

Background

The Pacific Forest and Watershed Lands Stewardship Council, a California nonprofit public benefit corporation (Stewardship Council), oversees the conservation of approximately 140,000 acres of land currently or formerly owned by PG&E (PG&E Watershed Lands) for a range of beneficial public values including the protection of habitat for fish, wildlife and plants; the preservation of open space; outdoor recreation by the general public; sustainable forestry; agricultural uses; and historic values. Certain PG&E Watershed Lands have been donated to the United States Forest Service (Forest Service) for preservation of beneficial public values (Donated Watershed Lands).

In accordance with prior resolutions of the Board, Sierra Nevada Conservancy (SNC) is implementing the Conservation Covenant Project pursuant to which SNC has entered into conservation covenants with the Forest Service concerning Donated Watershed Lands. The conservation covenants obligate the Forest Service to preserve beneficial public values on Donated Watershed Lands and give SNC the authority to monitor and enforce these obligations. The Stewardship Council has granted funds to SNC for its implementation of the Conservation Covenant Project.

Current Status

Recently, the Stewardship Council identified a parcel in Mendocino County named the Eel River Property that will be donated to the Forest Service. The Eel River Property is located within the Eel River watershed and contains significant beneficial public values. However, the Eel River Property is located outside of SNC's geographical jurisdiction. The State Coastal Conservancy (SCC) has authority to protect the beneficial public values of the Eel River Property pursuant to its enabling legislation at Division 21 of the Public Resources Code. Since SNC is currently implementing the Conservation Covenant Project, it would be efficient for SNC and SCC to work together to protect the beneficial public values of the Eel River Project.

The Joint Exercise of Powers Act, Government Code § 6500, *et seq.* authorizes public entities, including state agencies, to enter into agreements with each other to jointly exercise any powers common to the parties. The law allows the parties to a joint powers agreement (JPA) to jointly exercise their common powers in the combined geographical jurisdiction of all parties to the agreement. It also provides that one or more of the parties to a JPA may provide services to the other parties as specified in the agreement. A JPA between SCC and SNC would enable SNC and SCC to jointly exercise their common powers to accept grants and carry out projects for protection of the Eel River Property. The proposed JPA (Attachment A) provides for SNC to implement the Conservation Covenant Project on the Eel River Property.

Next Steps

Upon approval of both the SCC and SNC Governing Boards, the executive officers of each agency will sign the JPA, and SNC will implement the Conservation Covenant Project at the Eel River Property in accordance with the grant from the Stewardship

Council. SNC will enter into a conservation covenant with the Forest Service, accept grant funds from the Stewardship Council, and take all other actions necessary to implement the Conservation Covenant Project at the Eel River Property.

Recommendation

Staff recommends that the Board authorize the Executive Officer to enter into the a powers agreement with the State Coastal Conservancy ([Attachment A](#)) to jointly implement their common powers to accept grants and undertake projects for the protection of the Eel River Property through SNC's Conservation Covenant Project.