed to the motorists along with pavement markings.
- Roadways: If bicyclists or pedestrians are directed to use the local street system or Parkway access roads, “share the road signs” should be posted along the roads.

- Interpretive Signs: Selected segments of the parkway trail system should be developed as “interpretive trails.” Criteria for selecting these segments would include representation of the

various natural and cultural resources of the Parkway and anticipated level of use. Both traditional static and interactive interpretive panels should be used. Selected trail segments should be identified as “Quick Response (QR) Code” interpretive trails developed only with posts and web-based QR codes for smart phone users.

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TABLE 7 3 RECOMMENDED PLANT SPECIES

Plant		Location in Parkway									
Botanic Name	Common Name	Woodland	Riparian	Forest		Forest		Canopy		Grassland	
Acer negundo ssp. californica	California box elder										
Aesculus californica	buckeye	X						X	X		
Alnus rhombifolia	white alder		X	X			X				
Amsinckia menziesii var. intermedia	ranchers fireweed				X					X	
Arctostaphylos uva-ursi	bearberry								X		
Aristolochia californica	Dutchman's pipe		X	X							
Artemisia douglasiana	California mugwort		X	X							
Avena fatua	wild oat		X	X						X	
Azolla filiculoides	mosquito fern				X						X
Baccharis pilularis	coyote brush					X			X		
Baccharis viminea	mulefat				X	X			X		
Bromus spp.	brome										X
Bromus diandrus	ripgut brome		X	X						X	
Ceanothus cuneatus var. cuneatus	buck brush	X									
Cephalanthus occidentalis	California buttonbush		X	X							
Cercis occidentalis	western redbud		X			X	X	X	X		

TABLE 7 3 RECOMMENDED PLANT SPECIES

Plant		Location in Parkway									
Botanic Name	Common Name	Woodland		Forest		Forest		Mixed Forest Canopy	Buffer Areas	Native Grassland	Disturbed/ Developed Areas
Clarkia purpurea	farewell-to-spring										X
Clematis lasiantha	chaparral clematis								X		
Clematis ligusticifolia	clematis		X								
Conyza canadensis	horseweed				X						
Danthonia californica	California wild oat grass										X
Distichlis spicata	saltgrass				X						
Elymus glaucus	blue wild rye										X
Epilobium spp.	willow herb				X						
Erodium cicutarium	redstem storksbill				X					X	X
Eschscholzia californica	California poppy										X
Euthamia occidentalis	western goldenrod				X						
Festuca californica	California fescue										X
Festuca idahoensis	blue bunch grass										X
Festuca rubra	creeping red fescue										X
Fraxinus latifolia	Oregon ash		X	X		X	X		X		
Grindelia camporum	gumplant				X						
Heleocharis acicularis	spike rush				X						

TABLE 7 3 RECOMMENDED PLANT SPECIES

Plant		Location in Parkway									
Botanic Name	Common Name	Gray Pine/ Blue Oak Woodland	Mixed Riparian	Willow/ Cottonwood Riparian Forest	Seasonal Wetland/ Ponds	Valley Oak Riparian Forest	Riparian Forest Canopy	Mixed Forest Canopy	Buffer Areas	Native Grassland	Disturbed/ Developed Areas
Helianthus sp.	sunflower				X						
Hordeum marinum ssp. gussoneanum	Mediterranean barley		X	X						X	
Juncus mexicanus	Mexican rush				X						
Lactuca serriola	wild lettuce				X					X	
Lasthemia californica	goldfields										X
Layia platyglossa	tidy tips										X
Leymus triticoides	creeping wildrye		X	X		X					
Lupinus ssp.	lupine										X
Lupinus bicolor	miniature lupine				X					X	
Muhlenbergia rigens	deer grass		X	X	X	X			X	X	
Nassella pulchra	purple needle grass										X
Otospermophilus beecheyi	California ground squirrel				X					X	
Picris echioides	bristly ox-tongue				X					X	
Pinus sabiniana	gray pine	X									
Plagiobothrys nothofulvus	popcorn flower				X					X	
Platanus racemosa	western sycamore		X	X		X	X	X	X		

TABLE 7 3 RECOMMENDED PLANT SPECIES

Plant		Location in Parkway									
	Common Name	Woodland	Riparian	Forest	Ponds	Forest	Canopy	Canopy	Areas	Grassland	Areas
Rhamnus californica	coffeeberry			X		X	X	X	X		
Ribes speciosum	fuchsia-flowering gooseberry		X			X	X	X	X		
Rosa californica	California wild rose		X	X		X					
Rosa gymnocarpa	wild rose		X	X			X	X	X		
Rubus ursinus	California blackberry		X	X		X			X		
Rumex crispus	curly dock				X						X
Salix spp.	willow			X							
Salix exigua.	sandbar willow		X	X	X						

TABLE 7 3 RECOMMENDED PLANT SPECIES

Plant		Location in Parkway									
Botanic Name	Common Name	Woodland	Riparian	Forest		Forest	Canopy	Canopy	Areas	Grassland	
	Goodding's black willow										
Salix laevigata.	red willow		X	X	X						
Salix lasilepis.	arroyo willow		X	X	X						
Sambucus mexicana	blue elderberry	X									
Schoenoplectus acutus var. occidentalis	common tule				X						
Scripus spp.	tule				X						
Silybum marianum	milk thistle		X	X							
Sisymbrium irio	ripgut brome										X
Typha spp.	cattails				X						
Urtica dioica	stinging nettle		X	X							
Vitis californica	California wild grape		X	X		X					
Vulpia myuros	foxtail fescue									X	

7.2 PLANTING GUIDELINES

7.2.1 NEW VEGETATION

Revegetation, habitat enhancement, and amenity plantings within use areas, such as for shade and access control, should recognize the overall goals of the Parkway to enhance the habitats along the river corridor. All new vegetation in the Parkway should consist of plants native within the region. Goals of the vegetation program are to:

- Enhance the Parkway visitors experience and the overall image as a riverside setting.
- Provide shade for recreation use areas and for river- and water-dependent biotics.
- Screen views between selected use areas and surrounding land uses.
- Enhance habitat diversity.
- Reflect the river's dynamic hydrology over time.
- Replace existing non-native plants with native plants.

New vegetation shall include the species identified on Table 7-3, Master Plan Plant List. Plants are identified for each of eight general vegetation zones within the Parkway. Plants listed may be complemented with additional native species as appropriate for an individual area and site-specific design goals.

Normally temporary irrigation must be provided for native shrubs and trees for at least three years, and then the plants are weaned from irrigation for two to three more years, prior to discontinuing irrigation. Trees planted for shade or to screen use areas that do not survive within the first three years should be evaluated, and replaced as determined appropriate.

7.2.2 INVASIVE SPECIES

Invasive plants are those species that, once established, spread quickly from their introduced location and cuase harm by forcing out native species. The invasive plant species that were mapped in the study area during summer and fall 2012 are listed in Table 7-4. No planting in the Parkway shall include invasive species listed either in Table 7-4 or in the California Invasive Plant Council’s (Cal-IPC) list of invasive species in the Parkway region.

Cal-IPC’s mission is to protect California's lands and waters from ecologically-damaging invasive plants. They work with other agencies and non-profits to monitor the spread of invasive plant species in California. They publish a “Don’t Plant a Pest” list and keep lists of invasive species by region.

Removal of invasive plant species shall be included in all Parkway projects to the extent feasible and based on the scale of the project.

TABLE 7-4 **INVASIVE PLANT SPECIES IN THE STUDY AREA**

Scientific Name	Common Name
Ailanthus altissima	tree-of-heaven
Arundo donax	giant reed
Catalpa bignonioides	catalpa
Centaurea spp.	star thistles
Cirsium vulgare	bull thistle
Cynodon dactylon	Bermuda grass
Eichornia crassipes	water hyacinth
Elaeagnus angustifolia	Russian olive
Eucalyptus globulus	blue gum
Ficus carica	edible fig
Lepidium latifolium	perennial pepperweed
Limnobium spongia	sponge plant
Ludwigia hexapetala	water primrose
Melia azedarach	Chinaberry
Myriophyllum aquaticum	parrot feather
Myriophyllum spicatum	water milfoil
Nicotiana glauca	tree tobacco
Potamogeton crispus	curly leaf pond weed
Rubus discolor	Himalayan blackberry
Sapium sebiferum	Chinese tallow
Sesbania punicea	red sesbania
Tamarix ramosissima	salt cedar

Source: Existing Conditions, HT Harvey, October 18, 2012.

7.3 BEST MANAGEMENT PRACTICES (BMPS)

As individual facilities of the Parkway are implemented there are a number of best management practices that should be employed to minimize environmental impacts either during construction, operation, or maintenance. These are listed below.

7.3.1 AIR QUALITY

BMP AIR-1 Rule 9510 Compliance

Construction plans and specifications shall include measures to ensure compliance with San Joaquin Valley Air Pollution Control District Rules and Regulations, including Rule 9510 and Regulation VIII (Fugitive PM 10 Prohibitions). Rule 9510 requires that an Air Impact Assessment (AIA) be submitted to the District prior to filing for discretionary approval.

BMP AIR-2 Air Quality Plans

Construction plans and specifications shall comply with the Air District's current Air Quality Plans, and all District rules and regulations as deemed relevant through consultation with the District.

The following dust control practices shall be followed during the construction phase of the project to mitigate potential impacts from particulate matter and construction equipment:

- Water all active construction areas at least twice daily.
- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of free board.
- Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction-sites.
- Sweep daily (with water sweepers) any paved access roads, parking areas and
- staging areas at the site.
- Sweep streets on construction routes daily (with water sweepers) if visible soil material is carried onto them
- Use alternative fueled construction equipment.
- Minimize idling time (e.g. 5-minute max.).
- Maintain properly tuned equipment.
- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.

- Replant vegetation and/or hydroseed disturbed areas as quickly as possible.

7.3.2 BIOLOGICAL RESOURCES

BMP BIO-1. Conduct Pre-Construction Protocol Surveys.

A qualified biologist shall conduct pre-construction protocol surveys to determine the presence or absence of listed or special-status species. If present, and in association with CDFW and the US Department of Fish & Wildlife Service, additional appropriate development or construction-related restrictions and mitigation requirements than what is outlined in these BMPs shall be determined.

BMP BIO-2. Prepare Wetland Delineations.

If federally protected waters of the U.S. or wetlands as defined by Section 404 of the Clean Water Act are present and the project may result in fill of those waters or wetlands:

- Coordinate with the US Army Corps of Engineers and prepare a wetland delineation of the area. Follow the Corp's mitigation protocol regarding jurisdictional waters and wetlands impacted by the project.
- Appropriate US Army Corps of Engineers permits shall be obtained prior to implementation of the project.
- Cumulatively, Parkway projects should result in beneficial management and protection of waters and wetlands.

BMP BIO-3. Prepare and Present a Worker Environmental Awareness Program

A qualified biologist shall prepare a Worker Environmental Awareness Program to be presented to all construction personnel and employees before any ground-disturbing activities commence at a project site. If special status species may be present, this presentation shall explain to construction personnel how best to avoid the accidental take of those species during construction. The program shall consist of a brief presentation explaining endangered species concerns to all personnel involved in the project. The program shall include a description of special-status species potentially on the project site and their habitat needs; an explanation of the status of the species and their protection under the FESA, the CESA, the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and the California Fish and Game Code; specific mitigation measures applicable to special-status species; and the penalties for take.

The program shall also explain to construction personnel how to avoid impacts on USACE and CDFW jurisdictional areas. The program shall include a description of these respective jurisdictional areas on the site, specifically permitted impacts, and avoidance measures to protect jurisdictional areas. It will include maps or field markers showing the location of jurisdictional areas and permitted impacts.

The Worker Environmental Awareness Program shall be implemented before the start of ground disturbance and shall be continued through the construction phase for all construction personnel.

BMP BIO-4. Avoid and Minimize Impacts on Special-Status Plants and Sensitive Natural Communities including Wetlands

All projects to install or construct trails, kiosks, restrooms, and other Parkway improvements shall be preceded by a pre-construction survey during which a qualified botanist will identify sensitive natural vegetation communities, including wetlands and other waters and elderberry shrubs, within the project footprint and clearly map or delineate them as needed in order to avoid and/or minimize disturbance. The botanist will use the results of the pre-construction survey, as well as information available from the CNDDB, the Master Plan Update EIR, and/or other suitable tools to determine whether habitat for special-status plants is present in or adjacent to the project area. If the qualified botanist determines that no special-status plants are reasonably expected to occur on the site, no further action will be warranted. If the biologist determines that suitable habitat for special-status plants is present, the botanist shall conduct a focused survey for special-status plants during the appropriate time of the year to adequately identify special-status plants that could occur on the site.

One or more of the following shall be implemented to avoid and/or minimize impacts on sensitive natural communities and special-status plants as appropriate, per the botanist's recommendation:

- Flag or otherwise delineate in the field the special-status plant populations and/or sensitive natural communities to be protected. All such areas to be avoided shall be clearly marked on construction plans and designated as "no construction" zones.
- Allow adequate buffers around plants or habitat; the location of the buffer zone shall be shown on the maintenance design drawings and marked in the field with stakes and/or flagging in such a way that exclusion zones are visible to maintenance personnel without excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing).
- Time construction or other activities during dormant and/or non-critical life cycle period;
- Limit the operation of construction equipment to established roads wherever possible.

BMP BIO-5. Avoid and Minimize Impacts on Special-status Amphibian and Reptile Species

All projects to install or construct trails, kiosks, restrooms, and other Parkway improvements shall be preceded by an analysis of the results of the pre-construction survey (see BMP BIO-1), as well as information available from the CNDDB, the Master Plan Update EIR, and/or other suitable tools to determine whether suitable special-status amphibian or reptile habitat is present in or adjacent to the project area. For the assessment of the potential for California tiger salamanders

to occur in the project area, the analysis shall be conducted according to the guidelines provided in the *Interim Guidance on Conducting Site Assessments and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS 2003) or an updated version of this document.

If it is determined that no special-status amphibian or reptile is reasonably expected to occur on the site due to the absence of suitable habitat, no further action will be warranted.

If it is determined that suitable habitat for the California tiger salamander may be present, a site assessment shall be submitted to the USFWS and CDFW. If the USFWS and/or CDFW determines that surveys for the California tiger salamander are warranted then either (a) presence/absence surveys for California tiger salamanders shall be conducted according to approved protocols or (b) the presence of California tiger salamanders in the project area shall be assumed. If protocol surveys determine that no California tiger salamanders are present, no further action will be warranted. If surveys determine that California tiger salamanders are present, or if the presence of California tiger salamanders is assumed, a site-specific species protection plan shall be prepared for the project and delivered to the USFWS and CDFW. Similarly, if any other special-status amphibian or reptile could occur in the project area, the same process shall apply.

Elements of the plan may include: work rescheduling, training work crews, daily surveys, establishment of buffers and buffer fencing, on-site monitoring, habitat modification in advance of work activities, capture and relocation of individual special-status species (with USFWS and/or CDFW approval, depending on the listing status of the species in question), methods of documentation, and reporting of results. At a minimum, the Site-specific Species Protection Plan shall include the following measures:

- A qualified biologist will conduct one daytime and one nighttime survey within a 48-hour period preceding the onset of construction activities. Such surveys shall focus on wetlands, streams, ponds, riparian habitats, and areas within 200 feet of these features, but they shall also include a pedestrian survey of the entire impact area to survey for California tiger salamanders, western spadefoots, and western pond turtles in vegetation, under debris, in culverts, or in other areas that could provide refugia for these species.
- A qualified biologist shall conduct a special-status species survey on each morning of and prior to the scheduled work commencing.
- If no special-status amphibian or reptile is found within the activity area during a pre-activity survey, the work may proceed.
- If eggs or larvae of a special-status species are found, a buffer will be established around the location of the eggs/larvae and work may proceed outside of the buffer zone. No work will occur within the buffer zone. Work within the buffer zone will be rescheduled until the time that eggs have hatched and/or larvae have metamorphosed, at which time the following measure shall be implemented.

- If adults or non-larval juveniles of a special-status species are present, the individuals will be allowed to leave the activity area undisturbed or captured and relocated by a qualified biologist (with USFWS and/or CDFW approval, depending on the listing status of the species in question), after which work may proceed. The candidate sites for relocation shall be identified before construction begins and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

BMP BIO-6. Avoid and Minimize Impacts on Nesting Birds

Projects to install or construct trails, kiosks, restrooms, and other Parkway improvements and that occur between January 15 and August 31 shall be preceded by a survey for nesting birds. Activity areas will be checked by a qualified biologist for nesting birds no more than one week prior to starting work. If a lapse in project-related work of one week or longer occurs, another focused survey will be conducted before project work can be reinitiated.

If an active nest is found sufficiently close to the project work area (i.e., within 300 feet for raptors or 50 feet for non-raptors), a qualified biologist will determine the extent of a disturbance-free buffer zone to be established around the nest (typically 300 feet for raptors and 50 feet for non-raptors), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project construction. The buffer distance is measured as the straight-line distance between an active nest and the activity, taking both horizontal and vertical distance into account. No project-related activities shall be performed within the buffer until the young have fledged or the nest has been determined to be inactive by a qualified biologist. The boundary of each buffer zone will be marked with fencing, flagging, or other easily identifiable marking if work will occur immediately outside the buffer zone.

Reductions in the standard buffers (i.e., buffers less than 50 feet for non-raptors and less than 300 feet for raptors) may be allowed where circumstances suggest the birds will not abandon the active nest with a reduced buffer size. A qualified biologist will determine whether reducing the buffer is likely to substantially increase disturbance of nesting birds, taking into account the presence or absence of dense vegetation, topography, or structures that would block project activities from view; the life history and behavior of the bird species in question; and the nature of the proposed activity. If a reduced buffer is implemented, the biologist shall monitor bird behavior in relation to work activities. At a minimum, the biologist will monitor the baseline behavior of the birds for at least 30 minutes prior to the commencement of the activity (to determine the birds' behavior in the absence of the activity) and for at least one hour immediately following the initiation of the activity, when response by the nesting birds to the novel activity is expected to be greatest. If the birds exhibit abnormal nesting behavior which may cause reproductive failure (e.g., nest abandonment and loss of eggs and/or young), such as agitated/defensive flights and vocalizations directed towards project personnel, birds standing up from a brooding position, birds flushing from the active nest, or cessation of provisioning of young with food, the disturbance-free buffer shall immediately be adjusted out to the standard

buffer distance (300 feet for raptors and 50 feet for non-raptors) until the birds have resumed their normal behavior (e.g., incubation or feeding of young). After two hours with all work confined to the area outside the standard buffer, work would again be attempted in the area within the reduced buffer, and the process would be repeated to determine if the birds have habituated to the activity. If the process is repeated three times without the birds indicating that they are habituating to the activity, then the standard buffer will be maintained until the next day, when the process above would again be attempted. If the birds do not indicate that they are habituated to project activities during the initial two days of attempting work within a reduced buffer, the standard buffer shall be implemented. Project activities within the reduced buffers shall not resume until the qualified biologist confirms that the birds' behavior has normalized, or until the nest is no longer active.

BMP BIO-7. Avoid and Minimize Impacts on Burrowing Owls

All projects to install or construct trails, kiosks, restrooms, and other Parkway improvements shall be preceded by an analysis of the results of the pre-construction survey (see BMP BIO-1), as well as information available from the CNDDB, the Master Plan Update EIR, and/or other suitable tools to determine whether potentially suitable habitat for burrowing owls is present in or adjacent to the project activity area. If the qualified biologist determines that potentially suitable habitat for burrowing owls is present, the following measures shall be implemented:

- Pre-construction surveys for burrowing owls shall be performed before project-related ground-disturbing activities commence. A survey to determine presence or absence of burrowing owls may be performed at any time to facilitate passive relocation efforts [which generally occurs during the nonbreeding season (generally September 1 to January 31)]. In addition, a pre-construction survey must be conducted no more than 15 days prior to the commencement of ground disturbing activities, to confirm the absence of burrowing owls. This survey will be conducted in all areas on and within 500 feet of the impact area, where access allows, and will be conducted in accordance with the California Department of Fish and Wildlife's 2012 Staff Report on Burrowing Owl Mitigation or an updated version of this document.
- For burrowing owls present during the nonbreeding season (generally September to January 31), a 150-foot buffer zone will be maintained around the occupied burrow(s) if practicable. If such a buffer is not practicable, then a buffer adequate to avoid injury or mortality of owls will be maintained, or the birds will be passively relocated. During the breeding season (generally February 1 to August 31), a 250-foot buffer, within which no new impactful activity will be permissible, will be maintained between project activities and occupied burrows. Owls present on the site after February 1 will be assumed to be nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until August 31, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

- If construction will directly impact occupied burrows, eviction of owls to prevent injury or mortality of individual owls should occur outside the nesting season. No burrowing owls will be evicted from burrows during the nesting season (February 1 through August 31) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Relocation of owls during the nonbreeding season will be performed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors will then be removed and the burrows backfilled immediately prior to the initiation of grading.

BMP BIO-8. Protection of Bat Colonies

All projects to install or construct trails, kiosks, restrooms, and other Parkway improvements, no matter what time of year, shall be preceded by an analysis of the results of the pre-construction survey (see BMP BIO-1), as well as information available from the CNDDB, the Master Plan Update EIR, and/or other suitable tools to determine whether suitable habitat (i.e., appropriate roost trees or anthropogenic structures) is present for bat colonies within 100 feet of the work site, staging areas, or access routes.

If potential bat colony habitat is determined to be present, within two weeks prior to the onset of work activities a qualified bat biologist will conduct a survey to look for evidence of bat use. If evidence is observed, or if potential roost sites are present in areas where evidence of bat use might not be detectable (such as a tree cavity), an evening survey and/or nocturnal acoustic survey may be necessary to determine if the bat colony is active and to identify the specific location of the bat colony.

If an active bat maternity colony is present then the qualified biologist will make the following determinations:

- The work can proceed without unduly disturbing the bat colony.
- There is a need for a buffer zone to prevent disturbance to the bat colony, and implementation of the buffer zone (determined on a case-by-case basis by a qualified bat biologist) will reduce or eliminate the disturbance to an acceptable level.
- Work cannot proceed without unduly disturbing the active maternity colony; thus, construction work may only take place after July 31 and before March 1.

If a non-breeding bat hibernaculum is found in a tree or structure that must be removed or physically disturbed, the qualified biologist will consult with CDFW prior to initiating any removal or exclusion activities.

BMP BIO-9. Minimize Impacts on American Badgers

All projects to install or construct trails, kiosks, restrooms, and other Parkway improvements shall be preceded by an analysis of the results of the pre-construction survey (see BMP BIO-1), as well as information available from the CNDDB, the Master Plan Update EIR, and/or other suitable tools to determine whether potentially suitable habitat for American badgers is present in or adjacent to the project area. If the qualified biologist determines that potentially suitable habitat for badgers is present, the following measures shall be implemented:

- No more than 30 days before the start of construction activities, a qualified biologist shall conduct pre-construction surveys for American badgers within suitable habitat on the project site. If a potentially active den is found in a construction area, a burrow probe shall be used to determine the presence of badgers, or the den openings may be monitored with tracking medium or an infrared-beam camera for three consecutive nights to determine current use. Potential (inactive) dens within the limits of disturbance shall be blocked or excavated to prevent use during construction. If American badgers or active dens are detected during these surveys, the following measures shall be implemented.
- Disturbance of any American badger dens shall be avoided to the extent practicable. American badger dens are used for shelter, escape, cover, and reproduction, and are thus vital to the survival of American badgers. If present, occupied badger dens shall be flagged, and ground-disturbing activities avoided, within 50 feet of the occupied den during the nonbreeding season (July 1 through February 14). Dens determined to be occupied during the breeding season (February 15 through June 30) shall be flagged, and ground-disturbing activities avoided, within 200 feet to protect adults and nursing young. Buffers may be modified by the qualified biologist provided the badgers are protected.
- If avoidance of an active non-maternity den is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or with mechanized equipment under the direct supervision of a qualified biologist) before or after the rearing season (February 15 through June 30). Any passive relocation of American badgers shall occur only under the direction of a qualified biologist.

BMP BIO-10. Construction Site Housekeeping

- Employees and contractors shall maintain the work site in neat and orderly conditions on a daily basis, and leave the site in a neat, clean, and orderly condition when work is complete.
- For activities that last more than one day, materials or equipment left on the site overnight shall be stored in a manner that avoids erosion, leaks, or other potential impacts to water quality.
- All trash that is brought to a project site (e.g., plastic water bottles, plastic lunch bags, cigarettes) shall be collected at the site daily and removed or stored in a secured container.

BMP BIO-11. Lighting

During construction and operation, any lights needed to illuminate construction areas, staging areas, recreational areas, interpretive centers, parking lots, kiosks, etc. shall be directed away from any adjacent sensitive wildlife habitat for sensitive wildlife.

Lighting in the Parkway shall be limited to reduce light pollution. Any lighting shall be Dark Sky certified or emit no light above horizontal. With the exception of public safety, lighting shall not occur in the vicinity of the wildlife corridor or a natural reserve, to the extent possible.

BMP BIO-12. Herbicide Use

A qualified biologist will determine presence/absence of sensitive resources in areas where the use of herbicides for invasive species management or habitat restoration is planned. A certified pest control advisor will then prepare a written recommendation including site-specific control methods (including the use of approved herbicides and surfactants), which shall include, but not be limited to, the following:

- All applications of herbicides and adjuvants shall occur in accordance with federal and state regulations.
- Herbicide application shall not occur when wind conditions may result in drift.

BMP BIO-13. Restore Temporarily Impacted Habitats

Habitat types that support herbaceous vegetation and can be reestablished within one growing season of the impacts may be temporarily impacted by Parkway projects.

Areas over .5 acres in size where temporary, construction-related impacts have taken place shall be restored in accordance with a project Habitat Restoration and Revegetation Plan (HRRP). The plan shall prescribe restoration actions needed to treat disturbed soils and vegetation. The HRRP shall be developed by a qualified restoration ecologist, knowledgeable in in restoration of habitats dominated by herbaceous vegetation. The HRRP shall detail the process or processes to be implemented to restore the target habitats and shall, at a minimum, include the following project-specific information:

- Habitat impacts summary and proposed habitat restoration actions.
- The location of the restoration sites and existing site conditions.
- Restoration design including:
    - Proposed restoration site schedule.
    - Description of existing and proposed soils and hydrology,
- Site preparation requirements including soil amendments, if required.

- Invasive species eradication plan, if applicable.
- Planting plan
- Maintenance plan.

- Monitoring measures, performance and success criteria.
- Monitoring methods, duration, and schedule.
- Contingency measures and remedial actions.

For projects under 0.5 acres in size where temporary, construction-related impacts have taken place, shall be restored to treat disturbed soils and plant herbaceous vegetation. .

7.3.3 CULTURAL RESOURCES

BMP Cult 1- Evaluate Cultural Resources for Eligibility for Inclusion in the California Register of Historic Resources (CRHR), and Implement Appropriate Measures for Eligible Resources

The Conservancy shall ensure that all cultural resources identified prior to or during construction of the various proposed Project components will be evaluated for eligibility for inclusion in the CHRR. Where implementation of the proposed Project necessitates ground disturbance, a records search and pedestrian survey shall be conducted prior to construction. Resource evaluations will be conducted by qualified individuals who meet professional standards in archeology and architectural history. If any of the resources that are identified during this evaluation meet the eligibility criteria identified in PRC Section 5024.1 or PRC Section 21083.2 the Conservancy will develop and implement mitigation measures according to CEQA Guidelines section 1526.4(b) before construction begins or resumes.

For resources eligible for listing in the CRHR that would be rendered ineligible by project construction, the Conservancy shall implement mitigation measures selected from the following: avoidance; dedication of sites within parks, green-space or other open space; capping the site; or date recovery excavation. Mitigation measures for archaeological resources shall be developed in consultation with responsible agencies, including but not limited to the State Office of Historic Preservation and, as appropriate, interested parties such as Native American tribes. Implementation of the approved mitigation would be required before beginning any construction activities with potential to affect identified eligible resources at the site.

BMP Cult-2 - Immediately Halt Construction if Cultural Resources are Discovered

If any cultural resources, such as structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains are encountered during any project construction activities, work shall be suspended immediately at the location of the find and within an appropriate radius of at least 50 feet. A qualified

archaeologist shall conduct a field investigation of the specific site and recommend mitigation necessary for the protection or recovery of any cultural resource concluded by the archaeologist to represent a historical resource or unique archaeological resource.

BMP Cult-3 - Immediately Halt Construction if Human Remains are Discovered and Implement California Health and Safety Code

If human remains are accidentally discovered during the proposed Project's construction activities, the requirements of California Health and Human Safety Code section 7050.5 must be followed. Potentially damaging excavation must halt in the area of the remains, with a minimum radius of 50 feet, and the local County Coroner must be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code section 7050.50(b).) If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code section 7050 (c)). Pursuant to the provisions of the PRC section 5097.98, the NAHC shall identify a Most Likely Descendant (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods.

7.3.4 GEOLOGY AND SOILS

BMP GEO-1. Geology

During construction:

- Any excavated topsoil shall be stockpiled and reused on-site.
- The construction contractor shall develop and comply with the provisions of an approved Storm Water Pollution Prevention Plan (SWPPP).
- Disturbed slopes shall be hydroseeded and stabilized following disturbance.

7.3.5 AIR, NOISE, AND GREENHOUSE GAS EMISSIONS

BMP GHG-1. Air Quality

- Encourage contractors to use alternative fueled construction equipment, minimize idling time, and require that equipment is properly tuned.

7.3.6 RECYCLING

BMP RECYCLING-1. Recycling

- Reduce waste generation by providing for recycling.

7.3.7 WILDFIRE HAZARDS

BMP FIRE-1. Fire Prevention

- All structures shall comply with County and CAL FIRE standards.
- Fire prevention measures shall be implemented including mowing shoulders of roads, parking areas and trails, buffers around buildings, and buffers at boundaries of Parkway lands if adjacent to urban development; and clearing ladder fuels around structures.

7.3.8 HYDROLOGY AND WATER QUALITY

BMP WATER-1. NPDES

Comply with all Phase II Non Point Discharge Elimination System (NPDES) Permit requirements for the construction. Submit a Notice of Intent (NOI) with the State Water Resource Control Board's (SWRCB) Division of Water Quality. The contractor shall also be required to prepare a Storm Water Pollution Prevention Plan (SWPPP).

BMP WATER-2. SWPPP

Stormwater pollution prevention BMPs designed to prevent construction-related discharges into surface waters shall be implemented. These BMPs must consider erosion, sedimentation, and pollutant controls during construction and post-construction. These BMPs shall include, but not be limited to, the following:

- Requiring standard erosion control and slope stabilization measures in any area where erosion could lead to sedimentation of a waterbody;
- Performing major vehicle maintenance, repair jobs, and equipment washing at appropriate off-site locations;
- Regularly maintaining equipment to prevent fluid leaks. Any leaks shall be captured in containers until the equipment is moved to a repair location. A spill prevention and response plan shall be prepared prior to construction and shall be implemented immediately for cleanup of fluid or hazardous materials spills;
- Designating one area of the construction-site, well away from streams or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance;
- Cleaning-up spilled dry materials immediately. Spills are not to be "washed away" with water or buried;
- Using the minimum amount of water necessary for dust control;
- Cleaning-up liquid spills on paved or impermeable surfaces using "dry" cleanup methods (e.g. absorbent materials such as cat litter, and/or rags);

- Cleaning-up spills on dirt areas by removing and properly disposing of the contaminated soil;
- Storing stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting where they cannot enter into or be washed by rainfall or runoff into waters of the U.S./State or aquatic habitat.;
- Properly storing containers of paints, chemicals, solvents, and other hazardous materials in garages or sheds with double containment during rainy periods;
- Applying concrete, asphalt, and seal coat during dry weather. Keeping contaminants from fresh concrete and asphalt out of the storm drains and creeks by scheduling paving jobs during periods of dry weather and allowing new pavement to cure before storm water flows across it;
- Covering catch basins and manholes when applying seal coat, slurry seal and fog seal; and
- Operating no equipment in a live stream channel, unless unavoidable.

Post-construction, all runoff from new improvements shall be retained on-site. Engineered grading and drainage plans shall be prepared to show how additional stormwater will be managed.

Best management practices for treating, detaining, and percolating stormwater runoff, such as bioswales, bioretention areas and seasonal wetlands, shall be implemented.

BMP WATER-3. Wells

Prior to implementation any construction project, any existing wells currently in use and any future wells shall obtain the necessary water quality clearance and permits from the California Department of Public Health, Office of Drinking Water, and other California departments with jurisdiction of the testing and monitoring of potable water for a public water system.

BMP WATER-4. Flood Zone Work

Any work within designated flood zones shall conform to provisions established in local ordinances.

BMP WATER-5. Water Efficiency

New water fixtures shall be designed for low-flow and high-efficiency.

Parkway landscaped areas shall be designed to minimize water demand by using native and/or climate-appropriate plants where possible; limiting turf areas to areas that will be used as multiple-use meadows; and installing smart irrigation systems to avoid excessive water use.

BMP WATER-6. Trail Erosion

Trails shall be inspected periodically to ensure that any erosion issues are corrected.

7.3.9 HAZARDOUS MATERIALS

BMP HAZ-1. Construction Site Hazardous Materials and Waste Water Management

- An inventory of all hazardous materials used (and/or expected to be used) at the worksite and the end products that are produced (and/or expected to be produced) after their use shall be maintained by the worksite manager.
- As appropriate, containers shall be properly labeled with a "Hazardous Waste" label and hazardous waste will be properly recycled or disposed of off-site.
- Contact of chemicals with precipitation shall be minimized by storing chemicals in watertight containers with appropriate secondary containment to prevent any spillage or leakage.
- Quantities of toxic materials, such as equipment fuels and lubricants, shall be stored with secondary containment that is capable of containing 110 percent of the primary container(s).
- Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials shall not contact soil and shall not be allowed to enter surface waters or a storm drainage system.
- All toxic materials, including waste disposal containers, shall be covered when they are not in use, and located as far away as possible from a direct connection to the storm drainage system or surface water.
- Sanitation facilities (e.g., portable toilets) shall be placed at least 100 feet away from the bank of a river, water channel, or pond.
- Sanitation facilities shall be regularly cleaned and/or replaced, and inspected daily for leaks and spills.

BMP HAZ-2. Parking Area Inspection

- Vehicle parking areas shall be periodically inspected for leaks. Offending vehicles shall be removed from the area when possible and leaked fluid shall be cleaned up using appropriate absorbent materials. Absorbent materials shall be placed in sealed containers and disposed of as hazardous waste.

8 IMPLEMENTATION

8. IMPLEMENTATION

8.1 PENDING PARKWAY DEVELOPMENT

8.1.1 BOND FUNDS APPROVED BY VOTERS FOR PARKWAY DEVELOPMENT

Funds specifically allocated to the Conservancy to provide for Parkway capital development have been included in the following voter-authorized bonds:

In 2000, the voters of California approved the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act (Proposition 12), which contained $15 million for the Conservancy to acquire property and provide for habitat enhancement, public access, and recreation.

In 2000, the voters also approved the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Act (Proposition 13) which contained $10 million for the Conservancy to acquire property.

The Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act (Proposition 40, Resources Bond) approved by the voters in March 2002 included an additional $25 million for Parkway land acquisitions and public access and recreation projects.

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act (Proposition 84, 2006) included $36 million for the Conservancy to acquire property and provide for habitat enhancement, public access, and recreation.

The bond funds are authorized for acquisition, development, rehabilitation, restoration and protection of land and water resources to achieve the mission of the Conservancy. Bond funds may only be used for land acquisitions and capital improvement projects, not for operations, management, maintenance, administration, and other on-going programs.

The Water Quality, Supply, and Infrastructure Improvement Act (Proposition 1, 2014) included $10 million for San Joaquin River multi-benefit ecosystem and watershed protection and restoration projects implemented by the Conservancy (PRC §79731(g)). The bond fund allows the Conservancy to carry out local assistance and capital outlay projects associated with watershed climate change adaptation, river parkway restoration, state obligations of the SJR Restoration Program settlement, reducing wildfire risks and surface water pollution, and other projects consistent with Proposition 1, statewide priorities, and the Conservancy's mission and plans.

As of the public release of this plan, the Conservancy has available a balance of approximately $34 million in voter-authorized bond funds to invest in future land acquisitions, and habitat restoration, watershed protection, public access and recreation, and environmental education projects. The Conservancy partners with other agencies and non-profit organizations to invest Conservancy bond funds in high-priority public access and recreation projects, where those projects will be operated and maintained by the partnering entity.

The Conservancy's bond funds are appropriated in the California Wildlife Conservation Board's (WCB's) budget. Any acquisitions, improvements, or grants using these funds are at the direction of and require approval by the Conservancy, as well as the WCB.

The available bond funds will provide for significant development of the Parkway in the near term; however, they will not fund full build-out of the long-term planned Parkway. As the currently authorized bond funds are expended, other sources of funding for acquisition and development of the Parkway will need to be secured.

8.1.2 PRIORITIES FOR BUILDOUT

The Conservancy, in conjunction with its member agencies and nonprofit partners, has successfully secured for future generations almost two-thirds of the nearly 5,900 acres targeted in the San Joaquin River Conservancy Enabling Act for the Parkway, without the use of eminent domain. The San Joaquin River Conservancy has acquired 2,595 acres on the San Joaquin River for conservation and public access purposes along with 1,250 acres of other lands in public ownership within the Parkway before the Conservancy was created.

Achieving the Conservancy's mission requires land acquisition and infrastructure development. All Conservancy land acquisitions and projects must be in conformance with the San Joaquin River Parkway Master Plan and Program Environmental Impact Report approved and certified by the Conservancy governing board in compliance with the California Environmental Quality Act.

The Board sets priorities for specific acquisitions and projects based on extensive evaluations and recommendations by staff and the Conservancy's Interagency Project Development Committee. The committee evaluates potential land acquisitions and capital improvement projects in light of established criteria. Site visits are included in the evaluation process.

THE LAND ACQUISITION PROGRAM

Conservancy land acquisitions for the Parkway must be offered by willing sellers and be within the Conservancy's planning jurisdiction: the San Joaquin River floodplain and adjoining lands from Friant Dam to Highway 99. All of the lands acquired by the Conservancy to date have been held in state ownership and managed by the Conservancy or other state agencies. The Conservancy may award funds to assist local agency and nonprofit partners in acquiring lands, where this would more effectively accomplish

Parkway development and management objectives. All lands must be purchased from willing sellers at no greater than fair market value as established by independent appraisers.

Acquiring lands to complete the 5,900-acre Parkway is the highest program priority, driven by development threats, real estate values, and the momentum of concurrent negotiations. The San Joaquin River Parkway is within the path of northern urban growth within Fresno County, and southeastern urban growth in Madera County.

The Interagency Project Development Committee is involved in making land acquisition recommendations to the Conservancy Board. In addition, an ad hoc subcommittee of the Conservancy Board may review the technical recommendations and make recommendations to the full Conservancy Board.

The Conservancy evaluates offered properties to prioritize potential acquisitions in light of established evaluation criteria, which may be expected to evolve over time. The Conservancy evaluates:

- Habitat values; the potential for habitat enhancement, connectivity for wildlife movement within the river corridor and other key linkages, such as tributary watersheds; benefits associated with the San Joaquin River Restoration Program;
- Cultural and historic resource values;
- Public access and recreation potential, river frontage, and connectivity for trails;
- Contiguous public lands and uses;
- Potential resources for management, potential lease/concession revenue; and
- Threats of urban/suburban development, need for conservation.

Final priorities for property acquisition consider price and terms of the negotiations, and are set by the Board. The Conservancy does not have the power of eminent domain; therefore, the process of prioritizing lands to purchase is and must be flexible.

Land acquisitions funded by the Conservancy must be approved by the Conservancy Board and WCB (as long as the funds are appropriated to WCB). Working cooperatively, the Conservancy and WCB oversee appraisals, environmental site assessments, title documents, and negotiate purchase agreements. The State Lands Commission provides surveys of state sovereign lands to protect the state's rights along the San Joaquin River.

As the state invests in these properties, the demand for public use is generated, and, after years of degradation, habitat restoration can proceed.

IMPROVEMENT PROJECTS:

Parkway projects include environmental enhancement and restoration, public access and recreation, education, cultural and natural resource conservation.

The Parkway Master Plan generally identifies the areas appropriate for wildlife habitat enhancement, natural and cultural resource conservation, and for managed low-impact recreation, public access, and outdoor education. As an ongoing planning process, the Conservancy, its member agencies, the Parkway Trust, other nonprofit organizations, and community stakeholders evaluate capital improvement needs. Site- and project-specific refinements are made over time.

While the Conservancy and its partners have been successful in acquiring land for future Parkway purposes, there are currently limited opportunities for the public to access acquired lands for recreation and education purposes. There is need and demand for improved public access.

Candidate projects to be sponsored or approved by the Conservancy must be consistent with the Parkway Master Plan. The Interagency Project Development Committee is involved in making improvement project recommendations to the Conservancy Board. The Conservancy evaluates possible projects in light of established evaluation criteria, which may be expected to evolve over time:

- Projects may proceed through the planning process if there is a potential long-term operator; a project may only proceed to final design and construction if an entity is committed to long-term operations and maintenance;
- Net new costs;
- Public demand and acceptance;
- Possible environmental impacts and benefits;
- Connectivity for trails, other public uses, and wildlife movement and habitat;
- Project readiness;
- The independent function of the project, without relying on future improvements;
- Serving an underserved population or user group;
- Achieving long term as well as short term benefits;
- Demonstrates Parkway success;
- Meets member and partner agency needs;
- Potential for grant or outside funding and in-kind support;
- Potential lease revenue, users fees, and concession operations;
- Complexity—multiple jurisdictions, competing interests and values;

- Capital, operations, and maintenance costs.

The Conservancy's Proposition 1 Multi-Benefit Water Quality, Water Supply, Ecosystem and Watershed Protection and Restoration grants are is solicited, evaluated, and awarded competitively in accordance with adopted Guidelines.

Capital improvement projects funded by the Conservancy must be approved by the Conservancy Board and WCB boards (as long as the funds are appropriated to WCB). Implementation of preliminary design, environmental review, development of working drawings, and construction of improvements is phased to stay within appropriated funds and cash flow schedules, secure operations and maintenance resources, and develop functional, sustainable public facilities.

Any project must be conducted in accordance with an agreement among the Conservancy, WCB, and the contractor or local assistance grantee. The objectives, scope, and budget are developed under the direction of the Conservancy and WCB. The Conservancy may contract for and oversee projects directly; funds for Parkway projects may also be awarded by the Conservancy governing board to local agency and nonprofit partners.

Final documents for all habitat enhancement, watershed protection, public access and recreation planning projects funded via Conservancy-directed bond funds are maintained by the Conservancy and WCB and are made available to the public.

8.2 PARKWAY MANAGEMENT

The San Joaquin River ecosystem is dynamic, therefore, the Master Plan Update has a considerable degree of flexibility as it is carried out over time. Implementation will require adaptive management to achieve Parkway goals.

8.2.1 RECREATION AREAS

The Master Plan Update proposes more intensively developed hubs of Parkway recreation facilities near and adjacent to existing recreation facilities located at Lost Lake Park, the Coke Hallowell River Center, Woodward Park, and the crossing at Highway 41, and near Highway 99. Impacts of more intensive recreation will be reduced by improving and expanding these existing facilities rather than accommodating them at new locations along the river. Impacts can be minimized by using existing access routes, sharing support facilities, and concentrating uses away from environmentally and archaeologically sensitive areas. The proposed recreation areas will, where possible, capitalize on opportunities associated with the reclamation of former sand and gravel operations.

Parkway recreation areas will be linked by a continuous Parkway multi-use trail. The trail system will include surfaces for pedestrian, equestrian, bicycles and wheeled uses, and ADA accessible surfaces. There will be other trails that serve as feeders from pedestrian and bicycle routes in nearby urbanized

areas. The internal trail system will include the Parkway multi-use trail and additional supplemental hiking, bicycling, and equestrian trails and narrow footpaths. In addition to the land-based trails, the river itself will serve as a blueway trail for non-motorized watercraft. Canoe facilities will include put-in and take-out areas, spaced to provide opportunities for canoe and paddling trips of varying lengths. Canoe rest areas with vault toilets will be located so as to reduce trespass problems on private land adjacent to the river.

Use levels should be monitored to ensure that facilities can handle demands. In protected areas, such as near or in the natural and ecological reserves, a permit system for certain activities, users fees, escorted tours in sensitive habitat areas, or other management techniques could be implemented. In sensitive areas access will be restricted to escorted, supervised or guided groups. Temporary trail or area closures may be necessary seasonally or at other times because of conditions such as flood hazard, agricultural spraying, or the presence of sensitive wildlife.

8.2.2 NATURAL AREAS

Focusing more intensive recreation areas adjacent to existing recreation and away from the river helps accommodate a continuous corridor of wildlife habitat, with buffers, along the length of the Parkway. Natural and ecological reserves adjoining or within the Parkway will be clearly demarcated to better protect these sensitive areas. The Conservancy will collaborate with CDFW, the SJR Restoration Program, and other regulatory agencies and jurisdictions with natural resource protection responsibilities to monitor, study, and gather data.

Monitoring will also be utilized to assess the status of habitat restoration projects and their use by wildlife. These analyses could determine the effectiveness of wildlife corridors, baseline conditions, and habitat succession.

8.2.3 SAFETY

Effective management and operation of the Parkway will be crucial to minimizing undesirable activities and unlawful conduct, improving acceptance by adjacent landowners, and protecting environmentally and archaeologically sensitive areas. Undesirable or unlawful activities such as vandalism, after-hours use, and loitering should be controlled with a regular patrol presence by working with local law enforcement agencies.

Adjacent landowners have expressed concerns regarding trespass, vandalism, and other undesirable activities. While these fears are understandable, and sometimes based on past experiences, they are generally absent in well-managed parkland. The experiences of landowners adjacent to similar facilities throughout California show that in most cases the undesirable activities are actually reduced when open land or land with no obvious purpose becomes a trail or other recreational facility with proper management. One such study documented landowner attitudes before and after a trail was developed and showed that in most cases, landowners had a better than expected experience living next to the trail

(East Bay Regional Park District; A Trails Study, Neighbor and User Viewpoints, 1978). The presence of legitimate users and park personnel in the Parkway will discourage undesirable activities and unlawful conduct, thereby creating a climate where those activities will not be tolerated and where there will be a larger number of potential witnesses to report inappropriate conduct.

The creation of controlled, gated access with the payment of a day-use fee will deter entrance by persons with no legitimate recreational pursuit. In addition, cooperation should be sought from private parties having legal control of access routes into the riverbottom to reduce opportunities for persons to enter the Parkway and nearby private property and engage in undesirable conduct.

A ''Park Watch" program, with appropriate signs throughout the Parkway, could be implemented to encourage visitors and residents to be alert and report suspicious activities to law enforcement authorities.

Vandalism can be reduced by regular maintenance and cleaning of Parkway facilities. Vandalism is less likely to occur when a high level of maintenance is visible.

A volunteer program to supplement maintenance of the Parkway should be encouraged when problems occur. Volunteers should limit their assistance to reporting undesirable or unlawful activities to law enforcement personnel.

Interpretative programs offer an effective method of managing visitors and informing them about the Parkway and its sensitive and fragile features.

8.3 OPERATIONS AND MANAGEMENT

Secure resources for comprehensive and long-term operation and maintenance (O & M) of the Parkway have not been identified. At the time the Conservancy was established one school of thought was that the entire Parkway would eventually be operated and maintained as a single entity, perhaps becoming a unit of the California Department of Parks and Recreation (DPR). Over the last decade or so, a variety of challenges associated with operating and managing a river corridor as diverse as the San Joaquin River Parkway have become evident. A more gradual and practical approach has evolved to handle the operating and maintenance needs of the Parkway, which is still a work in progress.

Parkway operations, maintenance and management resources must be developed and sustained. Adequate long term management resources must be identified before each project is authorized for construction. The Conservancy and its partners are working to develop long-term strategies for operating and maintaining the Parkway through cooperative projects, public and political support, stewardship agreements and leases, and other opportunities. As part of the Master Plan Update process, an O & M FUNDING TOOLBOX: An Analysis of Options for Funding Ongoing Operations and Maintenance was developed; see Appendix B. The funding toolbox identifies appropriate resources and strategies for

maintaining and operating projects identified in the Master Plan Update and makes the following recommendations:

- Continue to use the mosaic model for providing services for the near to mid-term.
- Look first to established entities with previous partner experience.
- Expand the support from user fees where possible.
- Expand the support from concession and lease agreements where possible.
- Capture the value added to private real estate.
- Cultivate relationships with one or more foundations and seek endowments.
- Monitor growing public support for a general regional tax support measure.
- Strategically foster general public support.
- Tactically consider specific opportunities as they arise.

See Appendix B for additional information on O&M strategies.

9 PLAN PREPARATION

9. Plan Preparation

The Master Plan Update has benefitted from the guidance, involvement and review of the Interagency Project Development Committee and a technical advisory committee consisting of representatives of the California Department of Fish and Wildlife, California Department of Parks and Recreation, Wildlife Conservation Board, State Lands Commission, County of Madera, and San Joaquin River Parkway & Conservation Trust. City of Fresno Planning Department staff have been consulted to provide coordination between the Parkway Master Plan Update and the 2014 City of Fresno General Plan, which was being updated during the development of this Master Plan Update.

San Joaquin River Conservancy

Melinda Marks, Executive Officer
Joshua Morgan, Staff Services Analyst

Technical Advisory Committee

Eric Gilles, State Lands Commission
Kent Gresham, California Department of Parks and Recreation
Scott McFarlin, Wildlife Conservation Board
Jeff Single, California Department of Fish and Wildlife
Matt Treber, County of Madera
Sharon Weaver, San Joaquin River Parkway & Conservation Trust

Interagency Project Development Committee

Lee Ayres, TreeFresno
Michelle Banonis, US Bureau of Reclamation
Keith Bergthold, City of Fresno
David Chavez, County of Fresno Public Works and Planning Department
Dave Encinas, California Department of Water Resources
Alicia Forsythe, US Bureau of Reclamation
Eric Gilles, State Lands Commission
Steve Greer, City of Madera
Kent Gresham, California Department of Parks and Recreation
Gerald Hatler, California Department of Fish and Wildlife
Steve Haze, San Joaquin Valley Leadership Forum
Dave Koehler, San Joaquin River Parkway & Conservation Trust
Deborah Kruse, San Joaquin Valley Leadership Forum
Rachel Locke, San Joaquin River Parkway and Conservation Trust
Scott McFarlin, Wildlife Conservation Board

Leona Montalvo, County of Madera
Cheryl Moxley, California Department of Fish and Wildlife
Paul Romero, California Department of Water Resources
Daniel Rourke, Fresno Metropolitan Flood Control District
Jeff Single, California Department of Fish and Wildlife
Richard Sloan, RiverTree Volunteers
Mark Somma, RiverTree Volunteers
Steve Starcher, San Joaquin River Stewardship Program
John Thompson, County of Fresno
Krista Tomlinson, California Department of Fish and Wildlife
Matt Treber, County of Madera
Laura Wass, Many Lightnings Native American Legacy Center
Sharon Weaver, San Joaquin River Parkway & Conservation Trust
Eric VonBerg, URS Corp.
Irma Yepez-Perez, City of Fresno
Michelle Zumwalt, City of Fresno Planning and Development Department

Conservancy Board

Manuel Nevarez, County of Madera
Steve Brandau, City of Fresno
Andreas Borgeas, Fresno County Board of Supervisors
Donald Holley, City of Madera
Barbara Goodwin, Fresno Metropolitan Flood Control District
Carl Janzen, Madera Irrigation District
Jeffrey Single, California Department of Fish and Wildlife
Kent Gresham, California Department of Parks and Recreation
John Donnelly, Wildlife Conservation Board
Patrick Kemp, Natural Resources Agency
Michael McKown, State Lands Commission
Karen Finn, Department of Finance
Bryn Forhan
Paul Gibson
Carolyn Nolan

Consultant Team

PlaceWorks
2M Associates
H.T. Harvey & Associates
Blair, Church & Flynn Consulting Engineers
Sierra Valley Cultural Planning
C2 Consult Corp.
Land Economics Consultants

CALIFORNIA CODES
PUBLIC RESOURCES CODE
San Joaquin River Conservancy Enabling Act

SECTION 32500 - 32520

32500. This division shall be known, and may be cited, as the San Joaquin River Conservancy Act.

32501. The Legislature hereby finds and declares that the San Joaquin River, its broad corridors, and its prominent bluffs constitute a unique and important environmental, cultural, scientific, agricultural, educational, recreational, scenic, flood water conveyance, and wildlife resource that should be preserved for the enjoyment of, and appreciation by, present and future generations.

32502. The Legislature further finds and declares that the San Joaquin River Parkway Task Force, representing diverse state and local interests, has developed a San Joaquin River Parkway Plan which, in concept, outlines and provides a structural framework for ideas for establishing the San Joaquin River Parkway. It is the intent of the Legislature in enacting this division to implement the task force recommendation for a managing entity for the proposed parkway.

32503. The Legislature further finds and declares that local jurisdiction is divided among the County of Fresno, the County of Madera, and the City of Fresno. Additionally, the state has property interests in the river bottom. It is the intent of the Legislature that the San Joaquin River Conservancy shall promote the parkway and coordinate efforts and mediate differences among the local jurisdictions and the state.

32504. As used in this division:
(a) "Board" means the governing board of the San Joaquin River Conservancy.
(b) "Conservancy" means the San Joaquin River Conservancy.
(c) "Parkway" means the San Joaquin River Parkway, as described in Section **32510**.
(d) "Member agencies" mean the City of Fresno and Counties of Fresno and Madera.
(e) "Nonprofit organization" means an exempt organization under Section 501(c)(3) of the Internal Revenue **Code**.

32505. The conservancy shall commence to function upon the occurrence of either of the following events:
(a) Approval by a four-fifths vote of the governing bodies of the member agencies.
(b) Approval by a majority of the voters voting on the proposition of whether the conservancy should commence to function at an election called for that purpose by the Boards of Supervisors of Fresno and Madera Counties within those counties. The election may be consolidated with any other election within those counties.

32506. If the governing body of any member agency approves formation of the conservancy by a four-fifths vote, the election may be held only within the member agency or agencies not so approving formation.
If one member agency fails to approve the formation of the conservancy and it is not approved by the voters of that member agency, the conservancy may function to acquire and maintain parkway lands only within the jurisdictions of the approving member agencies.

A member agency may withdraw from the conservancy within one year after the conservancy commences to function.

32510. The San Joaquin River Conservancy is hereby established in the Resources Agency to acquire and manage public lands within the San Joaquin River Parkway, which shall consist of the San Joaquin River and approximately 5,900 acres on both sides of the river between Friant Dam and the Highway 99 crossing. Approximately 1,900 acres of the parkway shall be located in Madera County and 4,000 acres in Fresno County, of which approximately 1,250 acres are already in public ownership. The conservancy shall acquire and manage these lands in the parkway to provide a harmonious combination of low-impact recreational and educational uses and wildlife protection through the preservation of the San Joaquin River, existing publicly owned lands, the wildlife corridor, and natural reserves.

32511. The conservancy shall be responsible for operation and maintenance of the parkway. The conservancy shall close to the public any lands or facilities which it is unable to maintain in a clean and safe manner and to adequately protect the wildlife and rights of adjacent property owners from the public, including areas downstream from the Highway 99 crossing affected by the use of the parkway.

32512. The area under the jurisdiction of the conservancy includes that area of the parkway which is acquired by the conservancy.

32513. The jurisdiction of the conservancy consists of land and water areas acquired for parkway use within the parkway whether by purchase or lease; other public lands operated by the conservancy on behalf of another public agency; and private lands which are in a land mitigation bank or which are adjacent to the parkway and downstream from the Highway 99 crossing and for which the owner desires the conservancy's management and protection services or which are subject to a voluntary resource management agreement entered into with the conservancy.

32514. The conservancy shall coordinate the activities of state and local agencies and private entities interested in the San Joaquin River and its resources. State and local agencies shall retain title to any land owned within the boundaries of the parkway. Local agencies may enter into an agreement to transfer responsibility for the management of the land to the conservancy. Where there is no state or local public agency with operating and management responsibility, the conservancy shall exercise that responsibility. All zoning or land use regulations shall remain the exclusive authority of the member agencies.

32515. (a) The governing board of the conservancy shall consist of 15 voting members.

(b) The 15 voting members of the board shall consist of the following:

(1) One member of the Board of Supervisors of Fresno County appointed by a majority of the members of that board. A majority of the members of the Board of Supervisors of Fresno County may appoint an alternate member from that board.

(2) The Mayor of the City of Fresno or a member of the Fresno City Council designated by the Mayor of the City of Fresno. The Mayor of the City of Fresno may designate an alternate member from the Fresno City Council.

(3) One member of the Board of Supervisors of Madera County appointed by a majority of the members of that board. A majority of

the members of the Board of Supervisors of Madera County may appoint an alternate from that board.

(4) The Mayor of the City of Madera or a member of the Madera City Council designated by the Mayor of the City of Madera. The Mayor of the City of Madera may designate an alternate member from the Madera City Council.

(5) (A) Except as provided in subparagraph (C), one resident of Fresno County appointed by the Governor from a list of candidates provided by the Board of Supervisors of Fresno County. The board of supervisors shall develop its list from a list submitted by environmental organizations within that county. The board of supervisors may establish additional criteria for that appointment.

(B) Except as provided in subparagraph (C), one resident of Madera County appointed by the Governor from a list of property owners of San Joaquin River bottom in that county submitted by the Board of Supervisors of Madera County. The board of supervisors may establish additional criteria for that appointment.

(C) Fresno County and Madera County shall rotate appointment qualifications pursuant to this paragraph so that each alternative time the Board of Supervisors of Madera County shall submit a list of candidates to the Governor derived from a list submitted by environmental organizations within that county and the Board of Supervisors of Fresno County shall submit a list of candidates to the Governor of property owners of San Joaquin River bottom in that county.

(6) One resident of the City of Fresno appointed by the Governor from a list submitted by the Fresno City Council. The city council may establish criteria for that appointment.

(7) The Executive Director of the Wildlife Conservation Board or a member of his or her staff designated by the executive director.

(8) The Secretary of Resources or a member of his or her staff designated by the secretary.

(9) The Director of Fish and Game or a member of his or her staff designated by the director.

(10) The Director of Parks and Recreation or a member of his or her staff designated by the director.

(11) The Director of Finance or a member of his or her staff designated by the director.

(12) The Executive Officer of the State Lands Commission or a member of his or her staff designated by the executive officer.

(13) The Chairperson of the Board of Directors of the Fresno Metropolitan Flood Control District or his or her designee.

(14) The Chairperson of the Board of Directors of the Madera Irrigation District or his or her designee.

32516. A quorum shall constitute a majority of the voting members of the board. Meetings of the governing board shall be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

32517. The voting members of the board shall serve for four-year terms. Any member who is an elected or appointed official who ceases to hold that office shall automatically cease to be a member of the board. The office of any member of the board who is required to be a resident of a member agency shall become vacant upon that member ceasing to be a resident of the member agency.

32518. Members who are not elected or appointed officials shall receive compensation in an amount set by the board, not to exceed seventy-five dollars ($75) for each day, or portion thereof, and not to exceed four hundred fifty dollars ($450) in any year, while attending meetings of the board, or engaged upon official business of the board. All members shall receive reimbursement for actual,

necessary, and reasonable expenses. Any member may waive compensation.

32519. The office of chairperson of the board shall rotate every two years among the Mayor or designated council member of the City of Fresno, the member of the Board of Supervisors of Madera County, and the member of the Board of Supervisors of Fresno County.

32520. The conservancy shall obtain and maintain adequate liability insurance or its equivalent, and defend and indemnify the member agencies for acts or omissions of the conservancy's agents, employees, volunteers, and servants.

SECTION 32525-32538

32525. The conservancy shall have, and may exercise, all rights and powers, expressed or implied, necessary to carry out the purposes of this division, except as otherwise provided. The conservancy shall have no power to levy a tax, to regulate land use, or to exercise the power of eminent domain.

32526. The conservancy shall facilitate and coordinate the activities of its employees with personnel of the Department of Parks and Recreation, the Department of Fish and Game, and local law enforcement and rescue agencies.

32527. The conservancy may adopt and enforce regulations governing the use of parkway lands and activities within the parkway; the protection and management of native riparian vegetation, wildlife, and other natural resources on parkway lands; and the protection of archaeological sites.

32528. The conservancy may implement the San Joaquin River Parkway Task Force Plan and may adopt and carry out management plans for the protection of the natural and recreational resources of the parkway.

32529. The conservancy may manage, operate, administer, and maintain the parkway and its facilities. Land acquired by the conservancy shall not be open to public use until the board determines there are adequate funds available for the management of those lands. The conservancy may adopt regulations governing the use by the public of conservancy lands and may provide for their enforcement.

32530. The conservancy may employ an executive officer and other staff to perform those functions that cannot be provided by the existing personnel of member agencies on a contractual basis or by volunteers.

32531. The conservancy may recruit and coordinate volunteers and experts to conduct interpretive and recreational programs and to assist with construction projects and the maintenance of parkway facilities.

32532. The conservancy may determine acquisition priorities and may acquire real property or any interest in real property within the parkway from willing sellers and at fair market value or on other mutually acceptable terms. The conservancy may acquire the property, itself, or may coordinate the acquisition through a member agency or other public agencies with appropriate responsibility and available funding or land to exchange. The conservancy may provide technical assistance to landowners to ensure that their activities are

compatible with or enhance the parkway. The conservancy may hold remainder interests in those instances where owners desire to sell but retain a life estate, and may create and administer a mitigation land bank and arrange land exchanges. The overall objective of the conservancy shall be to assist in accomplishing land transactions that are mutually beneficial to the landowner and the parkway by adding value to the land, while meeting natural resource conservation and other parkway objectives.

32533. The conservancy may undertake site improvement projects; regulate public access; revegetate and otherwise rehabilitate degraded areas, in consultation with other public agencies with appropriate jurisdiction and expertise; upgrade deteriorating facilities; and construct new facilities as needed for outdoor recreation, nature appreciation and interpretation, and natural resource protection. These projects may be undertaken by the conservancy itself or by member agencies, with the conservancy providing overall coordination through setting priorities for projects and assuring uniformity of approach.

32534. The conservancy shall administer any funds appropriated to it and any revenue generated by member agencies for the parkway and contributed to the conservancy, and may expend those funds for capital improvements, land acquisition, or support of the conservancy's operations. Subject to Section 11005 of the Government Code, the conservancy may also accept any revenue, money, grants, goods, or services contributed to the conservancy by any public agency, private entity, or person, and, upon receipt, may expend any such revenue, money, or grants for capital improvements, land acquisitions, or support of the conservancy's operations.

32535. The conservancy may sue and be sued. The conservancy may enter into contracts and joint powers agreements with public agencies, private entities, and persons necessary for the proper discharge of the conservancy's duties.

32536. The conservancy shall be deemed a local agency for the purposes of any provision of law authorizing local agencies to borrow money and incur indebtedness. The conservancy may fix and collect fees for the use by the public of any lands owned or controlled by the conservancy. No fee shall exceed the cost of providing the service for which the fee is charged.

The fee revenue shall be deposited in the San Joaquin River Conservancy Fund, which is hereby created in the State Treasury. The money in the fund shall be expended by the conservancy, upon appropriation by the Legislature, for the purposes of this division.

32537. (a) The conservancy may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of this division.

(b) Grants to nonprofit organizations for the acquisition of real property or interests in real property shall be subject to all of the following conditions:

(1) The purchase price of any interest in land acquired by the nonprofit organization may not exceed fair market value as established by an appraisal approved by the conservancy.

(2) The conservancy approves the terms under which the interest in land is acquired.

(3) The interest in land acquired pursuant to a grant from the conservancy may not be used as security for any debt incurred by the nonprofit organization unless the conservancy approves the transaction.

(4) The transfer of land acquired pursuant to a grant shall be

subject to the approval of the conservancy and the execution of an agreement between the conservancy and the transferee sufficient to protect the interests of the state.

(5) The state shall have a right of entry and power of termination in and over all interests in real property acquired with state funds, which may be exercised if any essential term or condition of the grant is violated.

(6) If the existence of the nonprofit organization is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the state, except that, prior to that termination, another public agency or nonprofit organization may receive title to all or a portion of that interest in real property, by recording its acceptance of title, together with the conservancy's approval, in writing.

(c) Any deed or other instrument of conveyance whereby real property is acquired by a nonprofit organization pursuant to this section shall be recorded and shall set forth the executory interest or right of entry on the part of the state.

32538. (a) Notwithstanding any other provision of law, the conservancy may lease, rent, sell, exchange, or otherwise transfer any real property or interest therein or option acquired under this division to a local public agency, state agency, federal agency, nonprofit organization, individual, or other entity for management purposes pursuant to terms and conditions approved by the conservancy. The conservancy may request the Director of General Services to undertake these actions on its behalf.

(b) The conservancy may initiate, negotiate, and participate in agreements for the management of land under its ownership or control with local public agencies, state agencies, federal agencies, nonprofit organizations, individuals, or other entities and may enter into any other agreements authorized by state or federal law.

Land Economics Consultants, LLC

O & M FUNDING TOOLBOX:
An Analysis of Options for Funding Ongoing Operations and Maintenance

Prepared for the

San Joaquin River Conservancy

In Support of the

San Joaquin River Parkway
Master Plan Update

Being Prepared by

The Planning Center|DC&E

Submitted by

Land Economics Consultants, LLC (LEC)

May 14, 2013

LEC Project No. 1204

7 Nace Avenue
Piedmont, CA 94611
510.407.3161

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I. Introduction

The San Joaquin River Conservancy was created by the California Legislature in 1992 to develop and manage the San Joaquin River Parkway, a planned 22-mile natural area and wildlife corridor extending from Friant Dam to State Route 99, with interconnected trails, recreation and outdoor education features. The San Joaquin River Conservancy Act set a target of 5,900 acres of land to be acquired to develop the San Joaquin River Parkway. It was determined at that time that 1,250 acres were already in public ownership and protection when the Conservancy was created. Of the remaining 4,650 acres, the Conservancy has acquired over half of that amount to date, leaving a little over 2,000 acres still to be acquired.

A series of bonds have provided the majority of funding for land acquisition and capital projects for the development of the Parkway. At its discretion, the Conservancy board has allocated 80% of the bond funds to land acquisition and 20% to capital improvement projects that enhance habitat, provide public access, and develop recreational opportunities. Over $30 million in bond funds remain available for these purposes at this time. Although additional funding may eventually be required to achieve the full acquisition target, the acquisition program is relatively well funded. Near-term capital improvements may be funded as well, however, many millions more will be needed for full build-out of the Parkway as envisioned in the Parkway Master Plan.

The ongoing funding problem, however, is that secure resources for comprehensive and long-term operation and maintenance (O & M) of the Parkway have not been identified. At the time the Conservancy was established one school of thought was that the entire Parkway would eventually be operated and maintained as a single entity, perhaps becoming a unit of the California Department of Parks and Recreation (State Parks). Over the last decade or so, it has become clear that there are a variety of problems with a single operating entity managing a river corridor as diverse as the San Joaquin River Parkway, and a more gradual and practical approach has evolved to handle the operating and maintenance needs of the Parkway, which is still a work in progress.

Among its current projects, the Conservancy is currently conducting an update of the San Joaquin River Parkway Master Plan, with assistance from the consulting team led by The Planning Center|DC&E. A specialty subconsultant on this team, Land Economics Consultants (LEC), has prepared this working paper to address the issue of ongoing operation and maintenance needs for the Parkway. The goal of this effort is to create a tool that will help the Conservancy and its planning team identify appropriate resources and strategies for maintaining and operating projects identified by the Master Plan.

Several research tasks were conducted in preparation of this Funding Toolbox. The input of Conservancy staff and other members of the consulting team was obtained at the outset. Documents

describing the formation and mission of the Conservancy, its current fiscal situation, and previous work addressing the need for O&M funding were all perused. A literature search was conducted including both broad guidelines for funding public environmentally-based programs and specific case studies. Interviews were also conducted with a variety of partner entities with interests in the Parkway, including both other public agencies and private, non-profit organizations. Suggestions and lessons learned were analyzed, organized, and summarized in this report.

Section II of this "white paper" presents an overview summarizing basic categories of funding techniques. These techniques are described in much more detail in Section III, and Section IV presents recommendations that have emerged from the consulting work to date on funding options.

II. Summary and Evaluation of Funding Techniques

The purpose of this section of the Funding Toolbox white paper is to quickly present an overview of the range of "revenue authorities" and/or funding techniques that are available to satisfy one or more of the ongoing needs for operations and maintenance in the Parkway. After a brief evaluation in this overview section, each technique will be evaluated in much more detail in Section III.

Cost Containment through Management of Expectations and Phasing

To provide a context for the following discussion, it is helpful to review at least one estimate on the high side for the magnitude of what it could cost to operate and maintain a San Joaquin River Parkway at full build-out (composed of 22 miles of river and roughly 5,900 acres of adjacent lands, with recreational trails, non-motorized boating facilities, picnicking and fishing features, habitat and cultural resources values to protect and the full range of support features, facilities, and services). A little over a decade ago, State Parks made an estimate of what it would cost to operate the Parkway at their standards starting with fiscal year 2002. Their estimate included staffing of:

21 Rangers
35 Other Permanent/Professional Staff
42 Seasonal Workers
98 Total Positions

Salaries, wages and benefits for the 98 positions totaled approximately $3.5 million per year. With 27% inflation over last decade, the personnel costs for FY 2012 would be about $4.5 million, and with the annual replacement of vehicles, equipment, and other materials and costs estimated at 50% of personnel costs, the total O&M costs for the Parkway at a State Parks level of service would be in the range of $6 to $7 million annually today. Funding for annual O&M at this magnitude has never been identified for the Parkway. On the other hand, this is only one way to view the long-term O&M issue, and the remainder of this paper investigates other options for achieving similar objectives.

Rather than jumping to the conclusion that $6 to $7 million per year needs to be secured, the first step in O&M planning is cost containment through management of expectations. Some amounts of recreation, education, and environmental preservation can all be provided in the Parkway without having a State Parks level of service provided throughout. For example, where a State Park that includes camping is essentially open to the public 24 hours a day, 7 days a week, the access to the Parkway can be much less. Perhaps some specific park areas along the river may be open seven days per week year-round, but within the 22-mile Parkway all areas need not be accessible at all times. In addition, the range of activities and the developed facilities in many locations can be less than what might be found in a State Park. Further, State Parks staff their sites with Rangers—peace officers with a high capacity to provide for public safety, but at a higher cost than the local and

regional parks which do not provide on-site or park-specific enforcement staff. Management of expectations is essentially an initial strategy that must be practiced continually by the Conservancy to keep O&M costs realistically aligned with available resources.

A related management technique is to manage phasing. The Conservancy and its partners do not have enough acquired lands or funds for full build-out of Parkway facilities as envisioned in the Master Plan all at once. By matching access improvements and capital projects to the O&M resources available for those facilities, the Conservancy has been able to keep O&M needs in a manageable balance with available ongoing resources.

In practice, what has evolved for the Parkway is a "mosaic" of different land areas and facilities, managed by different partners and supported by diverse revenue streams, where some provide greater public access and range of recreational activities than others. And a wide variety of techniques have been employed to provide ongoing O&M functions, including cash funding in some cases, but also provision of services in-kind through a rich community of partner agencies and organizations.

Categorization of Techniques

The focus of this Funding Toolbox is on O&M, not on initial land acquisition and capital development (see the Introduction). But some sources of funding can be used for either, and those will be included. The sequence of needs for funding support can be seen as the following:

1. Land acquisition;
2. One time capital costs of environmental restoration, enhancement, and development of facilities;
3. Ongoing costs of Operations and Maintenance (O&M); and
4. Periodic major renovation or replacement of facilities and environments.

While the focus is on Item 3 above, there is also a tradeoff between Items 2 and 3 in that careful design and use of durable materials in construction can reduce the costs of long term O&M, although it may cost more in terms of the initial capital costs of development. Thus, another creative initial strategy employed by the Conservancy is to deploy limited capital development budgets in such a way as to minimize O&M needs in the future.

There is also a tradeoff between items 2 and 3 with respect to item 4 in that quality development combined with adequate maintenance can both reduce the need for periodic replacement and repair of capital facilities.

The Summary Analysis below clusters techniques for providing O&M services by partner entity. In some cases, the analysis is concerned with the revenue authorities that may be available through a partner agency to provide cash resources. In other cases, a partner entity may be able to provide O&M services in-kind, with no cash revenue being explicitly employed.

Summary Analysis

Table 1 presents the basic summary of the range of techniques identified, along with a brief evaluation of their advantages and disadvantages. Individual techniques are described in more detail in Section III below, along with examples of their use. Table 1 notes whether or not there is a precedent for that specific technique being used in the Parkway in the past. Table 1 also categorizes the technique in terms of the order of magnitude of resources which it could produce (e.g., $10,000 to $100,000 per year, $100,000 to $1,000,000 per year, etc.)

Table 1 – Summary Evaluation of O&M Funding Techniques

Partner Techniques and Revenue Authorities	**Used Before in Park-way**	**Potential / Year**	**Future Prospects**	**Advantages**	**Disadvantages**	**Authorities**
SJR Conservancy Initial Management Strategies						
Management of Expectations	Yes	$1-5M	Excellent	• Reduces cash needs for O&M. • Allows Parkway to grow incrementally.	• Could frustrate some public desires for access or services.	• SJR Conservancy board sets Conservancy policies relating to service standards.
Design & Development that Minimizes O&M	Yes	$10-100K	Excellent	• Reduces O&M needs over the long run.	• Costs more in capital funding at the outset.	• SJR Conservancy board sets Conservancy capital improvement policies.
Public Agencies: State Support						
State Annual Appropriations for Conservancy administration	Yes	$450k-$650k	Stable	• Relatively stable source of core staff support from special funds.	• No significant expansion potential. • No General Fund appropriations.	• Governor and Legislature approve annual appropriations.

State Bonds	Yes	$5-10M	Funds likely available until expended	• In use now for land acquisition and development.	• Cannot be used for ongoing O&M. • No new funds until authorized by voters in new bond acts	• Legislative or public initiatives must be approved by voters.
State Parks Budget Option	No	$5-10M	Unlikely in near-term, Potential in long-term	• Would provide a way to seamlessly implement the entire Parkway w/ high level of service.	• Highly unlikely in the fiscally constrained foreseeable era for State Parks. • Cost must be largely offset by user fee revenues.	• Governor must propose budget change, and Legislature must approve.
General or Special Tax Measures	No	$100k-1M	Premature at this time	• Can provide long run stable funding. • Depending on tax rate, could provide significant $. • Would not impinge on General Funds. • History of support for similar taxes; local electorate has approved special taxes for transportation, zoo and libraries.	• Difficult case to make in fiscally constrained era. • Depending on sunset structure, could require periodic renewal by voters. • Competes with all other "tax overrides."	• Special tax measures may be proposed by an agency or through legislative process and require 2/3 majority voter approval.
Assessment Districts	No	$10-100K	Difficult Nexus	• Could potentially support specific areas or projects.	• Rational nexus must be established to payers/beneficiaries. • Start-up costs for surveys, engineering studies (fee determinations), public information campaigns, mail ballots.	• Assessment districts may be proposed by an agency or by land owners. • There are approx. 20 statutes authorizing local agencies to impose assessments. • Subject to majority protest of property owners.

Regional Transportation Measure Funds, Multi-modal Trail Allocations	No	$10-200K	Possible	• Conservancy capital funds could be used for trail construction, freeing some transportation measure funds for trail O&M. • Already authorized and collected.	• In Fresno County, at this time funds are dedicated to the construction of trails by policy of the transportation authority.	• Must be proposed by regional transportation agencies. • Requires approval of voters.
Public Agencies: Local Support						
Local budget (General Fund) appropriations to provide park services	Yes	$10-100K	Near term increases unlikely, future potential	• Efficiencies from including otherwise-isolated Parkway areas in larger service areas for police, parks, etc. • Able to provide service only when needed.	• Lack of consistency in level of service within the Parkway. • Expanded services somewhat unlikely in the foreseeable fiscally constrained era.	• Local governing body approves annual appropriations.
County Service Areas (CSAs)	No	$100k-1M	Possible in unincorporated areas, especially those not yet developed	• Routine and well understood tool. • Can provide long term O&M.	• Needs to be a direct nexus between the cost of services and the taxes and fees levied.	• Revenue authority is derived from County. • May be proposed by affected voters, approved by Co. Board. • May be proposed by County, then approved by area voters.
Community Service Districts (CSDs)	No	$100k-1M	Less useful than a CSA for open space or recreation services only	• Routine and well understood tool. • Can provide long term O&M.	• Needs to be a direct nexus between the cost of services and the taxes and fees levied.	• Formation process is similar to that of a CSA. • Controlled by a separate board elected by area voters.

Developer Impact Fees	No	$100k-1M	Strong Future	• Can build durable facilities that reduce O&M needs. • Can provide private funding along with a community of new users.	• Generally not available for ongoing O&M. • Many areas adjacent to the Parkway have already been developed; probably only applicable on Madera County side of river. • Increases cost of housing.	• Approved and imposed by local land use agency.
Development requirements (CEQA Mitigation for new demands for services / Conditions for Approvals)	Preliminary	$100k-1M	Good for Parkway facilities serving areas yet to be developed	• Has the potential to infuse private investment to meet public goals.	• Nexus must be clear. • Many areas adjacent to the Parkway have already been developed.	• Imposed by local land use authority/lead agency.
Public Agencies: Other Partnerships (e.g., State & Federal)						
Habitat mitigation	Yes	$10K-$20K	Growing	• Can provide enhancement and long-term management of the specific land on which the mitigation occurs.	• May conflict with development of the area for public recreation.	• SJR Conservancy board may approve use of Conservancy lands for habitat mitigation by other partners.
Grants	Yes, for capital development.	$100k-1M	Shrinking	• When available, grants represent a new source of funding for specific uses.	• Generally not available for O&M. • Requires significant staff time to apply, with no guarantee of success.	• Grants awarded by granting agency or entity in accordance with its authorities and procedures. • Local agencies and nonprofits have authority to accept grants.

Concessionaires	Yes	$10-100K	Growing	• Attracts private business involvement. • Covers the cost of the specific concession operation.	• Requires staff time to administer and assure quality control. • May not generate enough revenue to attract concessions that provide high-quality services. • Does not generate revenue for other programs or services.	• SJR Conservancy board can award subject to a Request for Proposals.
Public-private partnerships and leases	Yes	$10-100K	Moderate	• Attracts private business involvement. • Possible for revenue-generators such as golf courses.	• Requires staff time to administer and assure quality control.	• SJR Conservancy board can approve, subject to state law and procedures.
Grazing Leases	Yes	$1-20K	Minimal	• Preserves historical uses. • Interim property management / conservation land banking. • Grazing leases provide fuel load reduction and invasive species management.	• Reduces / eliminates public access. • May conflict with environmental goals.	• SJR Conservancy Board can approve, subject to state law and procedures .
Development Community Facilities Districts (Mello-Roos)	No	$100k-1M	Strong Future	• Can provide long term O&M. • Those that use and benefit from the specific facilities, pay for their O&M	• Applies only to facilities that serve the specific development. • Increases cost of housing. • Many areas adjacent to the Parkway have already been developed	• Created and approved by local land use agency. • May be proposed by private land owner/developer as an infrastructure financing tool.

Mining Leases	Yes	$200K	Will be non-existent	• A lease on Conservancy property (existing at time of acquisition) generates funds for basic property management.	• Commercial mineral extraction will be exhausted/ permits expire in Parkway area in 2016 to 2023. • Mining in new areas would be very controversial.	• Local agency authority to regulate the Surface Mining Reclamation Act.
In-Kind Volunteerism	Yes	$1-10K / project	Growing	• Engages users & builds constituencies. • Docents can foster resource protection. • Enhances public education.	• Only appropriate for some O&M functions. • May require extensive staff coordination.	• SJR Conservancy Board sets procedures for volunteerism on SJRC lands; certain types of services are subject to state law.
Specific Project Fundraising / Implementation	Yes	$10-100K	Variable	• Can expand the diversity of programming offered. • Partnering to provide some programs and services can create efficiencies.	• Potential to limit access by the public. • Private group interest may vary from that of public or agency. • Partnership must be negotiated and managed by staff.	• SJR Conservancy may accept charitable contributions. • Such fundraising normally conducted by nonprofit, non-governmental organizations (e.g., foundation).
Endowment Fundraising	No	$10k - $1M (for Principal Amounts)	Unknown	• Can raise significant capital. • Also creates advocacy for the Parkway.	• Hard to endow what is perceived as a public agency. • O&M funding is much harder to raise than funds for a specific project. • Donors' interests may vary from that of public or agency. • Cause is likely to require much time to champion.	• Endowments are typically administered by private, nonprofit foundations.

Sponsor Recognition—this could be private for profit, such as a corporate sponsor	No, but policy has been developed	$1-10K / use area	Growing	• Designed to generate the specific amount necessary for O&M of the specific facility.	• Perceptions of "commercializing" public areas.	• SJRC Board may approve subject to adopted policy.
Indian Gaming Local Community Benefit Funds	Yes	$10K-50K	Potential.	• Regional tribal organizations have a direct interest in cultural resources and cultural history along the river.	• Funding requests are highly competitive. • Funds must be awarded to mitigate impacts of local gaming on the agency applicant.	• Awards approved by a Indian Gaming Local Community Benefit Committee.
Day Use Fees	Yes	$1-10K / use area	Growing	• Recovers some costs directly from users. • Applies to all users.	• May create barriers or disincentives to use. • Admin. burden. • All use fees, including those below, are required to be equal to or less than actual costs of providing the service.	• Approved by SJR Conservancy board or local agency operator.
Parking Fees and Launching Fees	Yes	$1-10K / use area	Growing	• Recovers some costs directly from users. • Easier to collect.	• May create barriers to use. • Potential for inequality. • Admin. burden.	• Approved by SJR Conservancy board or local agency operator.
User Fees/Reservations	No	$1-10K / use area	Strong Future	• Recovers some costs directly from users. • Useful for special facilities (e.g., picnic, boating).	• May create barriers to use. • Admin. burden.	• Approved by SJR Conservancy board or local agency operator.
Special Events	Yes	$5-50K	Parkway facilities have hosted festivals, canoe races, running races, etc.	• Can generate significant visitation and fee revenue.	• Can conflict with independent use of the areas. • Admin. burden.	• Approved by SJR Conservancy board or local agency operator.

III. Listing and Description of Funding Techniques

The purpose of this section of the Funding Toolbox white paper is to present a categorical listing of potential funding techniques along with a more detailed description of each. Also included are notes on revenue authorities and some guidance on the procedures for implementing specific techniques where applicable. A few selected examples are provided of how this technique has been used, either previously in the Parkway, or if there is no precedent locally, from elsewhere with an emphasis on experience in California.

Following the order of presentation in the summary analysis table above, candidate techniques have been categorized roughly by the type of partner entity that would be involved in each case. These have been defined in the following broad categories:

- San Joaquin River Conservancy management strategies,
- State support for the Conservancy,
- Direct public support from the local electorate,
- Public agencies--local partners,
- Other public agency partners (including State and Federal),
- Private, for-profit entities,
- Private, not-for-profit entities, and
- Parkway users.

San Joaquin River Conservancy's Initial O&M Management Strategies

Since its formation, the San Joaquin River Conservancy, both its board and staff, have been able to guide the growth and evolution of the San Joaquin River Parkway so that public recreation and resource areas have been opened in concert with the ability to perform ongoing operation and maintenance. The following two specific Conservancy practices that help to contain the costs of O&M were described in Section II but are briefly mentioned here again for comprehensiveness.

Management of Expectations and Phasing

Perhaps the most important strategy for covering O&M costs is to be careful not to create obligations in the first place that cannot be met with available resources. The SJR Conservancy Act requires that the Conservancy must keep closed to the public "any lands or facilities which it is unable to maintain in a clean and safe manner and to adequately protect the wildlife and rights of adjacent property owners…" (PRC 32511).

The Conservancy has a track record of managing the degree of access and the recreational activities that will be supported on each property that has been acquired. In many cases it has been necessary to implement plans in phases, maintaining lands in conservation open space for some period of time until sufficient resources are secured to operate and maintain lands for public access and recreation. License Agreements with volunteer stewardship organizations and local agencies provide for supervised public access, recreation, education, and conservation activities on Conservancy lands in the interim.

Design & Development that Minimizes O&M

Another practice of the Conservancy board has been to allocate approximately 20% of its capital funding to the development of facilities on acquired lands, with the other 80% allocated to land acquisition. One of the routine criteria for design and development is the durability and maintainability of the improvements. In the floodplain, proper siting for improvements, locating them outside flood-prone areas, is especially important. By siting, designing, and constructing good quality infrastructure and recreational amenities in the first place, long run O&M obligations can be minimized.

Public Agencies: State Support for the Conservancy

The Conservancy is an entity of the State of California, and the State has provided the core funding to support the Conservancy's mission. To date the taxpayers of the entire state have been advancing the majority of the funds to build the Parkway through statewide general obligation bond funds, but O&M support may be expected at the regional/local level where the benefits accrue to property owners and users. The regional/local agencies and constituents will need to figure out how to take advantage of and support a well-managed Parkway.

State Annual Appropriations

The Conservancy operates with a small staff of three, with another position supporting the Conservancy at the Wildlife Conservation Board. The State budget appropriation has totaled between $450,000 and $650,000 per year in recent fiscal years. The budget is appropriated in three funds:

1. San Joaquin River Conservancy Fund,
2. California Environmental License Plate Fund,
3. Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006

The Conservancy's State budget appropriation is generally sufficient to cover Conservancy work to guide and implement the land acquisition program, develop capital improvements plans and projects, perform fundamental property management, and coordinate other O&M efforts. This budget does not

include sufficient funding for any field staff, meaning there are no rangers, maintenance workers, or other field support staff that are typically needed to perform the O&M functions for parks, open space or passive land management. Fundamental Conservancy property management expenses—such as maintenance and repair of fences, fire prevention, waste disposal for illegal dumping, and limited operations and maintenance contract services—are supported by appropriations in the San Joaquin River Conservancy Fund.

The 2012-2013 Fiscal Year budget is as follows:

Environmental License Plate Fund	Main Support Budget—2 permanent full-time positions, admin., office facilities	$285,000
SJRC Fund	Fundamental property management, funded by long-term leases	$122,000
Proposition 84 Bond Funds	Program Delivery for Bond Fund capital outlays—1 SJRC position and 1 Wildlife Conservation Board position	$237,000

State Bonds

The capital funding for land acquisition and development has been provided over the years from a variety of State bond acts. The Conservancy's bond funds for capital projects are appropriated in the California Wildlife Conservation Board's budget. Any acquisitions, improvements, or grants using these funds are at the direction of and require approval by the Conservancy, as well as the WCB. The bond funds are authorized for acquisition, development, rehabilitation, restoration and protection of land and water resources to achieve the mission of the Conservancy. State bond funds cannot be used for ongoing O&M functions.

State Parks Option

During the early years of the Conservancy's existence, it was suggested by many that the Parkway would ultimately become a unit of the California Department of Parks and Recreation (State Parks). As was described above, after the cost of full build out of the Parkway to a State Parks level of amenities (including campgrounds, boat launch facilities, hiking trails, and other recreational

facilities), the annual cost of maintaining and operating a San Joaquin River Parkway State Park would likely be in the range of $6 to $7 million today. In recent years it has become apparent that the State Park option for the entire 22-mile length of the Parkway is not feasible in the near term or realistic. On the other hand, the north eastern portion of the Parkway, adjacent to the existing Lake Millerton State Park, could be a candidate over the long run for inclusion within the State Parks system. In the interim, there are precedents for the Conservancy's cooperation with State Parks to operate Parkway facilities. A few of the current precedents for this partnership are as follows:

Precedents in the Parkway

- Friant Cove is operated under an interagency agreement with the Conservancy, where State Parks operates the area at the same level as a standard State Park (e.g., full public access) for $38,000 per year at Conservancy cost. A detail of interest here is that State Parks is not allowed to charge a user fee at Friant Cove due to restrictions on some of the grant funding that was used for the capital costs of making improvements to the area.
- The River Vista property is not yet developed with Parkway features or open to the public. The river front adjacent to the property is commonly accessed by the public. State Parks monitors the area and provides weed abatement and fire prevention services through an interagency agreement costing the Conservancy $2,000 per year.
- Basic property stewardship is provided at the Conservancy's Wagner Property through a mutually beneficial relationship where a State Parks employee is a rent-paying residential tenant of the Conservancy, and the Conservancy has an agreement to reimburse State Parks for maintenance of the home. The presence of an occupant reduces the potential for vandalism, illegal dumping, and other problems on the property and on adjacent Conservancy lands. These properties are not open for public access and recreation.

At this time, the California state budget in general, and for public recreation specifically, is very constrained. Within the five-year time horizon it is highly unlikely that any significant funding or expansion of responsibilities will be available to the Parkway from State Parks. On the other hand, the longer-range future is much less determined. State Parks recognizes the great demand, need, and potential for San Joaquin River-based recreation, as documented in its Central Valley Vision planning report. With population growth in the region and a concomitant increase in demand for recreation and environmental education, there may be more political support at the state level for expanding State Parks' responsibilities into the northeastern portion of the Parkway in a 10-year time frame or beyond.

Direct Public Support: Local Electorate

This section presents revenue authorities that are derived directly from the "will of the people." This could include the local electorate in a region defined by Fresno and Madera counties, or by people residing or owning property within a specifically defined geographic area in proximity to the Parkway.

The primary focus of these discussions is on the ability to raise revenue for ongoing O&M through one or more of these authorities, but in most cases there will also be a need for a related governing structure to guide the expenditure of funds and to ensure proportionality of benefits received within the constituent geographic areas.

General or Special Tax Measures

One of the most secure sources of long term funding for ongoing O&M needs would be a new tax or tax increase approved by the electorate, most likely along with a new governmental structure to administer the tax. Although a variety of tax structures could be crafted and proposed, most likely a revenue source dedicated to the Parkway would be classified as some form of "special tax." This is because funds generated through the taxing mechanism would be earmarked for a special purpose, in this case support of the San Joaquin River Parkway. At this time, it takes a two-thirds super majority to pass a special tax measure. A "general tax" increase only requires a simple majority, but would most likely not be applicable in this case, because the funds would be unrestricted and flow to the general fund of one or more existing local governments within the region, and would be subject to discretionary diversion to other uses over time.

Special taxes would normally require the establishment of a new governing board or structure, such as a Joint Powers Authority or Special District, especially if the tax applies across multiple counties or cities, or applies to only a portion of a jurisdiction.

Possible candidates for major types of taxes which could be appropriate for funding Parkway O&M on a long-term basis include the following:

- **Parcel tax added to the property tax bill**. Although it would clearly require a two-thirds approval under current law, one advantage of a parcel tax is that it could be structured geographically to create a nexus between proximity to the Parkway and location of the subject properties. There is substantial academic literature, as well as anecdotal evidence, documenting the beneficial impacts parks and trails have on property values. Parcel taxes can be structured to have different formulas for assessment against residential as opposed to commercial properties. Another advantage is that property taxes can be designed to be progressive.

- **Sales Tax**. The total retail sales tax rate applicable at any given time within a specific jurisdiction is composed of state and local components. It is possible at the local level to increase the tax rate by a specific amount for a special purpose. In Fresno County, an example of this type of sales tax increase was Measure Z which added 0.1% to support the zoo. However, with the recently approved increase in the State portion of the sales tax, the ability to tap further into this source has been diminished. One disadvantage of relying on a sales tax increase is that it tends to be regressive, because lower income families spend a larger portion of their incomes on taxable retail goods.
- **Other tax streams**. Local governments have tapped a variety of other sources for special purposes in California, including **real estate transfer taxes**, **document transfer taxes**, **transient occupancy taxes**, **utility user taxes**, and others. There should be some rational nexus, however, between the tax base and the special-purpose to which revenues will be dedicated. For example, it may be possible to draw a connection between the transient occupancy tax and some specific tourism related services provided by the Parkway. It would be hard to create a logical justification for using most other tax revenue streams for Parkway O&M.

An informal review of the history over the two decades of special tax elections in California suggests that the majority of them failed to pass. A rule of thumb among political consultants is that a tax measures should not be attempted unless the predisposition within the electorate is already more than 50% in support of the cause. It is advisable that an agency considering a ballot measure conduct political polling in advance to gauge support within the electorate.

In terms of process to secure such a revenue authority, it is appropriate for a public agency to research political support, design and propose a taxing system, and even to draft language for such a measure. Once set in motion, however, a public agency may not lobby on behalf of a special tax measure. The implication of these laws is that in order to be implemented, a champion outside the public agency must be identified early in the process to carry a campaign forward.

Before any attempt to design and win approval for a special tax, additional legal and political research will need to be conducted beyond the basic description in this funding toolbox. For example, as of this writing in early 2013, there are discussions in the state legislature of how Proposition 13 (1978) might be modified, including development of different super majority thresholds for passing special tax measures.

Precedents in the Parkway

- There are no precedents of special taxes specifically designed to support the Parkway to date.
- In Fresno County, however, a precedent for a special tax is a Measure Z, which was passed in 2004 to provide an additional 0.1% increase in the sales tax to support the Fresno Chaffee Zoo.
- A real estate transfer tax of 0.1% of the value of each home sold was placed on several new developments in the Clovis area which flows to the nonprofit Clovis Community Foundation where it is used for a variety of local scale beautification projects in parks and other Clovis community facilities.

Precedents Elsewhere

- East Bay Regional Park District, MidPeninsula Regional Open Space District, and a wide variety of other parks, open space, and habitat oriented special purpose agencies have successfully won special tax support within California.

Assessment Districts

The revenue authority for a benefit assessment district may be derived from any one of more than 20 different statutes that authorize the creation of local assessment districts. These revenue authorities include:

- The Municipal Improvement Act of 1913,
- The Improvement Bond Act of 1915,
- The Landscaping and Lighting Act of 1972,
- The Benefit Assessment Act of 1982,
- The Open Space Maintenance Act,
- A Habitat Maintenance Assessment District,
- A Geologic Hazard Abatement District, and
- A variety of other revenue authorities.

Of these, the Landscaping and Lighting District may be most appropriate for ongoing operating and maintenance support for areas of the Parkway that are subject to active public use. An Open Space District or Habitat Maintenance District may be more appropriate in areas with less public access.

Some of the other statutes, for example the 1915 Act, are more oriented towards bond funding of capital infrastructure.

All of these various revenue authorities were affected by Proposition 218, which has established certain principles to be adhered to and procedures for enactment now common to all. A distinguishing characteristic of a benefit assessment district, as opposed to a general tax, is that a specific geographic area must be defined within which the benefits are generated and the value captured. If this geographic area is entirely contained within an existing local government jurisdiction, the relevant governing body can administer the district. If the geographic benefit area crosses jurisdictional boundaries, a Joint Powers Authority or other new governing board or structure will be needed.

One of the salient issues is that the assessments to individual properties or classes of similar properties must be proportional to the special benefits that are received. Benefits that are available to the general population are not considered grounds for imposing a special assessment against specific properties. A related issue is that assessments cannot be justified just on the basis that the services will generate a general increase in property values.

Ways in which a benefit assessment district may be justifiable in the case of the Parkway, based on arguments that have been used in the past elsewhere, include such benefits as:

- Enhanced recreational opportunities in close proximity (especially within a convenient walking and bicycling distance),
- Reduction of fire danger,
- Increased protection from floods,
- View protection,
- Protection of water quality, including groundwater on nearby parcels,
- Increased business opportunities, for example with the attraction of significant tourism and spending to the river corridor.

A key part of the process in creating any type of benefit assessment district is the preparation of a comprehensive “engineer’s report." The engineer’s report will be a technical document that includes a geographic definition of the assessment district, perhaps laying out multiple sets of boundaries with differing formulae for calculating benefits and associated assessments within each zone. The report must clearly establish the nexus between benefits and assessments that justifies the creation of the district. Other required elements include cost estimates and operating budgets, descriptions of the properties to be assessed, assessment amounts per individual parcel, and other technical

components. Although this is in concept a technical engineering document, it will have to withstand significant scrutiny, and should also have adequate legal review of its contents. Surrounding the engineer's report are all of the other community input and political concerns that are involved with any kind of election.

The approval procedures for all assessment districts were standardized by Proposition 218, a constitutional initiative approved by California voters in November 1996. As described by the Legislative Analyst's Office, local governments must mail information regarding assessments to all property owners. (Prior to Proposition 218, large communities could publish assessment information, rather than mail it to every property owner.) Each assessment notice must contain a mail-in ballot for the property owner to indicate his or her approval or disapproval of the assessment. At least 45 days after mailing the notices, the local government must hold a public hearing. At the conclusion of the hearing, the local government must tabulate the ballots, weighing them in proportion to the amount of the assessment each property owner would pay. (For example, if homeowner Jones would pay twice as much assessment as homeowner Smith, homeowner Jones' vote would "count" twice as much as homeowner Smith's vote.) The assessment may be imposed only if 50 percent or more of the weighted ballots support the assessment.

As with a general election for a special tax, the role of a public agency with the creation of an assessment district can be to design the district and engineer its formation, but once a proposal is put forward the agency must remain a neutral party, providing objective technical information without lobbying one way or the other in the election. Again, the implication is that a champion outside of the public sector must be found to run a campaign for approval of the district.

Precedents in the Parkway

- There have been no special assessment districts created to date within the Parkway, although trails in the adjacent Copper River Ranch master planned community connect to the Lewis S. Eaton Trail and are maintained through a related type of assessment system, a Community Facilities District (see below for discussion).

Precedents Elsewhere

- The East Bay Regional Park District has successfully established Landscaping and Lighting Act districts over relatively large geographic areas that are specifically designed to fund O&M costs of parks, open space, trails and trail corridors.
- Santa Monica Mountains Conservancy Joint Powers Authority secured passage of two benefit assessments covering the same land area, one for fire prevention and one for open space protection. Two geographic assessment districts were formed, one inside the

boundaries of the City of Los Angeles, and one outside the city limits in unincorporated Los Angeles County. Initial polling showed that over 70% of property owners were in favor of the assessment district measure, and imposition of the assessments ultimately was supported by 68% of the weighted ballots.

Regional Transportation Measure Funds

The voters in Fresno County have approved additional taxes for transportation funding, most recently passing the Measure "C" Extension in 2006, and giving it a 20-year lifespan. The taxes for transportation include the Measure C half cent sales tax, which was originally passed in 1986 and reapproved 20 years later, plus a schedule of mitigation fees on new development which includes $1,727 per single-family dwelling unit and $1,212 per multi-family dwelling unit under the Regional Transportation Mitigation Impact Fee (RTMF).

Approximately 3% of the Measure "C" sales tax is provided to fund significant improvements to the existing and planned pedestrian and trail systems throughout Fresno County. Approximately 1% of Measure "C" is provided to fund significant improvements to the existing and planned bicycle facilities and/or systems.

The original intent of the trails portions of the Regional Transportation Program has been to develop as many miles of trails as possible to enable alternative transportation modes to motorized vehicles. The policy has been to only use Measure C trails funds for the capital costs of bikeway/trail development in the Parkway, and not for O&M.

Precedents in the Parkway

- No Measure C funds been used to date for any trail development in the Parkway.
- In theory, Regional Transportation Program funds could be used for the ongoing maintenance costs of bikeways and pedestrian trails in the Parkway as well as for capital costs, but the Fresno County Transportation Authority (FCTA) would have to change their policy to do so, and there is significant support for the current policy. By allowing a portion of Measure C trail construction funds to be reallocated to trail operations and maintenance, other funds that are strictly for capital development, could be used to build trails, with a net gain to the communities' trail system.

Public Agencies: Local Partners

The San Joaquin River Conservancy is not the only public agency interested in the use, health, and future of the Parkway and the River. There is a congruence of agency missions with a number of other public entities that make them logical partners for operating and maintaining key areas or features of the Parkway. In addition, there are a number of other revenue authorities which could be

created by forming new public entities, such as County Service Areas or Community Service Districts, which could also assist with long-term O&M needs.

Local Budget (General Fund) Appropriations to Provide Park Services / Congruence of Agency Missions

There are a number of local government agencies which have interests in the Parkway due to overlapping jurisdictions, adjacency, or agency missions. These include: the City of Fresno Parks, After School, Recreation and Community Services (PARCS) Department; counties of Fresno and Madera; various flood control and irrigation districts; the Fresno Police Department, the Sheriff's departments of both adjacent counties, and other public safety agencies in the region; and many other public entities. While pursuing their own agency missions, many of these entities have occasion to provide services within or adjacent to the Parkway, which in essence supports Parkway O&M. These activities are supported by the routine revenue authorities of each agency, and can be seen as providing in-kind services in support of the Parkway.

There can be significant efficiencies in providing government services through this mosaic of multiple agencies. In most cases, the agency in question will already have the "overhead" covered for an ongoing administration, and have a core trained, professional staff already in place. Extending services adjacent to their existing jurisdiction can be at minimal marginal cost to them, and can be provided in the Parkway only when needed. Unfortunately, in this current era of fiscal constraints these agencies are all struggling with limited resources as well, and it is difficult to significantly extend their cooperative participation within the Parkway much further. For example, Fresno PARCS was operating with a budget of approximately $20 million three years ago, but now is constrained to a budget of about $9 million.

There are ample precedents for this type of public agency cooperation within the Parkway, a few of which are described as follows.

Precedents in the Parkway

- The portion of the Lewis S. Eaton Trail between Woodward Park and the River Center was implemented through a three-way partnership. Fresno County owned the land, the River Parkway Trust was willing to raise the capital funding through competitive grants and fundraising, and in return, the City of Fresno was willing to commit to long-term O&M responsibility.
- The elementary and middle school science program in the Fresno schools has a focus on the river, including water flow, wildlife, and habitat. In support of this program, Fresno PARCS

runs canoe trips and river excursions in the Parkway, providing both recreation as well as education opportunities.

- Law enforcement agencies and State game wardens perform public safety, law enforcement, and emergency rescue and response within the Parkway within their services areas in their normal course of duties.
- State Parks, which has an existing public safety staff for the Millerton Lake State Recreation Area, extends their response area to cover the Friant Cove and River Vista areas when needed.
- The Lost Lake Recreation Area within the Parkway is partially owned by the State and partially by Fresno County. Lost Lake Park is operated by the County.

County Service Areas (CSAs)

The County Service Area Law was enacted in the 1950s to create a means of providing expanded public services in areas where residents are willing to pay for extra service. Designed for unincorporated areas, CSAs can be used for such services as parks and recreation, extended police protection, fire protection, water, sewer, and other municipal types of services. The revenue authority is derived from the County, and taxes, fees and assessments associated with the CSA will appear on property tax bills.

The process for forming a CSA can be through a petition of registered voters within the service area, or by adoption of a resolution by the County Board of Supervisors. However, if proposed at the County level, the CSA must be approved by a majority of residents within the district. Special taxes must be approved by a two-thirds vote of CSA residents.

CSAs may be used to fund all O&M costs of public services, and are a candidate technique for enhancing service levels in the Parkway. On the other hand, there must be a nexus between the benefits received by residents and the taxes and fees levied against their properties.

Precedents in the Parkway

- CSAs have not been used to provide O&M funding within the Parkway to date.

Precedents Elsewhere

- Dozens of CSAs have been used to provide a wide variety of services within Fresno and Madera Counties on a routine basis.

Community Service Districts (CSDs)

The revenue authority for a Community Services District is similar to that of the CSA. A CSD may be initiated by petition from registered voters within an area, or by a resolution of the County Board of Supervisors. However, a two-thirds vote of residents within the proposed boundaries is still required to establish a CSD.

A salient difference is that a CSD is controlled by a separate board, elected by members of the community. In this way, a CSD is somewhat like a separate municipal government within the unincorporated area of the county. A CSA may be more appropriate for providing one or two specific services to an area, where a CSD is more appropriate in providing a wide variety of municipal level services to an entire community.

Precedents in the Parkway

- CSDs have not been used to provide O&M funding within the Parkway to date.

Precedents Elsewhere

- Approximately nine CSDs have been established in Fresno County to provide public services on a routine basis. Madera County is currently investigating the feasibility of combining several CSAs in the Oakhurst area and forming a more comprehensive CSD.

Developer Impact Fees

When new real estate development creates additional demand for parks, open space, and recreational facilities, in California it is possible to impose impact fees upon the developer. In general, however, such fee systems are typically designed to acquire land for these purposes or to pay the capital costs of developing the infrastructure necessary to support recreation and open space uses. Developer fees that are able to fund high quality and durable facilities may reduce O&M costs over the long run, but that does not solve the problem of identifying ongoing O&M funding per se.

The relevant revenue authorities that enable imposition of developer fees require a process that is relatively complex and time-consuming. For one thing, the legal standard for imposing fees on a single development is more stringent than the standard for imposing fees generally, for example throughout an entire county. If a single development is at issue, it is more cost-effective to work through a Development Agreement then to try to justify an individual impact fee system. To establish a broad fee system, a “rational nexus” study is required which demonstrates that the proposed development impact fees are both “rationally related” and “proportional” to the impact being created.

Precedents in the Parkway

- There is no developer impact fee program in place within the Parkway at this time.

Precedents Elsewhere

- The City of Fresno imposes urban growth management and development impact fees to generate funds for associated public works infrastructure, fire and police facilities, parks and trails, and transportation infrastructure.
- The City of Redding has imposed a developer impact fee to support a River-to-Rail Trail system.

Development Requirements (CEQA Mitigation for New Demands for Services) and Other Conditions of Approvals

Real estate development projects of significant size are generally implemented under today's common practices with a Development Agreement. In addition to the mandated requirements for preparation of a Specific Plan and a CEQA Environmental Impact Report, a Development Agreement presents an opportunity to propose mechanisms for sharing costs of both the construction and ongoing operation and maintenance of public infrastructure between the private and public partners involved. Contributions to Parkway facilities and their maintenance are likely to be appropriate for major developments that are occurring along the Parkway. Unfortunately, many of the areas of Fresno adjacent to the Parkway have already been relatively built up, and the major opportunities for utilizing this revenue authority will likely be only in undeveloped areas of Fresno County and on the Madera County side of the river.

Precedents in the Parkway

- The Development Agreement adopted in 2009 between Madera County and Tesoro Viejo, Inc. for the development of a 1,579-acre development into over 5,000 housing units within the Rio Mesa planning area, includes plans for part of the regional trail system envisioned within the San Joaquin River Parkway. Other public parks, open spaces and trails serving the proposed master planned community are also addressed by the agreement. The agreement specifically notes that the developer intends to donate appropriate portions of the project to the San Joaquin River Conservancy. Although the technical details of the financing mechanism for long-term O&M funding of the park and recreation facilities and habitat areas are yet to be determined, the agreement notes that it could be “a Special District, a Project Financing Mechanism, and / or a Regional Financing Mechanism with equitable apportionment of costs in accordance with the benefits obtained.”

Other Public Agency Partners (Including State and Federal)

Habitat Mitigation

New development and public works projects often require mitigation for impacts to habitat. Mitigation—including habitat acquisition, habitat restoration, and endangered species enhancements or set-asides, and long term stewardship of mitigation lands—could be accomplished on Parkway lands at the project developer's cost. Endowments can be established to assure long term maintenance funding.

Precedents in the Parkway

- The Conservancy has entered into mitigation partnerships with Caltrans and the County of Fresno. These very small projects provided for habitat restoration at the outside agencies' costs, and provided funding or maintenance to ensure the success of the restoration project.
- No mitigation projects or policies have been developed by the Conservancy to facilitate private development mitigation on Conservancy owned lands. Such projects would require careful consideration to be sure the public does not subsidize private development requirements.

Grants from Public Agencies: Federal, State, or Local

Grants are almost always bond funds or other capital funds designated to pay for the one-time costs of acquisition and capital improvement. Grants are occasionally available for programs; however, they are rarely available for ongoing O&M funding. Historically a wide variety of grants have been available from all levels of government (and many private foundations) for a range of worthy public purposes, including environmental restoration, habitat, education and recreation. In the world of grantsmanship, however, the pool of resources never seems to match potential demand, and the procurement of grant money is a highly competitive process. It takes significant staff time to apply for grants, they are often not won, and when they are won they often have complex rules and strings attached to their use, including ongoing reporting requirements that further consume staff time.

Precedents in the Parkway

- To date, approximately 45% of the cost of Parkway capital improvements and 44% of the cost of Parkway land acquisitions have been covered by grants and fund sources other than Conservancy bond funds.
- As a small example related to O&M, the Fresno Regional Foundation has recently granted twenty-five thousand dollars to the San Joaquin River Stewardship Program to fund river

trips, clean-ups and restoration efforts along the river targeting 360 underserved Hmong and Latino youth.

Public-Private Partnerships with For-Profit Partners

The long-term vision is that the river and land areas within the Parkway will be owned by the public in perpetuity. There are a variety of partnerships with private entities, however, which are appropriate for public lands. Those involving private entities operating in a for-profit mode are described in this section, with a separate discussion of not-for-profit entities following.

Concessions and Leases

For areas that are actively used for recreation, it may be economically feasible to develop and operate specialized facilities profitably via user fees and charges. There are ample precedents with the National Parks system, State Parks, and other county-level facilities throughout California for using concession agreements, leases, and other legal contracts to allow for-profit businesses to provide recreational services on public properties. Campgrounds, marinas, boating facilities, golf courses, equestrian centers, river excursions, and other active recreational uses may be candidates for development and operation in this mode.

Although they share many similarities, there is a distinction between concessions and leases. Leases on public lands are appropriate for businesses that do not conflict with the uses, mission, and services on public lands, and support the proper management of those lands, whereas concessions are private profit or nonprofit businesses on public lands that are directly providing services in support of the primary mission of the agency. Leases and concessions also have to be structured to generate sufficient revenues and other benefits to the public entity to ensure there is no gift of public resources occurring.

There are a number of common issues associated with concessions and leases to private for-profit entities. Typically it is difficult enough to generate sufficient revenue to sustain operations (e.g., throughout a range of seasons), that these types of concessions and leases typically generate only enough revenue to cover the business operation and the direct public costs associated with it, and generally do not generate surplus revenues that can be used to subsidize other larger public objectives. Also, when providing recreation services, there is a tendency to diminish the quality of services or to defer maintenance on capital facilities if revenues begin to fall short of expectations. For these and similar reasons, there is a significant burden on the part of the public staff to solicit private participation, negotiate appropriate terms, and to monitor quality and performance over the long run.

Precedents in the Parkway

- Sycamore Island, a river access and fishing operation owned by the Conservancy has been operated as a concession (five-year concession agreements) since 2006. The site is open weekend and State holidays from February through November. The site generates enough day use fees and snack/bait shop retail funds to support itself, with approximately 2% of the gross revenue remitted to the Conservancy (approximately $500 in 2012).
- The Conservancy has recently entered into limited-season operating agreements with the San Joaquin River Parkway and Conservation Trust for Camp Pashayan and Ball Ranch. Outside supplemental funding has been made available from the U.S. Bureau of Reclamation to support the pilot program at Ball Ranch. Day use and rental fees are intended to cover the costs of the operations.
- There is a small golf course within the Parkway that has been operated on a lease arrangement with a private operator. This long term lease was assumed by the Conservancy at the time the land was acquired.

Leasing Public Land for Grazing

Another form of contracting with a private for-profit partner is the leasing of public property for agricultural purposes. Again, there are ample precedents throughout California for use of leases of various lengths on public lands to meet a number of objectives including: land banking of property for planned later use, weed abatement and reduction of fire danger through grazing, invasive species management, restriction of public access where it is not currently desired, and generation of ancillary revenues. Where public land acquisition programs have taken place throughout California, it is not uncommon for the prior agricultural owner to leaseback his former property on an interim basis. Although there is little opportunity for row crops and other intensive farming within the Parkway, there are opportunities for grazing leases.

Precedents in the Parkway

- The Conservancy has one grazing lease in place within the Parkway. There may only be another four or five candidate sites that could be similarly used. The existing grazing leases tend to be small, in the range of a few thousand dollars per year per property.

Precedents Elsewhere

- The East Bay Regional Parks District has grazing leases for rangelands, and allows public access for hiking on those lands. They have developed policies that allow for managed grazing, derive grazing lease revenue, and concurrently allow for safe public use.

Mining Leases

Related to land leases for agricultural purposes are leases for extraction of natural resources. Much of the San Joaquin River in the Parkway reach was historically used for aggregate mining. Existing mining permits will expire between 2016 and 2023, and it is anticipated the mineral resources will be fully exhausted at that time. In the interim, for existing mines on lands purchased by the Conservancy, some revenue may still be generated until the final closure of the mining operations. In most cases mining operations have closed and the lands have been reclaimed before the land is offered for sale to the public.

Precedents in the Parkway

- In 2008 the Conservancy acquired one gravel plant site that will be active until 2016 (or until December 31, 2013, depending on a pending extension of the lease). This lease generates significant revenues.

Development Community Facilities Districts, CFDs (Mello-Roos)

Recognizing the difficulty in securing tax revenue resources for public infrastructure and amenities in a post-Proposition 13 environment, the State Legislature passed the Mello-Roos Community Facilities Act which creates the ability to form Community Facilities Districts (CFDs). Especially useful in rapidly urbanizing greenfield areas, a unique aspect of the CFD is that if there are fewer than 12 registered voters within the proposed boundaries of a new district, which is typical of a new master planned community owned by a single developer or a limited number of partners, the district may be formed by a two-thirds majority vote of the owners weighted by their land holdings. This allows the owners of a proposed major new development to create a new revenue authority, which then flows to subsequent buyers (e.g., new homeowners) in the future. There is also provision in the act that a CFD may be formed in a previously developed area, although when there are 12 or more voters in that area a two-thirds majority must approve the formation of the district and the imposition of new taxes, which has proven to be a difficult hurdle to overcome in most established communities. There is also some controversy over CFD use in new developments as well, because new homeowners in the CFD area pay taxes at a higher rate than residents of surrounding existing areas, and it effectively increases the costs of housing.

Among the purposes for which a CFD may be used, are parks, recreation, and open space facilities. Once formed, CFDs function similarly to benefit assessment districts and may be used to fund ongoing O&M costs. CFDs are essentially separate public entities, although they can be within a city or a county and the legislative body for the larger entity can also serve as the governing board for the CFD.

In the future, CFDs have strong potential as a financial tool for some areas of the Parkway, and very little potential in others. First, the revenues generated within the district are intended to be used for providing benefits to property owners within that district, which limits the ability to fund services in a large, linear, multi-county geographic area such as the Parkway. However, within large master-planned developments along the north side of the river, CFDs may be quite useful in funding O&M for trails, recreational facilities, and access points to the river which serve CFD residents but yet are open to the general public as well. In areas to the south of the river in Fresno County which are already largely developed, CFDs are likely to be of limited or no use for Parkway O&M purposes.

Precedents in the Parkway

- There are no CFDs to date providing funding for Parkway purposes, although the financial implementation of one or more of the large-scale master-planned developments proposed in Madera County may include the formation of CFDs in the near future.
- Adjacent to the Parkway, the developers of the master planned community Copper River Ranch requested the formation of Community Facilities District #12 within the City of Fresno. Under a maintenance agreement with the City, the owners of Copper River Ranch perform O&M functions using CFD revenues and maintain large areas of trails, open spaces, scenic street medians and buffers along with street lighting, stamped concrete paving, curbs, gutters, sidewalks, street signs, street trees and other features related to the project. Trails within the community connect to the Parkway via the Lewis S. Eaton Trail.

Public-Private Partnerships with Non-Profit Partners

Private entities set up as not-for-profit organizations can also serve as useful partners with the public sector. A variety of non-profit organizations are already heavily involved within the Parkway as described in this section. The San Joaquin River Parkway and Conservation Trust (River Parkway Trust) is a non-profit land trust, and is arguably the most significant partner, but others contribute value to the Parkway as well.

In-Kind / Volunteerism

One of the most observable forms of in-kind contributions to the O&M needs of the Parkway is the volunteerism from citizens within the region, often organized by the not-for-profit partners. Services rendered by volunteers routinely include education by docents, clean-ups, trail development and maintenance, resource protection and habitat restoration, and invasive species eradication.

Precedents in the Parkway

- The River Parkway Trust provides volunteers through organized work parties and programs that conduct habitat restoration and facility maintenance, as well as training and organizing a variety of docents and river stewards who perform education and outreach programs with schools, summer camps, and other members of the regional community.
- The Conservancy's Jensen River Ranch is a good example of an area where the River Parkway Trust organizes routine work parties of volunteers led by their own paid staff to perform habitat restoration and invasive plant removal.
- Tree Fresno has a much broader, four-county area of service. The organization has conducted extensive tree planting along the Lewis S. Eaton Trail and has created and maintained a native oak reforestation pilot project at Ball Ranch.
- RiverTree Volunteers has planted trees and demolished old structures on Sycamore Island and conducted similar projects at Camp Pashayan, Proctor Broadwell Cobb, River Vista, Sycamore Island and other areas. They also maintain a fleet of canoes and provide educational river experiences for school groups in the Parkway.
- The San Joaquin River Stewardship Program, Fresno State, Many Lightnings American Indian Legacy Center, Friends of Lost Lake Park, and other volunteer stewardship groups have performed important land management, educational and recreational services in the Parkway.

Specific Project Fundraising / Implementation

Most of the private non-profit partners active in the Parkway are organized as a 501(c)(3) entities, which enables them to accept charitable donations, other revenue streams and certain one-time grants that may not be available to a governmental entity. These private non-profit partners have the ability to organize fundraising campaigns and raise resources for specific projects. There are precedents for these types of projects in the past, and this could be an important source for the long term implementation of the Parkway. Many donors tend to be interested in investing their donations

in constructing or creating a specific new project, facility, or park, thus this type of fund-raising is less applicable to the ongoing needs for O&M funding.

Precedents in the Parkway

- Portions of the Lewis S. Eaton Trail have been developed in part through fundraising specifically for that purpose.

Fundraising for an Endowment

In terms of raising charitable resources that can be used for ongoing O&M, raising money for endowments is more appropriate. Endowments may be tied to a specific project or feature of the Parkway, but may also be tied to and organization and their good works in general. The goal in either case is to seek a sufficiently large pool of financial resources so that the investment income generates a small but relatively stable revenue stream for ongoing use, e.g., for O&M purposes.

Precedents in the Parkway

- Although the Parkway River Trust has had only minor involvement with endowment fundraising to date, they are currently considering the creation of an endowment vehicle through the Fresno Regional Foundation in the near future that may allow for the stewardship of more significant amounts.

Precedents Elsewhere

- McConnell Foundation endowments and the Sundial Bridge Legacy Project have been fundamental in supporting the Turtle Bay Exploration Park and Sundial Bridge on a parkway in Redding, California.'
- The Kings River Conservancy has received and invested a relatively small endowment to support operations costs for a public river access, the Thorburn Access Park, on the Kings River near Sanger.

Sponsor Recognition

Over the last decade or so, as the audiences for advertising in traditional mass media have become more fractured and disparate, companies have increased their sponsorship of sports events, facilities, and venues in order to get their names in front of likely consumers of their products and services. This trend has been beneficial to recreation and sports providers; with some creative marketing local level public providers have been able to secure revenue streams from private corporations by giving them appropriate recognition associated with their facilities and venues. Although naming rights for specific use areas or facilities in the Parkway may be perceived as too commercial, there may be

more subtle means of providing exposure for sponsors within the Parkway in exchange for revenues that could be applied to the ongoing O&M for those use areas and facilities.

Sponsorships have been observed to fluctuate along with the general health of the economy to some extent, and are likely to gain even more potential as the California economy improves.

The Conservancy board has adopted a policy for name recognition and sponsorship for Conservancy projects. The adopted guidelines generally accomplish the following:

- Emphasize appropriate on-site and off-site recognition for sponsors and donors, and de-emphasize permanently naming lands or facilities for monetary contributors;
- Reserve to the Board the privilege and authority of naming or dedicating a site or facility on Conservancy lands or funded by the Conservancy;
- Encourage names for Parkway areas and features based on history, tradition, environmental setting, or other unique characteristics; and
- Provide that facilities, trail segments, restored woodland groves, or other improvements may be dedicated to a donor or sponsor.

Precedents in the Parkway

- Tree Fresno has been working on an "adopt-a-trail" program and has identified several sponsors so far. It plans to find sponsors for services on the Eaton Trail in the Parkway, as well as for other non-Parkway projects.

Precedents Elsewhere

- The ARC Fresno, a job development and independent living program for clients with special needs, has developed a sponsorship partnership with local corporations and public agencies. Local businesses provide the funding and receive name recognition for sponsoring ARC's client work crews to maintain public parks. Sponsorships dropped significantly as a result of the recession.
- Caltrans has enjoyed success with their adopt-a-highway program, which can serve as a model for adopting multi-use trails.

Indian Gaming Local Community Benefit Funds

Tribal entities have a formal program of providing cash donations to support programs within their area of community service. Funds must be awarded by an Indian Gaming Local Community Benefit Committee to mitigate impacts of local gaming on the agency applicant. Founded in 1916, the Table

Mountain Rancheria is a long-standing member of the community around Friant. The Rancheria administration has shown specific interest in the past in the Lost Lake Recreation Area, in part due to the long Native American history of occupation and use of that reach of river. It should be noted, however, that in some California locations Indian Gaming community benefit funds have been used for projects that have little nexus to the impacts of Indian Gaming on communities. It is likely the criteria for use of these funds will be tightened, and O&M of Parkway lands may not be eligible.

Precedents in the Parkway

- For a brief period of time, the Table Mountain Rancheria contributed several hundred thousand dollars per year towards the O&M needs for Lost Lake Park. Due to concerns over perceived connections to casino interests, Fresno County stopped requesting the financial support from the Indian tribe.

Parkway Users

For the more immediate and active recreational experiences that are, or could be, offered within the river corridor and Parkway, it is legitimate to impose direct charges on users.

Admission and Parking Fees

Day use fees are common for regional parks, and may take the form of an entrance fee per person, a parking fee per vehicle, or other forms. For a more specialized recreational opportunity, such as fishing, there is often a specific fee per fisherman or per pole. Generally, the more recreation there is to do in an area, and the longer the typical stay is for the recreationists, the more can be charged for admission. Fees may be charged to recover the costs of providing services to keep the area well-maintained, well-managed, and safe for users.

Precedents in the Parkway

- The Sycamore Island area has been subject to a day use, per vehicle entry fee collected by a private operator/concessionaire. Starting in early 2013, the Parkway River Trust was awarded the contract to take over this operation, and will continue to charge a day use fee of $9 per vehicle which will be used to recover O&M costs for the area.
- Seasonal operation at Camp Pashayan and Ball Ranch by the River Parkway Trust will involve day use fees of $6 per vehicle.
- There is an entrance fee at Lost Lake Park (County of Fresno), and Woodward Park (City of Fresno). Currently both are set at $5 per vehicle.

Boat Launching Fees

In addition to the admission fees to a recreation area, it is also common to impose a fee for specialized facilities. For example, boating access often requires a boat ramp or docks to be built and maintained, and it is common to offset these costs through imposition of launching fees for watercraft. Even for easily launched human powered craft, it may be appropriate to charge fees to maintain put-in and take-out access areas at strategic locations along the River.

Precedents in the Parkway

- Sycamore Island, Camp Pashayan and Ball Ranch all require day use fees per trailered boat.

Other User Fees / Reservation Systems

Other specialized facilities, such as campgrounds, group camping sites, company picnic areas, sports facilities and the like, may also have a schedule of specific fees charged for their use, and to some extent in proportion to the costs of operating and maintaining the specialized facilities. Because it is often important to be able to reserve these specialized use areas well in advance, some recreation providers also charge specific fees for making reservations. All of these user fees can help defray O&M costs.

Precedents in the Parkway

- Fresno County charges a variety of other fees within the Lost Lake Recreation Area including fees for overnight camping, use of volleyball courts, and group picnic sites.

Special Events

A variety of the properties within the Parkway may be suitable for hosting special events. Unique events are emerging all the time, some of which become successful and become annual events, and have a wide variety of needs for land and terrain. Within the Parkway, water-based sporting events are an obvious classification, although a variety of picnics, fairs, festivals, concerts, and other activities could conceivably be accommodated. Some events generate substantial revenues, including significant corporate sponsorship in some instances. It is common practice to charge event promoters for use of public lands, often structured as a minimum payment plus a percentage of revenue beyond the minimum threshold. Thus, revenue flowing to the public landlord might not only cover the costs of hosting and cleaning up after such events, but also generate surplus revenues to be used for other programs as well.

Precedents in the Parkway

- There is a series of annual canoe and kayak races in the vicinity of the Lost Lake Recreation Area promoted by the San Joaquin River Stewardship Program. The Stewardship Program pays the County of Fresno some portion of the proceeds.
- In 2008 the Sycamore Island area hosted a Renaissance Faire that attracted reportedly 1,700 people over a 2-day event. The concessionaire paid the Conservancy the standard percentage of the revenue.

Precedents Elsewhere

- In recent years, Golden Gate Park in San Francisco has become the host of an annual summer music festival, the Outside Lands Festival, which pays the City's Recreation and Parks Department over $1 million per year for the privilege.

IV. Recommendations

Although the primary purpose of developing the Funding Toolbox was to present the menu of possible revenue authorities and techniques for accomplishing O&M objectives, as was presented in Sections II and III above, the research and analysis has also suggested several recommendations worth articulating in this concluding section. The three sources for these recommendations are: the results of the literature search and lessons learned elsewhere, ideas suggested by people interviewed, and observations from the independent analyst preparing this Funding Toolbox. The order of presentation is not intended to imply importance; it begins with more global strategies and then to proceeds to specific techniques.

Continue to use the mosaic model for providing services for the near to mid-term. The mosaic model implies the involvement of multiple public agencies, tapping into multiple revenue sources, and also involving private, non-profit, and volunteer efforts. Although the implementation of the larger Parkway vision may appear slow to some under this model, and there is a burden on staff to provide proper and detailed accounting from multiple sources, there are numerous benefits including:

- Resiliency to economic upheavals due to the diversity of support systems,
- Harnessing of volunteer efforts,
- Cultivation of awareness of positive Parkway features within the region, and
- Building constituencies for future support.

Look first to established entities with previous partner experience. For each new property or facility to be put to public use within the Parkway following the priorities of the Updated Master Plan, look first to the pattern of services being provided by other public agencies in the vicinity. Where possible, efficiencies may be gained by small incremental expansions of their service to cover the needs within the Parkway. For example, the Fresno Metro Flood Control District already monitors 157 drainage basin sites within their jurisdiction, over 20 of which have been developed into park settings. The Flood Control District maintains these through a system of private contractors, and with their administrative capacity already in place may be a good candidate to provide additional maintenance services for selected sites within the Parkway. Another example is the existing interagency agreement between the Conservancy and State Parks for the operation of Friant Cove using the staff that is already in place at the adjacent Millerton State Recreation Area.

This recommended strategy may ensure efficiencies and cost containment in providing services, but it does not necessarily expand revenues and available resources. The goal is to avoid duplicating service capacities, take advantage of economies of scale, and allow for small incremental additions to

the lands opened up to public use. But even small and efficient increases in total services will require identification of commensurate financial resources from the Conservancy or from their public or private partners. Over time, with the general revenue growth that accompanies population growth and the demand for more open space and recreation resources, partner agencies may find activities within the Parkway are appropriate for their increasing support.

Because most of the areas in the Parkway are open space and of a nature-based character, they are less expensive to operate and maintain per acre than the urban parks in nearby jurisdictions, and serve as a good complement to the more intensive use areas currently being funded by other entities to serve urban populations.

Expand the support from user fees where possible. While user fees do generate new revenue and expand available resources, they are at best a cost recovery strategy for providing specific recreational support facilities and are not intended to generate any "profits." By law, user fees cannot generate more revenue than the services/facilities cost, and in practice generally only recoup a portion of total costs.

Another nuance is that user fees cannot be charged for access to the river, because river access is a right. On the other hand, if an agency develops a parking lot, restroom facilities, picnic areas, a boat ramp or other amenities at an access point, user fees can be charged to offset some of the costs of these facilities. Although the high cost of new facilities could justify proportionately high user fees, in practice user fees must still be competitive within their market area in order to attract people. If the customary charges are in the range of $5 to $6 per vehicle for a day use area, people are likely to turn away from an area asking say $10.

In the future, for areas of the Parkway that are appropriate for more developed recreational facilities, it could be possible to build user fees into the financial planning. Under such a strategy it may be possible to use a portion of the State bond funds to make the capital improvements necessary to create very attractive recreational facilities sufficient to warrant imposition of user fees, perhaps both overnight camping fees as well as such day use fees as parking, boat launch, and picnicking.

- For example, Lost Lake may be a candidate for transfer from County operation to State Parks. The Conservancy, perhaps with help from other entities, may have to build up the infrastructure to a State Parks standard first using non-State Parks capital resources in order to transfer the ongoing O&M responsibility to State Parks, which would then collect the onsite user fees.

Expand the support from concession and lease agreements where possible. In addition to paying fees for the use of facilities, some users will also be willing to pay for such additional amenities

and services as food and beverage, bait and tackle sales, camping supplies, use of watercraft, guided river experiences, and other enhancements to their visit to the Parkway. Where there is sufficiently strong demand for such commercial services, or where it would be appropriate to develop such a commercial capacity within the Parkway, there could be potential for additional use of concession agreements with private parties, either for-profit or not-for-profit, to provide these services. Like user fees, the majority of the revenue thus generated will be needed to cover the costs of providing commercial services and reasonable operator profit, but in a good agreement there will still be some additional revenue generated for the public landlord to help them defray their associated costs of long term O&M.

Capture the value added to private real estate. In areas where it is obvious that the Parkway adds value to nearby real estate, and to regional real estate when regional benefits can be demonstrated, investigate the various mechanisms available to tap into a portion of that increased value through benefit assessments, CFD's, or other techniques. Features that could act add value to properties include:

- enhanced access to river based recreation,
- view protection,
- increased property security and public safety,
- reduced fire danger,
- reduced flood risk, and
- other benefits to be identified.

Some benefits will be more localized than others, and mechanisms to capture value can be designed with zones of different assessment levels to recognize proximity and other factors.

The most likely application of this class of techniques will be with new real estate development where new communities can be designed to take maximum advantage of the river. The value capture mechanisms can be put in place before development is complete and new residents move into the community. Where new development is likely to occur, such as on the Madera County side of the river and in the vicinity of Friant Ranch, it is worth investigating these value capture techniques further in advance of development agreements being finalized.

Cultivate relationships with one or more foundations and seek endowments. Endowments have the potential to infuse private funds into long term O&M for specific areas or specific programs that support elements of the Parkway. A foundation could serve as a custodian and administrator for

such an endowment. Endowments created and supported by nonprofit organizations may be the most underutilized resource with real potential to support O&M.

Monitor growing public support for a general regional tax support measure. As educational programs, volunteer work, and growth in recreational opportunities expand the awareness of the beneficial features of the Parkway throughout Fresno and Madera counties, continue to monitor and poll the political support for new taxes. While a successful tax measure could easily be a decade or more in the future, public opinion appears to be trending that way now, and with stewardship should continue to grow. Polls need not be conducted every year, but could be done on two or three year cycles. It may also be possible to collaborate with other partners with interests in public opinion, and piggy back on other polls conducted for similar purposes at periodic intervals. For example, in 2004 the County of Fresno completed a county-wide survey to determine whether the public would support formation of an assessment district for parks, including the Parkway. It was determined that generally, a county-wide measure would not be approved at that time; however, there was stronger support in some geographic areas for specific projects such as the Parkway.

In addition to monitoring support from the general public, the Conservancy can continue to build interagency relations for future Parkway funding authority and governance that will likely accompany any publically supported tax measure.

Strategically foster general public support. In addition to monitoring public opinion, the Conservancy should continue to collaborate with its non-profit partners and other agencies to provide high quality experiences to youth and the general public with a long term goal of building a constituency for enhancing and maintaining a high quality environment in the Parkway. For example, there is a key 1,500-acre reach, central to a large urban population in the vicinity of Woodward Park, and with active non-profit partners already in place. More program opportunities and more outreach will continue to build environmental awareness and good memories of the Parkway. Maintaining public safety and the perception of security within the Parkway will also be a key to securing public and political support. Over the long run, people support the areas they have grown to love.

Tactically consider specific opportunities as they arise. At any point in time, there are multiple possible opportunities that may provide some incremental funding or in-kind support services targeted for specific areas or purposes. Some that have been discussed during the course of this research and may be worth pursuing include the following:

- Measure C funds to date have been restricted for use only on the capital costs of new trail development. If the Measure C constituents and the FCTA are amenable, it may be possible to use State funds instead for new trail development in the Parkway with the agreement that

a commensurate amount of Measure C funds could be pledged to O&M for those trail segments.

- Open specific areas to partner entities for special events, nature programs and the like. While this does not constitute 24/7 access for the public, it will allow members of the public to experience new areas under controlled circumstances, with costs of the programs borne by others.
- Consider requesting Indian Gaming community benefit funds from various regional tribal interests particularly to support cultural resources-related services, operations, maintenance and management. Solicit financial sponsorships for projects and facilities in the Lost Lake Park, River Vista, Ledger Island, and other areas.
- Look for opportunities to develop programs serving specific needs that may be better funded at this time. An example might be the Department of Boating and Waterways aquatic centers (non-motorized boating centers).
- Minimize O&M costs through relationships with other governmental agencies' programs. For example, it may be possible to negotiate with the relevant law enforcement agencies to again be able to use the labor from the "Adult Offenders" or the "Inmate" programs for maintenance in the Parkway. We understand the local sheriffs and Cal Fire are still able to operate such programs.

H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

DRAFT

San Joaquin River Parkway
Master Plan Update
ESA/CESA Compliance Strategy White Paper

Project # 3370-01

Prepared for:

Melissa Erikson
The Planning Center | DC&E
1625 Shattuck Avenue, Suite 300
Berkeley, CA 94709

Prepared by:

H. T. Harvey & Associates

July 2013

List of Preparers

Brian Boroski, Ph.D., Principal
Patrick Reynolds, M.S., Associate Restoration Ecologist
Ginger Bolen, Ph.D., Project Manager
Sharon Kramer, Ph.D., Senior Associate Fish Ecologist
Adam Wagschal, M.S. Senior Ecologist
Christine Hamilton, M.S., Wildlife Ecologist

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Section 1.0 Introduction

The San Joaquin River Conservancy (SJRC) is currently in the process of updating the San Joaquin River Parkway Master Plan (Master Plan), originally approved in 1997 and recompiled in 2000 (SJRC 2000). The purpose of the Master Plan update is not only to present updated goals, objectives, and policies for the planned 22-mile (mi) regional natural and recreation area, but also to envision potential future uses, improvements, features, facilities, and management measures to be implemented. The purpose of this white paper is to develop recommendations for a permitting strategy that facilitates the application of consistent avoidance, minimization, and mitigation requirements across individual projects, recognizes the cumulative and long-term benefits of implementation of the updated Master Plan, and streamlines the permitting process and implementation of the Master Plan. Recommendations are developed based on an analysis of the various mechanisms that could be employed to ensure compliance of Master Plan projects with the Endangered Species Act (ESA), California Endangered Species Act (CESA), California Fish and Game Code, and other applicable laws and regulations relating to biological and natural resources within the Plan area.

It is important to note that although individual projects implemented under the Master Plan may have adverse effects on sensitive biological resources, the majority of projects will be beneficial to biological resources and the adverse impacts will limited to the short term construction or active restoration phase. Further, when considering the functions and values of the existing conditions (baseline) within the Plan area compared to the cumulative post-project condition, projects will result in a net long-term environmental benefit, helping to maintain and increase populations of sensitive species through preservation, restoration, and long-term management of suitable habitat and habitat linkages.

This document is organized into the following six sections:

- Section 1.0 Introduction – An introduction to the Master Plan and the purpose of this white paper.
- Section 2.0 Master Plan Actions – A description of potential Master Plan actions that may require natural resources permits.
- Section 3.0 Permitting Mechanisms – A general overview of the applicable laws and regulations that pertain to natural resource permitting including descriptions of available permitting mechanisms.
- Section 4.0 Potentially Affected Federal and State Listed Species – A discussion of the special-status species that may be affected by projects covered under the Master Plan and for which federal and/or state permits may be required.
- Section 5.0 Permitting Options – A discussion of the permitting options for the Master Plan.
- Section 6.0 Recommended Permitting Strategy – A discussion of the recommended permitting strategy, including the development of an overall San Joaquin River Parkway conservation strategy and project-specific management plans.

Section 2.0 Master Plan Actions

The San Joaquin River Parkway Plan area extends along an approximately 22-mi portion of the San Joaquin River in Fresno and Madera counties, encompassing the river and its floodplain and extending to the top of the bluffs. The width of the Plan area varies from a narrow corridor where the bluffs are steep and close to the river, to areas over 1.5 mi wide. For the purposes of ensuring evaluation of all potential direct, indirect, and cumulative effects on biological resources, the biological resources study area (study area) was expanded north of Friant Dam beyond the Plan area boundary to include a portion of Millerton Lake reservoir (hereafter Millerton Lake) and the surrounding basin.

The Master Plan is a long-term, large-scale plan that will be constructed incrementally and in phases over many years. Master Plan development and implementation may consist of the following:

1. Acquisition of a total of 5900 acres of public conservation lands for San Joaquin River Parkway purposes.

    a. Creation of a contiguous wildlife habitat and wildlife movement corridor.

    b. Creation of contiguous lands for a connected recreational trail system consisting of a 22-mi long primary multiple-purpose trail, connected public open spaces, nature trails, river access spurs, and other secondary trails.

2. Restoration and enhancement of self-sustaining riparian, wetland, floodplain and upland habitats on SJRC and other public lands, potentially including the following:

    a. Grading of floodplain, ponds, and swales

    b. Installation of wells, pumps, and irrigation systems

    c. Planting of native plants

    d. Eradication of non-native species

    e. Installation of fencing and other infrastructure

    f. Performance of hydrologic modifications and water resource management

    g. Construction of berms to isolate abandoned gravel ponds from the river as feasible.

    h. Demolishment of abandoned buildings and infrastructure.

    i. Development, operation, and maintenance of Native American cultural gardens and restoration areas.

3. Development, operation, and maintenance of a 22-mi multiple-use primary trail, consisting of a paved 12-foot wide surface and a separate, parallel-unpaved surface for equestrian uses.

4. Rehabilitation of inadequate bridges and crossings and development, operation, and maintenance of permanent, temporary, and seasonal bridges and crossings (including weirs, fords, culverts, pedestrian decks on vehicle bridges, and other types of crossings) for pedestrian, bicycling, equestrian, maintenance, and management uses as necessary and feasible to connect the primary trail system, provide separation from roads, and improve safety related to vehicle traffic.

5. Development, operation, and maintenance of a river boating trail consisting of interspersed trailered boat launches and take-outs, hand-carried boat launches and take-outs, canoe docks, and rest stops with picnic tables and restrooms, and provide for boating on internal ponds (primarily non-motorized watercraft and fishing boats with small motors).

6. Development, operation, and maintenance of designated campgrounds, including tent camping and RV hookups and services.

7. Development, operation, and maintenance of areas to facilitate safe swimming and wading.

8. Development, operation, and maintenance of ancillary facilities and features to support recreational uses and Parkway infrastructure, including but not limited to gates, fences, entrances and access roads; trailheads, parking, and staging areas; restrooms; kiosks; children's play equipment; way-finding, and regulatory signs; water service and other utility connections; on-site stormwater drainage, swales, and erosion control; drinking fountains; picnic areas and shade structures; Americans with Disabilities Act (ADA)/universal access accommodations; golf courses, if such facilities are acquired for Parkway purposes; equestrian trail riding; non-motorized boating and paddling; and bicycling.

9. Development, operation, and maintenance of ancillary facilities and features to support educational uses, including but not limited to outdoor classrooms and small group amphitheaters; bus parking and turnarounds; interpretive signs; turfed areas; displays, exhibits, and outdoor museum features.

10. Development, operation, and maintenance of vista points, observation decks, and fishing piers and docks.

11. Development, operation, and maintenance of Parkway offices; small storage facilities; shops/interfaces for visitor amenities, information and recreational rentals; nurseries; stewardship and park host residences; and equipment maintenance yards.

12. Development, operation, and maintenance of visitor and interpretive centers as feasible.

13. Development, operation, and maintenance of agriculture uses compatible with resources protection and multiple-use, multiple-benefit land management.

Section 3.0 Biological Resources Permitting Mechanisms

3.1 Endangered Species Act/California Endangered Species Act

Actions that require ESA/CESA permits are those that could result in "take" of ESA and CESA listed threatened and endangered species (Table 1). Without the appropriate incidental take permit (ITP), it is illegal to conduct activities that result in take of listed species, so projects that may result in take could be subject to prosecution and are vulnerable to third party lawsuits. ITPs can be issued for take that results from, but is not the purpose of, carrying out an otherwise lawful activity. ITPs are approved by either the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) for federally listed species and the California Department of Fish and Wildlife (CDFW) for state listed species. NMFS and USFWS share responsibility for regulating federally listed species; generally, USFWS manages terrestrial and freshwater species, while NMFS manages marine and anadromous species including salmonids.

Fundamental differences between the ESA and CESA that affect permitting are summarized in Table 1. For example, the definition of incidental take differs slightly between the ESA and CESA: for the ESA, take includes harm and harassment, whereas for CESA the definition of take is narrower and does not include harm and harassment. Another difference between the ESA and CESA is that critical habitat may be designated for federally listed species (ESA) but not for state listed species (CESA), and actions that affect critical habitat must be considered during ESA permitting. ESA/CESA permitting requires that the permit applicant define the activities, species, and geographic area to be covered, and the timeline for covered activities.

Table 1. Primary Differences between ESA and CESA that may Affect Permitting

	ESA	CESA
Definition of take	Harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct of a federally threatened or endangered species. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harass is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Take is limited to threatened or endangered animal species. For listed plants, there are no Federal prohibitions under the ESA for their take on non-Federal lands, unless taking of those plants is in violation of state law. However, before the USFWS issues a permit via Section 7 or Section 10 of the ESA (defined below in Section 3.1), the effects on listed plants must be analyzed to ensure that issuance of the permit does not jeopardize any listed species, including plants.	Hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill a state listed threatened or endangered plant or animal species
Critical habitat	May be designated for Federally threatened and endangered species. Critical habitat includes designated areas that have the physical or biological features essential to the conservation of the species and may require special management considerations or protection. Federal agencies are required to consult with the USFWS and/or NMFS on actions they carry out, fund, or authorize to ensure that their actions will not destroy or adversely modify critical habitat.	Not designated for state listed species

For Federally listed species, permitting mechanisms include ESA Section 7 consultation for actions with a Federal nexus and ESA Section 10 for actions without a Federal nexus. For state listed species, permitting mechanisms include a 2081 ITP, 2080.1 Consistency Determination, and Natural Community Conservation Plan (NCCP), any of which can be used by federal, state, local government, or private entities. California also has a classification of "fully protected species" and the only way that incidental take can be permitted for those species is through a NCCP (Section 2835 of the Fish and Game Code). These permitting mechanisms are described further in Sections 3.1 and 3.2.

3.1.1 Endangered Species Act Permitting Mechanisms

The following permitting mechanisms can be used to obtain ITPs for federally listed species. These descriptions are adapted from the *Endangered Species Consultation Handbook* (USFWS and NMFS 1998) and the *Habitat Conservation Planning Incidental Take Permit Processing Handbook* (USFWS and NMFS 1996).

Section 7 Consultation. For a proposed action with a "federal nexus" (i.e., a federal agency is undertaking, funding, permitting, or authorizing actions that could affect a federally listed species), the lead federal agency would consult with USFWS and/or NMFS on the potential action effects. Consultation is facilitated through the lead agency's submission of a biological assessment (BA) for the project. During this process, USFWS and/or NMFS may provide technical assistance to project proponents to clarify the potential effects on federally listed species or critical habitat and make recommendations to reduce or avoid adverse effects. USFWS and/or NMFS can concur, in writing, that the proposed action will have "no effect" or "is not likely to adversely affect" federally listed species or critical habitat. In this case, no incidental take statement would be issued because it has been determined that take is unlikely to occur. If the USFWS and/or NMFS or the lead federal agency determines that the project may adversely affect federally listed species or critical habitat, formal consultation will be initiated to ensure that the actions are not likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. Minimization measures are required as a part of the project action to reduce take, but mitigation measures are not required. The process generally concludes with the issuance of a biological opinion (BO) and an incidental take statement by the USFWS and/or NMFS.

Section 10 HCP. For proposed actions conducted by a non-federal entity (i.e., actions with no "federal nexus" as defined above), a Habitat Conservation Plan (HCP) must accompany an application for an ITP ("HCP permit application") for impacts on federally threatened or endangered species or designated critical habitat. An HCP must minimize and mitigate effects on listed species to the maximum extent practicable. The five-point policy, which is an addendum to the *Habitat Conservation Planning Incidental Take Permit Processing Handbook*, contains guidance for items to be included in an HCP, including biological goals and objectives, adaptive management, monitoring, permit duration, and public participation (USFWS and NMFS 2000). The biological goals and objectives guide the HCP's operating conservation program and should also support the recovery goals of listed species covered by the HCP. Adequate funding must be provided to implement the minimization and mitigation measures and to monitor compliance with and the effectiveness of the measures. HCPs have a "no surprises" policy that provides regulatory assurances that no additional land use restrictions

or financial compensation will be required of the permit holder with respect to covered species, if unforeseen circumstances arise indicating that additional mitigation is desirable. To process an HCP permit application, the USFWS issues an ITP and writes BO under Section 7 of the ESA confirming that the incidental take does not jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat.

Section 10 Safe Harbor Agreement. A Safe Harbor Agreement (SHA) is a voluntary agreement between private or other non-federal property owners and the USFWS (SHAs are only available through USFWS; NMFS does not issue SHAs for listed species under their jurisdiction). In exchange for actions that contribute to the recovery of federally listed species by improving baseline conditions on privately-owned lands, the participating property owners receive formal assurances from the USFWS that if they fulfill the conditions of the SHA, the USFWS will not require any additional or different management activities by the participants without their consent. In addition, the USFWS will authorize a Section 10 ITP. Take associated with a SHA can be ongoing take that results from the conservation measures that are implemented, the property owner's other activities, or a return to the baseline condition that occurs after conservation benefits have accrued for a period of time. This permit would allow participants to take individual listed plants or animals or modify habitat to return population levels and habitat conditions to those agreed upon as baseline at the end of the agreement period. In other words, these agreements essentially relieve landowners of liability under the ESA if conservation practices on their land attract and/or perpetuate federally listed species.

3.1.2 California Endangered Species Act Permitting Mechanisms

The following are permitting mechanisms that are used to obtain ITPs for California state listed plant and animal species. These descriptions are from the CDFW website (CDFW 2012).

2081 Incidental Take Permit. The CDFW can issue a 2081 ITP for a state listed species. The impacts of the authorized take must be minimized and fully mitigated, and adequate funding must be provided to implement the minimization and mitigation measures and to monitor compliance with and the effectiveness of the measures. The issuance of the ITP must not jeopardize the continued existence of a state listed species. A 2081 ITP may not authorize take of "fully protected" species and "specified birds." If a project is planned in an area where a fully protected species or a specified bird occurs, the applicant must design the project to avoid all take. A take permit for take of fully protected species, however, may be issued via the NCCP process (see below).

2080.1 Consistency Determination. For species that are listed under both the ESA and CESA, an applicant who has obtained a federal ITP via ESA Section 7 or 10 can submit the permit to the CDFW for a determination as to whether it is "consistent" with CESA. The CDFW can then issue a 2080.1 Consistency Determination if they determine that the conditions specified in the permit are consistent with CESA.

Natural Community Conservation Plan. An NCCP identifies and provides for regional or area-wide protection of plants, animals, and their habitats, in perpetuity, while allowing compatible and appropriate economic activity. An NCCP must include independent scientific analysis and input to identify foundational principles for landscape and habitat conservation, species protection, and adaptive management. An NCCP can be used to obtain an ITP for state listed species, including those designated as fully protected. NCCPs provide regulatory assurances that no additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources will be required without the consent of plan participants, unless CDFW determines that the plan is not being implemented consistent with the terms of the implementation agreement, even if unforeseen circumstances arise indicating that additional mitigation is desirable.

3.2 Migratory Bird Treaty Act

Almost all native bird species occurring in the Plan area are protected by the federal Migratory Bird Treaty Act (MBTA; 16 USC, Section 703, Supplement I, 1989), which prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. The MBTA protects active nests from destruction and nests, whether active or not, cannot be possessed. The trustee agency that addresses issues related to the MBTA is the USFWS.

3.2.1 Migratory Bird Treaty Act Permitting Mechanisms

Unlike the ESA and CESA, the MBTA has no incidental take permit or its equivalent. Rather, take permits are issued only for very specific purposes, such as falconry and scientific collecting.

3.3 Clean Water Act

Clean Water Act permits are issued for the placement of dredged or fill materials into waters of the United States, including wetlands, and in areas below the Ordinary High Water Mark (OHWM) of rivers and streams. The Clean Water Act permitting program is administered by the U.S. Army Corps of Engineers (USACE) subject to and using the Environmental Protection Agency's (EPA's) environmental guidance and is authorized by Section 404 of the Clean Water Act.

3.3.1 Clean Water Act Permitting Mechanisms

Clean Water Act permits issued by the USACE include Nationwide Permits, Individual Permits, and Programmatic Permits.

1. Nationwide General Permits are a series of permits that cover a broad range of activities that will have minimal environmental impacts and must meet the terms of the permit and comply with general, regional, and case-by-case conditions.

2. Individual Permits are typically issued for larger projects that exceed the threshold for impacts under the Nationwide Permit program.

3. Programmatic Permits include Regional General Permits and Programmatic General Permits. Regional General Permits are issued by USACE Districts or Divisions and follow standard processing procedures for a group of activities within a region that are similar in nature and cause minimal environmental impacts, reducing duplicative regulatory control by state and federal agencies. Programmatic General Permits are founded on existing state, local, or federal agency programs. They are issued by Divisions of the USACE, are valid for five years and local, state, or other federal agencies assume partial USACE responsibility. They are designed to streamline the regulatory process as the agency holding the permit becomes the permitting authority.

3.4 California Fish and Game Code

The California Fish and Game Code Section 1601–1603 requires a Streambed Alteration Agreement (SAA) for the fill or removal of material within the bed and banks of a watercourse or waterbody and for the removal of riparian vegetation.

Fish and Game Code Sections 3503, 3503.5, 3513, and 3800 (and other sections and subsections) protect native birds, including their nests and eggs, from all forms of take. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by the CDFW. Non-game mammals are protected by Fish and Game Code Section 4150, and Fully Protected Species are protected by Sections 3505, 3511, 4700, 5050, and 5515.

3.4.1 California Fish and Game Code Permitting Mechanisms

The following types of SAAs are issued by CDFW, allowing for the alteration of a lake, or bed, bank and channel of a watercourse:

1. Standard Agreements are project specific and allow activities to take place within a five-year period.

2. Standard Long-Term Agreements are similar to Standard Agreements but allow activities to take place beyond a five-year timeframe.

3. Master Agreements are agreements that generally cover large –scale projects with many phases or smaller projects covering a variety of activities that are not defined in detailed at the issuance of the agreement.

Similar to the MBTA, the California Fish and Game Code has no incidental take permit or its equivalent for native non-game birds. Rather, take permits are issued only for very specific purposes, such as scientific collecting. Further, fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for scientific purposes or when a NCCP that covers the fully protected species has been approved.

Section 4.0 Potentially Affected Federal and State Listed Species

Actions that require ESA/CESA permits are those that result in take of federally and state listed threatened and endangered species. Species that should be covered by an ESA/CESA permit include those whose distribution and habitat overlaps the project area and could be subject to take (defined in Table 1) by project actions. In addition, if there is designated critical habitat for a federally listed species in the project area, regardless of whether the species has been detected in the project area, potential impacts on critical habitat should also be addressed during permitting.

This analysis of ESA/CESA permitting strategies considers not only federally and state listed species, but also non-listed species including federal candidate species, California fully protected species, California species of special concern, and rare plants known to occur in the project area. These species could become federally and/or state listed at some point during Master Plan implementation, so it is advisable to consider such species as some potential Master Plan projects may not be constructed for many years. There are no federal candidate species known to occur in the project area, but there are a number of California species of special concern and rare plants known to occur there. Species that should be considered for permitting for the Master Plan due to their presence or potential presence in the project area are described in Appendix A.

Note that although both the Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) and the Central Valley steelhead (*Oncorhynchus mykiss*) are currently absent from the project area, we recommend addressing these species in the project's ESA/CESA permitting strategy as they are likely to be present in the future with the successful implementation of the San Joaquin River restoration program. As part of a settlement agreement to restore the mainstem of the San Joaquin River by 2025, NMFS plans to reintroduce Chinook salmon to the San Joaquin River in early 2013 (SJRRP 2011). On January 16, 2013, NMFS published a proposed rule in the Federal Register ("Endangered and Threatened Species: Designation of a Nonessential Experimental Population of Central Valley Spring-Run Chinook Salmon Below Friant Dam in the San Joaquin River, CA; Notice of proposed rulemaking," 78 Federal Register 11 [16 January 2013], pp. 3381-3389.) to designate a non-essential experimental population of Central Valley spring-run Chinook salmon under Section 10(j) of the ESA in portions of the San Joaquin River and establish take exemptions. As a result of the experimental population designation, NMFS may issue comprehensive authorization of incidental take for certain activities in the San Joaquin River (e.g., otherwise lawful activities within the Parkway that could potentially result in incidental take, such as operating recreational boat launches and providing public recreational access to the river). For Master Plan permitting, it will be important to consider any potential changes in Chinook salmon listing status and/or distribution that could occur. In addition, as a potential result of ongoing San Joaquin River restoration efforts, Central Valley steelhead, although they are not being reintroduced to the San Joaquin River, could also begin using the river.

Section 5.0 Biological Resources Permitting Options

5.1 Endangered Species Act/California Endangered Species Act

Potential options for ESA permitting of Master Plan actions include Section 7 consultation, Section 10 HCP, and Section 10 SHA. Potential options for CESA permitting include a 2081 ITP, 2080.1 Consistency Determination, and NCCP. However, for many activities take can be avoided. These options are discussed further below. In addition, potential permitting approaches for non-listed species that could become listed in the future are also discussed.

5.1.1 Take Avoidance

Many of the Master Plan actions, particularly short-term actions such as construction of facilities (e.g., roadways and parking areas, bathrooms, bridges, canoe facilities, equestrian facilities, signage, and buildings), could potentially be conducted without resulting in incidental take of listed species by utilizing conservation measures such as avoiding construction in areas where listed species potentially occur and by using "work windows" to minimize the temporal overlap between construction activities and sensitive life stages of listed species. Take of listed species as a result of longer-term actions, such as recreation and public use, could also potentially be avoided by conducting surveys for listed species and siting facilities and trails to avoid sensitive areas and minimize erosion into waterways, minimizing lighting at night in sensitive areas, managing trash, and preventing introduction of non-native plants and animals. Given the nature of the Master Plan actions, the emphasis on open space and habitat restoration, and the plan's relatively small potential footprint, complete avoidance is a reasonable approach that would greatly reduce the need for ESA and CESA permitting.

For example, vernal pool branchiopods, as well as critical habitat for these species, could be avoided as vernal pool habitat occurs only along the periphery of the Plan area. In addition, the two listed plant species known to occur in grasslands in the project area, Hartweg's golden sunburst (*Pseudobahia bahiifolia*) and San Joaquin adobe sunburst (*Pseudobahia peirsonii*), could likely be avoided by implementing pre-construction surveys in suitable habitat and non-disturbance buffers around known occurrences. Incidental take of the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), which has been petitioned for delisting ("Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To Delist the Valley Elderberry Longhorn Beetle; Notice of 90-day petition finding and initiation of status review," 76 Federal Register 161 [19 August, 2011], pp. 51929 -51931.), could also likely be avoided by protecting (working around) its host plant, elderberry (*Sambucus spp.*) that occurs in riparian habitats.

5.1.2 Section 7 Consultation

For any Master Plan actions that have a federal nexus and that could affect federally listed species, a Section 7 consultation would be the appropriate permitting mechanism. The federal nexus is most likely to originate

from the USACE. The USACE is the federal agency for actions requiring a 1) Section 404 permit under the Clean Water Act for discharge of any dredge or fill materials into waters of the United States, including wetlands and 2) Section 10 permit under the Rivers and Harbors Act for the construction of any structure in or over any navigable water of the U.S. Master Plan actions that may have an USACE (federal) nexus include, but are not limited to the following:

- Construction of bridges
- Construction and maintenance of boat ramps
- Creation and management of ponds and wetlands
- In-stream habitat restoration

The valley elderberry longhorn beetle, Central Valley spring-run Chinook salmon, and Central Valley steelhead are the primary species that may be affected by these actions and could require consultation under Section 7 of the ESA. Although neither the Central Valley spring-run Chinook salmon nor the Central Valley steelhead currently occurs in the San Joaquin River, Chinook salmon are expected to occur in the river in the near future as a result of the San Joaquin River reintroduction, and steelhead may naturally recolonize the river as a result of river restoration actions. Because Central Valley spring-run Chinook salmon are proposed as an experimental, non-essential population, the Section 7 regulatory requirements will be different than other (non-experimental) ESA listed species, at least for the first few years of the reintroduction. NMFS has responsibility for regulating federally listed salmonids; therefore, it would be necessary to coordinate with NMFS regarding effects on this experimental population as well as on Central Valley steelhead.

Section 7 consultations generally require much less investment in time and money to develop and implement than Section 10 HCPs. There are no requirements for mitigation, only avoidance and minimization measures to reduce impacts on listed species (although mitigation is typically included as part of permitting). Ongoing costs generally include those to implement the avoidance and minimization measures, and monitoring may be required to demonstrate the impacts on the species or any take that occurs. However, the duration of the ITPs are generally shorter than Section 10 ITPs and only last the length of the specific proposed project, especially if consultations are done on a project-by-project basis, necessitating additional consultations each time a new or related project is proposed. Where a number of projects can be anticipated and described in advance, as with the Master Plan, it may be worth the time and effort to secure a programmatic Section 7 consultation if there is an appropriate lead federal agency to assume responsibility. A programmatic Section 7 consultation can be in effect for many years (i.e., 10 years or more), and each individual project that falls under the programmatic consultation would likely only need minimal additional effort to secure the permit for that particular project. Thus, for Master Plan actions with a federal nexus that are likely to be repeated over the course of several years, a programmatic Section 7 may be the best approach.

5.1.3 Section 10 Habitat Conservation Plan or Safe Harbor Agreement

For actions without a federal nexus and for which incidental take of federally listed species cannot be avoided through avoidance and minimization measures, a Section 10 HCP or Section 10 SHA would be an

appropriate permitting mechanisms. Master Plan actions that likely lack a federal nexus and for which it may be difficult to avoid take include:

- Large-scale control and removal of exotic plants
- Large-scale habitat restoration and revegetation with native plants

Section 10 HCPs are generally used for projects where incidental take is expected to occur and cannot be avoided, and mitigation is needed to compensate for these impacts. HCPs often take several years and a significant amount of money to develop. However, once completed, the permit term can be many years (typically 30–50 years). HCPs require that impacts on listed species are mitigated to the maximum extent practicable and that long-term funding assurances are provided for required impact mitigation and minimization measures. Baseline or existing conditions need to be determined at the start of the HCP permit duration such that take can be determined, and there are stringent success criteria, and compliance and effects monitoring that must demonstrate that the HCP is being implemented properly and effectively. Ongoing costs include mitigation and monitoring, which can be significant. Given the considerable time, expense, and difficulty in developing an HCP, it may not be the best permitting strategy for Master Plan actions due to the project's generally low potential for incidental take.

It is also worth noting that Section 10 permits do not cover herbicide and pesticide applications so it is possible that exotic plant control and removal would not be fully covered by an HCP; however, these activities are generally covered by nationwide Section 7 consultations between the Environmental Protection Agency and USFWS/NMFS. The agency using these herbicides and pesticides is responsible for complying with all applicable laws regarding their use.

A potential alternative to a Section 10 HCP would be an SHA (see Section 3.1.3), which could be used for Master Plan actions that could result in incidental take, but would ultimately benefit the species (e.g., riparian restoration that could harass listed species in the short term but improve their habitat in the long term). A limitation of an SHA is that the ITPs issued through an SHA must be issued to the fee title/landowner, so any actions permitted must be through the landowner and not through a management agency. In addition, there are no SHA implementing regulations for NMFS; thus, it is not currently possible to obtain an SHA for species managed by NMFS (USFWS 2000; e.g., listed salmonids). However, it is worth exploring the potential for an SHA for effects on listed terrestrial species managed by USFWS if incidental take cannot be avoided because the general effects on the species will be beneficial in the long term.

5.1.4 California Endangered Species Act Permitting

Although CESA permitting in conjunction with ESA permitting could be necessary, the CESA permitting mechanism appropriate for Master Plan actions is not dependent upon the project activity, entity, or agency carrying out the project as is the case for ESA permitting (i.e., ESA permitting mechanisms are largely determined based on whether project actions have a federal nexus). Thus, any non-federal or federal entity or

agency is eligible to apply for any type of CESA permit, including a Fish and Game Code Section 2081 ITP, Fish and Game Code 2080.1 Consistency Determination, or NCCP.

In order to obtain a 2081 ITP for a state listed species, the impacts of the authorized take must be minimized and fully mitigated, and adequate funding must be provided to implement and monitor the minimization and mitigation measures. However, many of the Master Plan actions, particularly the short-term actions such as construction of facilities, could likely be conducted without resulting in incidental take of state listed species by avoiding construction in areas where listed species potentially occur. This would eliminate the need to mitigate these actions or provide long-term funding for mitigation.

Section 2080.1 Consistency Determinations can be done based on a completed ESA Section 7 consultation only for species that are both state and federally listed. Unlike Section 2081 ITPs, Section 2080.1 Consistency Determinations do not require independent California Environmental Quality Act (CEQA) review (although the projects themselves typically go through CEQA review). Recently, the CDFW has been using 2080.1 Consistency Determinations less often for several reasons, primarily because 1) in the federal consultations, mitigations are not always appropriately defined and CDFW cannot add to the federal consultation (i.e., the federal consultation has to be complete before CDFW conducts its 2080.1 Consistency Determination); 2) in a federal consultation, plants are only included if the action jeopardizes them, which is inconsistent with CESA; 3) for CESA, incidental take must be fully mitigated, which can be a higher "bar" than "mitigation to the maximum extent practicable" under a Section 10 HCP permit or the "no jeopardy" clause under the Section 7 consultation process; and 4) adequate funding assurances must be identified for CESA. Consistency Determinations can also be conducted on an HCP for co-listed species (species that are both federally and state listed). There are a few co-listed species in the Plan area; however, it is likely that incidental take of these species can be avoided by avoiding construction in areas where listed species potentially occur.

For NCCPs, a key concern is identifying an appropriate geographic scope that addresses the NCCP Act's need to address ecosystems, landscapes, ecological processes, and communities rather than just species and habitats. Because of this, the CDFW may not allow an NCCP to be implemented for a project with a somewhat limited geographic distribution such as the Master Plan. However, incidental take of most or all state listed species can likely be avoided through avoidance and minimization measures. If a state fully protected species (e.g., ringtail [*Bassariscus astutus*], white-tailed kite [*Elanus leucurus*], golden eagle [*Aquila chrysaetos*], or American peregrine falcon [*Falco peregrinus anatum*]) may be taken and an ITP is needed, the only avenue is through a NCCP; however it is also likely that take of these species can be avoided altogether. Therefore, if a CESA permit is necessary, a 2081 ITP or 2080.1 Consistency Determination is most likely to be the appropriate permitting mechanism.

5.2 Clean Water Act Permitting

The USACE is responsible for issuing permits under Section 404 of the Clean Water Act, for activities that result in the placement of discharge into waters of the U.S.; these include wetlands, creek, rivers, and drainages, among other features. The Sacramento District of the USACE is responsible for issuing permits in Fresno County out of its South Branch. There are generally three Clean Water Act permitting options: Nationwide Permits, Individual Permits, and Regional General permits.

5.2.1 Nationwide Permit

The USACE has recently (19 March 2012) issued a new set of NWPs that are in effect until March 2019. On 16 March 2012, the Sacramento District of the USACE issued regional conditions for the new NWPs. There are 52 different NWP's covering such activities as bridge construction, boat ramps, mining activities, housing developments, maintenance, restoration, aids to navigation , mooring buoys, bank stabilization, utility line construction, clean-up of hazardous waste, road crossing, outfall structures, dredging and sediment removal, among other activities. Each NWP has specific criteria for use and specific thresholds and conditions, however, most NWPs are generally limited to activities that discharge no more than 0.5 acre of fill within wetlands and other waters, and 200-300 linear feet of impact, although some NWP's only allow 0.1 acre of impact and many other restrictions may apply including limits of cubic yardage, type of material discharged, etc.

The USACE has pre-approved numerous NWP's that can be used without notification if certain criteria are met; yet other NWP's only require notification if the discharge exceeds a certain threshold, these are termed "non-notification" NWP's and certain criteria must be met in order for an applicant to utilize such permits. The remainder require preparation and submittal of the 404 NWP permit package, which generally includes a wetlands delineation, purchase of mitigation bank credits or development of habitat restoration mitigation and monitoring plans when mitigation bank credits are not available. The time to acquire a NWP varies but generally takes between three and six months on average. It is important to note that NWP's are reauthorized every five years.

Most if not all of the activities that would occur under the Master Plan would have limited impacts on USACE jurisdictional areas and as a result would qualify for a NWP. The NWP program is designed to minimize the time and effort necessary to qualify for the permit(s) and as result is generally considered a reasonably efficient means to obtain approval to work within USACE jurisdictional areas.

5.2.2 Individual Permit

Individual permits are valid between five and ten years and are generally used for projects that require a longer permit timeline and/or exceed the maximum allowed fill under the NWP program. Individual permit application materials include preparation and submittal of a Section 404(b)(1) Alternatives Analysis. This analysis requires that applicants perform an off-site alternatives analysis (considering different locations for the improvement) and an on-site alternatives analysis (in which several different project designs for the

improvement are analyzed). The processing period for the Individual Permit is longer than a NWP, generally six to nine months, and includes preparation and issuance of a Public Notice, during which the public can review and comment on the project.

5.2.3 Regional General Permit

The USACE issues two types of programmatic permits including Regional General Permits and Programmatic General Permits.

Regional General Permits (RGP's) are permits issued by USACE Districts or Divisions that follow standard processing procedures for a group of activities within a region that are similar in nature, cause minimal environmental impacts, and reduces duplicative regulatory control by state and federal agencies. This type of permit can be issued to the general public or to specific entities such as flood control districts or city or county agencies. These permits are generally issued for specific activities such as sediment removal, mosquito abatement, or levee repair. They do not cover the broad spectrum activities anticipated for the Master Plan. For this reason, and because RGPs generally require up to two years to develop, a RGP would not facilitate implementation of the Master Plan.

The State Water Resources Control Board, through its nine California Regional Water Control Board offices (including the Region 5 Fresno Branch), issue Section 401 Water Quality Certifications, and/or Waste Discharge Requirement permits for activities that result in placement of fill materials or degradation of water quality. On 19 April 2012, the State Board issued a list of 13 different NWPs that are "blanket" certified, if certain conditions are met. These activities include some improvements that may be conducted under the Master Plan, such as construction of boat ramps. We anticipate that the vast majority of the proposed improvements under the Master Plan can be permitted via 401 Water Quality Certification using one of the various NWPs. For wetlands and other waters that are disclaimed by the USACE or for activities that have the potential to have relatively large impacts on water quality, the Water Board may elect to permit Master Plan activities via issuance of a Waste Discharge Requirement.

5.3 Streambed Alteration Agreement Permitting

Given the long-term duration of the Master Plan and the nature of the projects that will be implemented, a Master SAA is the most appropriate SAA permitting mechanism. Master SAAs allow repetitive work to be conducted without the need to repeat the application and approval process for impacts to CDFW jurisdictional habitats. In addition, the use of a Master SAA facilitates more consistent management of environmental resources and consideration of the large-scale benefits of implementation of the Master Plan.

5.4 Non-listed Species

There are a number of California species of special concern and California Native Plant Society (CNPS) rare plants that may be present in the Plan area; these species could become federally or state listed in the future

and be affected by Master Plan actions. These species cannot be permitted through a federal Section 7 consultation or Section 10 SHA but they can be included in a Section 10 HCP. At the state level, they cannot be permitted through a Section 2081 ITP, but can be included in an NCCP. Similarly, fully protected species may be present in the Plan area and cannot be permitted through Section 7 or Section 10, but can be covered under an NCCP. In order to include non-listed species in a Section 10 HCP or NCCP, they must be covered in the permitting document as if they were listed such that if they became listed in the future, an ITP could readily be issued. This can be difficult because information about the status of non-listed species and thus the potential effectiveness of mitigation measures is often unknown or limited. Further, these species will need to be considered during the CEQA/NEPA process as well, and it is likely that mitigation measures for these species will be described during CEQA/NEPA process.

Thus, the best permitting strategy is to avoid effects on these species, through pre-construction surveys and avoidance during construction of facilities, and by incorporating these species into long-term management plans. If take of these species as a result of the long-term activities can be avoided, then it would reduce the need for future ESA/CESA permitting should the species become listed.

Similarly, most of the birds present in the Master Plan area are protected by the MBTA and Fish and Game Code and may be affected by Plan actions. There is no mechanism for permitting the incidental take of these species; therefore, impacts must be avoided.

Section 6.0 Recommended Permitting Strategy

Biological resources regulatory compliance on the individual properties and projects that will eventually make up the San Joaquin River Parkway could be facilitated by creating a "conservation strategy" that provides a summary of the conservation priorities that would be utilized by the SJRC during project-level planning and describes not only a broad, coordinated approach to conservation efforts throughout the Plan area but also addresses project-level avoidance, minimization, and mitigation for potential impacts on species and habitats, detailing the pre-construction survey methodology, avoidance and minimization measures, approach to habitat compensation, and best management practices that will be utilized to avoid take as part of Master Plan actions. In conjunction with the conservation strategy, the Plan area-wide inventory of biological resources contained in the EIR for the Master Plan would allow proposed projects to be reviewed by resource agencies with a standardized regional context and with consistency across multiple projects.

Subsequently, for individual properties, more specific "management plans" could be created that 1) include site-specific information and survey results about listed species occurrence and 2) tailor conservation measures for specific properties and related projects. The conservation strategy would be used as a framework to assist in preparation of individual management plans and to ensure consistency in conservation measures throughout the Plan area. Additionally, as described below, the conservation strategy may be used to facilitate a Section 7 consultation.

An example of the conservation strategy concept is the East Alameda County Conservation Strategy (EACCS), which is being developed by federal, state, and local entities as a collaborative effort to preserve endangered species and guide long-term habitat protection for 270,000 acres in east Alameda County (ICF International 2010). The EACCS will assess areas across east Alameda County for their habitat conservation value and work with willing landowners to implement long-term conservation in the form of permanent conservation easements that would offset impacts from local land use, transportation, or other infrastructure projects. In addition to the EACCS, the USFWS has agreed to prepare a programmatic biological opinion through Section 7 consultation with the USACE for future projects in east Alameda County with the need for USACE permits. These future projects would tier off the initial BO if they qualify for permit inclusion. To qualify, conservation actions following the EACCS will need to be incorporated into the project design. Individual BOs, Section 10 HCP permits, and/or CESA ITPs may also be issued for projects in the future and it is expected that permitting for these projects will be greatly streamlined if they incorporate the EACCS in project design and implementation.

Thus, we recommend an ESA/CESA permitting approach for the Master Plan similar to the EACCS, in which a conservation strategy is used to plan and guide future project actions, avoid take, and streamline ESA/CESA permitting when take cannot be avoided. We further recommend that the Master Plan's conservation strategy be broadened to address not only federal and state listed species, but also California species of special concern, fully protected species, and birds covered under the MBTA and/or California Fish

and Game Code. The conservation strategy should establish guidelines for how biological resources in the Plan area are to be conserved through the broad goals and objectives of the Master Plan, project permitting process, and through non-regulatory Master Plan actions.

In order to maximize the ability of the conservation strategy to streamline the permitting process, the SJRC should seek the participation of the resource agencies in the development of the conservation strategy so that clear standards for lawful incidental take of species listed as threatened or endangered pursuant to the federal ESA and the CESA, and clear habitat compensation for focal species and sensitive habitats, can be established and agreed to by the SJRC and all participating resource agencies far in advance of the initiation of individual projects. The standardized avoidance, minimization, and mitigation measures for impacts on biological resources in the Plan area would give the SJRC more certainty of regulatory expectations and costs, and provide the resource agencies with greater certainty that the proposed project mitigation measures will adequately address project impacts, shortening the permit negotiation process.

We do not recommend pursuing a SHA, HCP, or programmatic Section 7 consultation with the USFWS for federally listed species in the Plan area because impacts to terrestrial species will generally be avoidable and it is not currently possible to obtain a SHA for species managed by NMFS. Moreover, the unintentional take of Central Valley spring-run Chinook salmon within the nonessential experimental population below Friant Dam caused by otherwise lawful activities is likely to be exempt from the take prohibitions under section 9.

Most if not all of the projects that would occur under the Master Plan would qualify for a NWP. Because all Master Plan activities are proposed to occur within and adjacent to the San Joaquin River, it is unlikely that the USACE would disclaim any features; thus, we anticipate that the Water Board approach to permitting would be through issuance of a Section 401 Water Quality Certification for the activities allowed under the NWP program. Thus, because the NWP program is generally considered a reasonably efficient means to obtain approval to work within USACE jurisdictional areas, we recommend that individual projects be permitted under the NWP program, if applicable, and a regional general or individual permit not be pursued for Master Plan projects. As mentioned above, many of the proposed activities may have reduced reporting requirements or may be eligible for expedited permit processing through various programs now in place with the Sacramento District of the USACE.

Further, we recommend that a Master SAA be obtained. This agreement would result in substantial time and cost savings and provide a measure of surety that proposed projects will be approved by CDFW and mitigation requirements will not substantially differ between projects.

This approach is expected to provide the following advantages (1) streamline and increase the predictability of the permitting process, reducing the overall cost and allowing the focus to be on conservation within the Plan area; (2) facilitate the consideration of Plan area-wide benefits of implementation of the updated Master Plan during the permitting process; and (3) facilitate the consideration of mitigation opportunities on a Plan area scale that will result in more productive conservation than a project-by-project mitigation process.

In conclusion, the recommended biological resources permitting strategy for the Master Plan includes:

1. Create a framework "conservation strategy" for the entire Plan area that provides a broad, coordinated approach to conservation efforts for the Master Plan as well as addressing project-level mitigation for potential impacts on species and habitats. The conservation strategy should:

    a. Set priorities for mitigation and conservation to contribute to the protection of focal species[1] and sensitive habitats in the Plan area.

    b. Establish a set of standards to preserve, enhance, restore, manage, and monitor focal species and the habitats and ecosystems upon which they depend.

    c. Emphasize avoidance of incidental take of federally and state listed species for both short-term and long-term actions through pre-construction surveys and avoidance and minimization measures.

    d. Capitalize on existing stewardship practices and benefits derived from the implementation of the Master Plan. This would including habitat restoration projects and land management activities designed to enhance the biological resources of Conservancy Lands.

    e. Establish best management practices to be implemented at the Project level to avoid and minimize impacts on sensitive species and their habitats.

    f. Integrate migratory bird conservation principles, measures, and practices into Master Plan activities, and avoid or minimize, to the extent practicable, adverse impacts on migratory bird resources.

    g. Develop a Master SAA with the CDFW to streamline the permitting of projects and Master Plan implementation

[1] The conservation strategy should address the conservation of wide range of natural resources, including native species that are common and rare, while focusing conservation efforts on species that are the focus of standard regulatory processes.

Section 7.0 Literature Cited

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Appendix A. Special-status Species, Status, and Potential Occurrence in the Study Area

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Name	Status*	Habitat	Potential for Occurrence
Federal or State Endangered or Threatened Species			
Succulent's owl's-clover (*Castilleja campestris* ssp. *succulent*)	FT, SE CNPS 1B.2	Moist places in vernal pools and valley and foothill grassland, often in acidic soils.	**Absent.** Vernal pools are not known to occur within the study area. However, suitable habitat may be present immediately adjacent if vernal pools occur on the bluffs above the river corridor. The nearest recorded occurrence of this species is located approximately 0.1 mi east of the study area, about 0.25 mi east of Friant Road, and 0.5 mi south of Little Dry Creek (CNDDB 2012). Designated **critical habitat** is located within the study area on the west side of the river.
Boggs Lake hedge-hyssop (*Gratiola heterosepala*)	SE CNPS 1B.2	Vernal pools and freshwater marshes and swamps on clay soils, sometimes on lake margins.	**May be Present.** Suitable habitat is not present in the Plan area but may be present within the larger study area (i.e., on the margins of Millerton Lake). Suitable habitat may also be present immediately adjacent to the study area on the bluffs above the river corridor).
San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*)	FT, SE CNPS 1B.1	Vernal pools.	**Absent.** Suitable habitat is not present in the study area but may be present immediately adjacent (i.e., on the bluffs above the river corridor).
Hairy Orcutt grass (*Orcuttia pilosa*)	FE, SE CNPS 1B.1	Vernal pools.	**Absent.** Suitable habitat is not present in the study area but may be present immediately adjacent (i.e., on the bluffs above the river corridor).Designated **critical habitat** is located to the west of the river, encompassing a portion of the study area.
Hartweg's golden sunburst (*Pseudobahia bahiifolia*)	FE, SE CNPS 1B.1	Clay soils, predominantly on northern slopes of knolls, also along shady creeds or near vernal pools in valley and foothill grassland and cismontane woodland.	**Absent.** Suitable habitat is not present in the study area but may be present immediately adjacent(i.e., in the grasslands on the bluffs above the river corridor where clay soils are present). The nearest recorded occurrence of this species is located approximately 0.2 mi east of the study area near the eastern terminus of North Fork Road (CNDDB 2012).
San Joaquin adobe sunburst (*Pseudobahia peirsonii*)	FT, SE CNPS 1B.1	Grassy valley floors and rolling foothills in heavy clay soils in valley and foothill grassland and cismontane woodland.	**Absent.** Suitable habitat is not present in the study area but may be present immediately adjacent (i.e., grasslands on the bluffs may provide suitable undisturbed heavy adobe clay soils).
Green's tuctoria (*Tuctoria greenei*)	FE, SR CNPS 1B.1	Dry bottoms of vernal pools in open valley and foothill grassland.	**Absent.** Suitable habitat is not present in the study area but may be present immediately adjacent (i.e., on the bluffs above the river corridor).

Appendix A. Special-status Species, Status, and Potential Occurrence in the Study Area

Name	Status*	Habitat	Potential for Occurrence
Vernal pool fairy shrimp (*Branchinecta lynchi*)	FT	Grass or mud-bottomed swales, earth slump or basalt-flow depression pools in grasslands.	**Absent.** Suitable habitat is not present in the study area but may be present immediately adjacent (i.e., if vernal pools are present on the bluffs above the river corridor). There are CNDDB records of this species within 0.3 mi of the study area. Critical habitat has been designated near the study area on the east side of Friant Road north of Little Dry Creek.
Vernal pool tadpole shrimp (*Lepidurus packardi*)	FE	Grass or mud-bottomed swales in grasslands on old alluvial soils underlain by hardpan.	**Absent.** Suitable habitat is not present in the study area but may be present immediately adjacent (i.e., if vernal pools are present on the bluffs above the river corridor). However, there are no records of the species within or adjacent to the study area, despite numerous surveys in potentially suitable habitat (as evidenced by the many records of vernal pool fairy shrimp in the Project vicinity)(CNDDB 2012). The nearest extant record is located approximately 3.5 mi to the northeast (CNDDB 2012). Thus, although the potential presence of the species within the study area cannot be ruled out, it is considered unlikely.
Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*)	FT	Elderberry shrubs associated with riparian forests that occur along rivers and streams.	**Present.** These beetles and their exit holes have been confirmed on at least 2 sites in the study area (CNDDB 2012).
Central Valley Spring-run Chinook salmon (*Oncorhynchus tshawytscha*)	FT, ST	Spawns in cool, clear, well-oxygenated streams. Juveniles remain in fresh water for one or more years before migrating to the ocean.	**Absent.** Chinook salmon have been extirpated from the San Joaquin River upstream from the Stanislaus River (Moyle 2002). However, Spring-run Chinook salmon are being reintroduced to the San Joaquin River as a non-essential experimental population under Section 10(j) of FESA and will likely become established in the study area (SJRRP 2011).
Central Valley steelhead (*Oncorhynchus mykiss*)	FT	Spawns in cool, clear, well-oxygenated streams. Juveniles remain in fresh water for one or more years before migrating to the ocean.	**Absent.** Steelhead have been extirpated from the San Joaquin River upstream from the Stanislaus River (Moyle 2002). However, steelhead will likely occur in the study area in the future as a result of the San Joaquin River Restoration Program (SJRRP 2011).

Appendix A. Special-status Species, Status, and Potential Occurrence in the Study Area

Name	Status*	Habitat	Potential for Occurrence
California tiger salamander (*Ambystoma californiense*)	FT, ST	Vernal or temporary pools in annual grasslands or open woodlands.	**May be Present.** Suitable temporary pools may be present within the Plan area and suitable vernal pools may be present immediately adjacent to the study area (i.e., if vernal pools occur within the grasslands on the bluffs above the river corridor). In addition, vegetation communities within the Plan area provide suitable upland dispersal and refugial habitat for the species. Critical habitat borders the study area north of the Hwy 41 bridge in Madera County and is very near the study area on the east side of Friant Road from Friant Dam wrapping around the town of Friant . There are CNDDB records within 0.5 mi of the study area.
Blunt-nosed leopard lizard (*Gambelia sila*)	FE, SE, FP	Open, sparsely vegetated areas within non-native grassland, valley sink scrub, valley needlegrass grassland, and alkali playa communities on the floor of the San Joaquin Valley.	**Absent.** Suitable habitat is not present in the study area.
Giant garter snake (*Thamnophis gigas*)	FT, ST	Freshwater marshes and low gradient streams with emergent vegetation; adapted to drainage canals and irrigation ditches with mud substrate.	**Absent.** The study area is not within the species' known range.
Bald eagle (*Haliaeetus leucocephalus*)	SE (nesting and wintering)	Requires large bodies of water, or free-flowing rivers with abundant fish and adjacent snags and large trees for perching and nesting.	**Absent as Breeder.** Bald eagles winter throughout the study area. They are most common where waterfowl, especially American coots, congregate on open water such as the larger gravel ponds.
Swainson's hawk (*Buteo swainsoni*)	ST	Breeds in stands with few trees in juniper-sage flats, riparian areas, and oak savannah; forages in adjacent livestock pasture, grassland, or grain fields.	**Absent as Breeder.** Has been observed in migration and the nearest confirmed nest is just within 5 mi to the northeast along Hwy 41 near Road 208.
San Joaquin kit fox (*Vulpes macrotis mutica*)	FE, ST	Open, dry grasslands, shrub-steppe and alkali shrublands; also in agricultural landscapes including orchards, fields and sometimes near adjacent developed areas.	**Absent.** Suitable habitat is absent from the study area. The 2 CNDDB (2012) records adjacent to the study area are from the early 1990s and are the result of drive-by vehicle sightings that were not confirmed. No modern, confirmed records are present in the vicinity of the study area.
California Species of Special Concern			

Appendix A. Special-status Species, Status, and Potential Occurrence in the Study Area

Name	Status*	Habitat	Potential for Occurrence
Kern brook lamprey (*Lampetra hubbsi*)	CSSC	Rivers, canals, and sloughs in the Kern and San Joaquin River drainages.	**May be Present.** There appears to be suitable habitat in the study area; however, surveys in reaches of the San Joaquin River below Friant Dam have not detected the adult form of Kern Brook lamprey.
San Joaquin Roach (*Lavinia symmetricus ssp.*)	CSSC	Small warm intermittent streams and isolated pools in tributaries of the San Joaquin River from the Consumnes River south.	**May be Present.** It is known from tributaries above Friant Dam and could potentially occur below the dam. It is unlikely, though, to be a regular part of the fish community in the study area.
Hardhead (*Mylopharodon conocephalus*)	CSSC	Sacramento-San Joaquin and Russian River drainages.	**May be Present.** Sampled in very low numbers in 1981, though now thought to be absent from the Valley reaches of the San Joaquin River (Moyle 2002).
Western spadefoot (*Scaphiopus hammondii*)	CSSC	Grasslands and occasionally valley-foothill hardwood woodlands; vernal pools or similar ephemeral pools required for breeding.	**May be Present.** Suitable habitat may be present if seasonal pools occur within the grasslands in the study area. There are CNDDB records within 0.5 mi of the study area.
Silvery legless lizard (*Anniella pulchra pulchra*)	CSSC	Areas with sandy or loose loamy soils under the sparse vegetation of beaches, chaparral, or pine-oak woodland; or sycamores, cottonwoods, or oaks that grow on stream terraces.	**May be present.** Appropriate habitat is present in the study area and it is known from other reaches of the San Joaquin.
Western pond turtle (*Actinemys marmorata*)	CSSC	Slow water aquatic habitat with available basking sites. Hatchlings require shallow water with dense submergent or short emergent vegetation. Requires an upland oviposition site in the vicinity of the aquatic site.	**Present.** Have been observed in gravel ponds and other backwaters within the study area.
Northern harrier (*Circus cyaneus*)	CSSC (nesting)	Forages in marshes, grasslands, and ruderal habitats; nests in extensive marshes and wet fields.	**Absent as Breeder.** Northern harriers have been confirmed in the winter though nesting has never been confirmed.
Burrowing owl (*Athene cunicularia*)	CSSC	Grasslands and ruderal habitats.	**May be Present.** There is suitable habitat for burrowing owls in the grassland portions of the study area.

Appendix A. Special-status Species, Status, and Potential Occurrence in the Study Area

Name	Status*	Habitat	Potential for Occurrence
Long-eared owl (*Asio otus*)	CSSC (nesting)	Riparian bottomlands with tall, dense willows and cottonwood stands (also dense live oak and California Bay along upland streams); forages primarily in adjacent open areas.	**Present.** Long-eared owls have been confirmed in the winter though nesting has never been confirmed, though there is suitable nesting habitat in the study area.
Loggerhead shrike (*Lanius ludovicianus*)	CSSC (nesting)	Nests in tall shrubs and dense trees, forages in grasslands, marshes, and ruderal habitats.	**Present.** Has been observed nesting on the study area.
Yellow warbler (*Setophaga petechia*)	CSSC (nesting)	Breeds in riparian woodlands, particularly those dominated by willows and cottonwoods.	**Absent as Breeder.** The quality of the riparian habitat and more importantly the prevalence of brown-headed cowbirds in the study area eliminate yellow warblers as potential nesters, though they are quite common in spring and fall migrations.
Yellow-breasted chat (*Icteria virens*)	CSSC (nesting)	Breeds in riparian habitats having dense understory vegetation, such as willow and blackberry.	**Absent as Breeder.** The quality of the riparian habitat and, more importantly, the prevalence of brown-headed cowbirds (*Molothrus ater*) in the study area eliminate yellow warblers as potential nesters, though they are quite common during spring and fall migrations.
Tricolored blackbird (*Agelaius tricolor*)	CSSC (nesting colony)	Breeds near fresh water in dense emergent vegetation.	**Present.** Nesting colonies have been confirmed in reclaimed gravel ponds.
Yellow-headed blackbird (*Xanthocephalus xanthocephalus*)	CSSC (nesting)	Nests in freshwater marshes.	**Present.** Has been observed in nesting season in marsh habitat on gravel company property.
Grasshopper sparrow (*Ammodramus savannarum*)	CSSC (nesting)	Can occur in a variety of grassland habitats, but generally prefers short to middle-height, moderately open grasslands with scattered shrubs. Grasshopper sparrows are sparsely distributed in the Sierra Nevada Foothills and typically do not use the same site year to year.	**May be Present.** There is marginally suitable habitat in the grassland habitats of the study area.
Western red bat (*Lasiurus blossevillii*)	CSSC	Prefers sites with a mosaic of habitats that includes trees for roosting and open areas for foraging. Strongly associated with riparian habitats.	**May be Present.** There appears to be suitable habitat in the riparian habitats of the study area.

Appendix A. Special-status Species, Status, and Potential Occurrence in the Study Area

Name	Status*	Habitat	Potential for Occurrence
Spotted bat (*Euderma maculatum*)	CSSC	Ponderosa pine region of the western highlands. Prefers cracks/crevices of high cliffs and canyons for roosting.	**May be Present**. Habitat in the study area appears to be marginal for this bat, though there is a CNDDB (2012) record from 1970 of an individual with rabies collected at the San Joaquin fish hatchery.
Townsend's western big-eared bat (*Corynorhinus townsendii*)	CSSC	Roosts in colonies in caves, mines, tunnels, or buildings in mesic habitats. The species forages along habitat edges, gleaning insects from bushes and trees. Habitat must include appropriate roosting, maternity and hibernacula sites free from disturbance by humans.	**May be Present.** The study area is marginal for this bat, as appropriate breeding sites appear to be rare, though this bat is likely to at least occasionally forage on the study area.
Pallid Bat (*Antrozous pallidus*)	CSSC	Forages over many habitats; roosts in buildings, large oaks or redwoods, rocky outcrops and rocky crevices in mines and caves.	**May be Present.** The study area is marginal for this bat as appropriate breeding sites appear to be rare, though this bat is likely to at least occasionally forage on the study area.
Western mastiff bat (*Eumops perotis*)	CSSC	Found in central and south coastal California. Roosts primarily in cliffs or high buildings.	**Absent as Breeder.** The study area is marginal for this bat as appropriate breeding sites appear to be absent, though this bat is likely to at least occasionally forage in the study area.
American badger (*Taxidea taxus*)	CSSC	Herbaceous, shrub, and open stages of most habitats with dry, friable soils.	**Present.** There is suitable habitat for badgers, particularly in the grassland portions of the study area and they have been observed along Hwy 99 within the study area.
State Protected Species, CEQA Rare Species, and CNPS Species			
Vernal pool smallscale (*Atriplex persistens*)	CNPS 1B.2	Alkaline soils in vernal pools.	**Absent.** Suitable habitat is not present in the study area but may be present immediately adjacent (i.e., on the bluffs above the river corridor).
Dwarf downingia *Downingia pusilla*	CNPS 2.2	Vernal lake and pool margins (mesic sites) in valley and foothill grassland.	**Absent.** Suitable habitat is not present in the study area but may be present immediately adjacent (i.e., on the bluffs above the river corridor).
Spiny-sepaled button-celery *Eryngium spinosepalum*	CNPS 1B.2	Vernal pools within valley and foothill grassland some sites on granitic clay soils.	**Absent.** Suitable habitat is not present in the study area but may be present immediately adjacent (i.e., on the bluffs above the river corridor).

Appendix A. Special-status Species, Status, and Potential Occurrence in the Study Area

Name	Status*	Habitat	Potential for Occurrence
California satintail *Imperata brevifolia*	CNPS 2.1	Mesic sites, alkali seeps, and riparian areas in coastal scrub, chaparral, riparian scrub, Mojavean scrub, and meadows and seeps.	**May be Present.** The riparian scrub in the study area may provide suitable habitat for this species.
Forked hare-leaf *Lagophylla dichotoma*	CNPS 1B.1	On gravelly roadsides, loam soil, and dry clay in openings in valley and foothill grassland and cismontane woodland.	**May be Present.** Grasslands within the study area may provide suitable habitat for this species.
Madera leptosiphon *Leptosiphon serrulatus*	CNPS 1B.2	Dry slopes, often on decomposed granite in cismontane woodland and lower montane coniferous forest.	**May be Present.** Suitable habitat is not present in the Plan area but may be present within the larger study area adjacent to Millerton Lake.
Orange lupine *Lupinus citrinus* var. *citrinus*	CNPS 1B.2	Rocky, decomposed granitic outcrops, usually open areas, on flat to rolling terrain in chaparral, cismontane woodland, and lower montane coniferous forest.	**May be Present.** Suitable granitic habitat is not present in the Plan area but may be present in the larger study area along the eastern edge of Millerton Lake.
Sanford's arrowhead *Sagittaria sanfordii*	CNPS 1B.2	Standing or slow-moving freshwater ponds, marshes, and ditches; generally in marshes and swamps.	**May be Present.** Wetlands within the study area provide suitable habitat for the species.
Caper-fruited tropidocarpum *Tropidocarpum capparideum*	CNPS 1B.1	Alkaline clay in valley and foothill grassland.	**Absent.** Suitable habitat is not present in the study area. Further, the grasslands on the bluffs above the river corridor are unlikely to contain appropriate alkaline clay soils.
White-tailed kite (*Elanus leucurus*)	SP	Nests in tall shrubs and trees, forages in grasslands, agricultural fields, and marshes.	**Present.** Has been observed nesting in the study area.
Golden eagle (*Aquila chrysaetos*)	SP	Breeds on cliffs or in large trees (rarely on electrical towers), forages in open areas.	**Absent as Breeder.** Although some of the valley oak, cottonwood, and eucalyptus trees in the study area are large enough to support golden eagle nests, there is not enough open foraging habitat nearby to support nesting golden eagles. However, golden eagles have occasionally been observed in the study area outside the nesting season.

Appendix A. Special-status Species, Status, and Potential Occurrence in the Study Area

Name	Status*	Habitat	Potential for Occurrence
American peregrine falcon (*Falco peregrinus anatum*)	SP	Forages in many habitats; nests on cliffs and tall bridges and buildings.	**Absent as Breeder.** Peregrine falcons have frequently been observed in the study area, especially during winter. Appropriate nesting substrates are lacking.
Ringtail (*Bassariscus astutus*)	SP	Riparian habitats and in brush stands of most forest and shrub habitats. Nests in rock recesses, hollow trees, logs, snags, abandoned burrows or woodrat nests.	**May be Present.** The riparian habitats of the study area are suitable habitat for the ringtail, though this species is more likely to occur upstream of the study area.

*Status Codes
FE = Federally listed Endangered; FT = Federally listed Threatened
SE = State listed Endangered; ST = State listed Threatened; CSSC = California Species of Special Concern; SP = State Protected Species
CNPS List 1B = Plants rare, threatened, or endangered in California and elsewhere; CNPS List 4 = Plants of limited distribution-a watch list
.1 = seriously endangered in California; .2 = fairly endangered in California