Exhibit "A"

DEPARTMENT OF CONSERVATION

STATE OF CALIFORNIA

DIVISION OF
LAND RESOURCE
PROTECTION

801 K STREET
SACRAMENTO
CALIFORNIA
95814

PHONE
916/324-0850

FAX
916/327-3430

TDD
916/324-2555

INTERNET
consrv.ca.gov

GRAY DAVIS
GOVERNOR

February 11, 2003

Mr. Olen Zirkle
Manager Agricultural Programs
Ducks Unlimited, Inc.
Western Regional Office
3074 Gold Canal Drive
Rancho Cordova, CA 95670

RE: Leal Properties and Shannon Farms Agricultural Conservation Easement Projects

Dear Mr. Zirkle:

As you know, Ducks Unlimited has submitted applications to the California Farmland Conservancy Program for funding on two agricultural conservation easement projects in the Sutter Basin, specifically on the Leal Properties and Shannon Farms. Although we are still awaiting appraisals on the two properties in order to complete our review of the applications, these properties appear to be candidates for consideration under both the CFCP and the Department of Water Resources' Flood Protection Corridor Program.

If you have any questions concerning these applications or the California Farmland Conservancy Program, I encourage you to contact me at (916) 324-0862.

Sincerely,

Charles Tyson
Program Manager

Exhibit "A"

State of California - The Resources Agency
GRAY DAVIS, *Governor*
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Sacramento Valley-Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
(916) 358-2900

February 10, 2003

Olen Zirkle, Agriculture Programs Coordinator
Ducks Unlimited, Inc
3074 Gold Canal Drive
Rancho Cordova, CA

Verification of Habitat Values for the following properties:
Akin Gilsizer Ranch, C & P Duck Club, Leal Properties and Shannon Farms

Dear Mr. Zirkle:

This letter is in response to your request for verification that the above-mentioned properties are in areas that the California Department of Fish and Game has given a high priority for wildlife habitat protection or restoration. As you know, these properties are situated adjacent to the wildlife rich environment of the Sutter Bypass and provide valuable open space that increases connected habitat for resident and migratory species in the Bypass. These lands are particularly strategic in creating a buffer zone between the Sutter Bypass to the west and encroaching development to the east. Properties adjacent to these farmlands are currently being sold in 15-80 acre parcels and converted to rural residential/horse properties.

The area in which the all properties are located has been identified as critical habitat for the federally threatened giant garter snake. Loss and fragmentation of wetland habitats have extirpated the giant garter snake from the majority of its historic range. This species inhabits agricultural wetlands and other waterways such as irrigation and drainage canals. Because of the direct loss of natural habitat, this species relies heavily on rice fields in the Sacramento Valley.

Protecting wildlife-friendly agriculture on these properties would fulfill the goals and objectives of the Department of Fish and Game. The Department would give a high priority to protecting these lands and highly recommend that your project move forward to complete the proposed agricultural conservation easements.

Thank you for your continued efforts in supporting wildlife and agricultural land conservation. Please give me a call if I can answer any further questions.

Sincerely,

Banky E. Curtis
Regional Manager

Conserving California's Wildlife Since 1870

Exhibit "B"

NATIONAL HEADQUARTERS
One Waterfowl Way
Memphis, TN 38120-2351
(901) 758-3825 fax (901) 758-3850
www.ducks.org

President
John A. Tomke
Indianapolis, Indiana

Chairman of the Board
L.J. Mayeux, Jr., M.D.
Marksville, Louisiana

Executive Vice President
D. A. (Don) Young
Memphis, Tennessee

First Vice President
James Hulbert
Longview, Washington

Treasurer
W. Bruce Lewis
Natchez, Mississippi

Secretary
Stephen C. Reynolds
Memphis, Tennessee

President,
Wetlands America Trust, Inc.
James C. Kennedy
Atlanta, Georgia

Senior Vice Presidents
Robert L. (Bob) Berg
Longville, Minnesota

David Blakemore
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Jared D. Brown
Clearwater, Florida

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Elliott S. Gassner
St. Petersburg, Florida

Harley Hansen
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Lisa Harris
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Rogers Hoyt, Jr.
Uvalde, Texas

Stanley C. Huner
Birmingham, Alabama

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Batavia, New York

Jill Olsen
Englewood, Colorado

Robert Sundberg
Mora, Minnesota

Fred Taylor
Burns, Oregon

Jim Wildman
Quincy, Illinois

Barry E. Wood
Trumann, Arkansas

Executive Secretary
Bill R. Willsey
Memphis, Tennessee

January 29, 2003

Re: Corporate Resolution

To Whom It May Concern:

Ducks Unlimited, Inc. is a 501c3 corporation, authorized to do business in the State of California. Attached please find a certified corporate resolution of Ducks Unlimited, Inc. wherein the President or E.V.P. or their designee is authorized to enter into such contracts and/or agreements as necessary such as those with the State of California for the purchase of conservation easements.

Very Truly Yours,

David A. Marrone, Esq.
Director of Land Protection
Direct: 901-758-3726
Email: dmarrone@ducks.org

CC:
Enc. res

Exhibit "B"

CERTIFIED COPY OF CORPORATE RESOLUTION AND CERTIFICATE OF INCUMBENCY OF DUCKS UNLIMITED, INC.

I, Bill R. Willsey, Executive Secretary of Ducks Unlimited, Inc., a District of Columbia non-profit corporation ("Corporation"), do hereby certify:

The following Resolution was duly adopted at the Regular Meeting of the Board of Trustees of the Corporation on the 3rd day of May, 1984, and that said resolution has not been amended or revoked and is in full force and effect:

> **RESOLVED,** that the President or the Executive Vice President of the Corporation named below, or his duly elected or appointed successor in office, be and hereby is authorized and empowered on behalf of the Corporation:
>
> (1) to buy and sell real estate, to borrow money, establish lines of credit or revolving credits, discount accounts receivable or negotiable paper, establish letter of credit, guarantee obligations of other persons or entities, or otherwise obtain or establish credit for the Corporation in any manner, on such terms as he may deem advisable;
>
> (2) to execute or endorse, and deliver on behalf of the Corporation any promissory note or notes, drafts, acceptances, guaranties, agreements or any other evidences of obligations of the Corporation;
>
> (3) to do any acts, including but not limited to mortgage, pledge, grant a security interest in, hypothecate or otherwise encumber from time to time any and all assets or property of the Corporation both real and personal, tangible and intangible, to secure such loan or loans, guaranty agreements, other agreements, or renewals and extensions thereof, and to execute and endorse, and deliver, on behalf of the Corporation, any instruments, agreements, or other documents deemed necessary or proper in respect to the collateral securing any obligation referenced above, and to affix the seal of the Corporation to any mortgage, pledge, security agreement, or other such instrument or document if so required.

I further certify that Don (D. A.) Young is the duly elected and qualified Executive Vice President of this Corporation.

I further certify that the following Resolution was duly adopted at the Regular Meeting of the Board of Trustees of the Corporation on the 10th day of September, 1987, and that said resolution has not been amended or revoked and is in full force and effect:

> **RESOLVED**, that the Senior Group Manager is given the authority to sign documents which the Executive Vice President is empowered to sign.

Exhibit "B"

I further certify that James L. Ware is the duly authorized Senior Group Manager of this Corporation.

I further certify that I am the duly elected and qualified Executive Secretary of this Corporation, and that the foregoing Resolutions now appear on the appropriate books and records of the Corporation and have not been altered, changed or modified in any respect, and are presently in full force and effect as above stated, and that same do not conflict with the Corporation's Articles of Incorporation or Bylaws or any other document, instrument or agreement by which the Corporation is bound.

TO CERTIFY WHICH, WITNESS MY HAND on this 28th day of January, 2003.

Corporate Seal

Bill R. Willsey
Executive Secretary

Exhibit "C"

RECEIVED
JUL 03 2000

Olen Zirkle Jr
Agricultrual Lands and Water Specialist
Ducks Unlimited, Inc., Western Regional Office
3074 Gold Canal Drive
Rancho Cordova, CA 65970

RE: Conservation Easements for Agricultural Lands

Dear Mr. Zirkle:

I own and farm 313 acres of land located west of Yuba City in close proximity to the Sutter National Wildlife Refuge. We farm predominately rice and have been active in the "B-22" winter flooding program since its inception

We have reviewed Ducks Unlimited's draft agricultural conservation easement and are interested in working with you on this type of program. We would consider entering into an easement agreement if the final terms and conditions are acceptable.

Attached is a parcel map showing ownership of land in our immediate area. I have highlighted the parcels that I would like considered for the easement program. The acessors parcel numbers are 21-230-22 and 21-240-06. I understand that Ducks Unlimited staff will inspect my property for the initial report and grant permission to enter the property for this purpose. Please call in advance of the visit and inform me of your schedule.

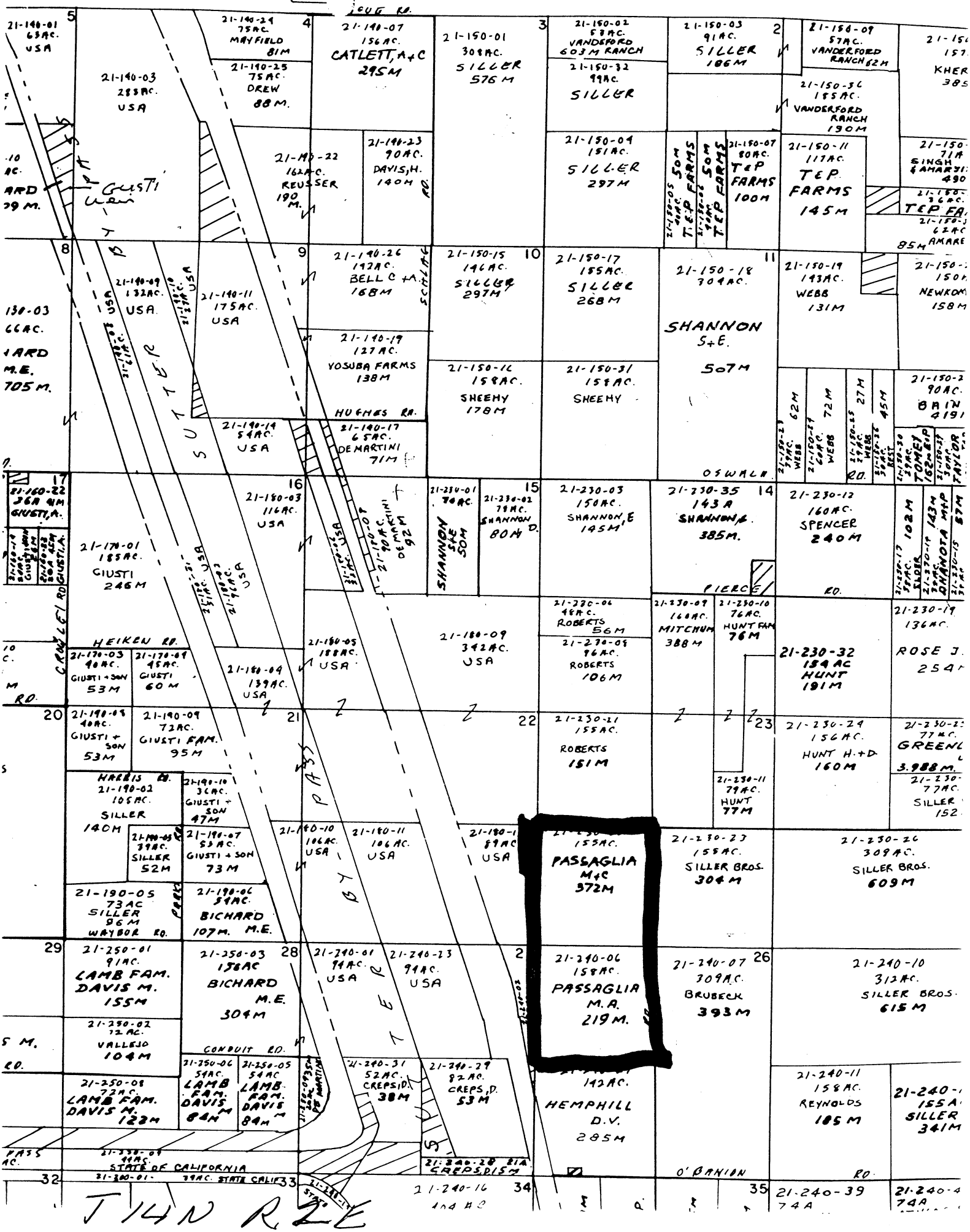
If you have and further questions or need additional information please feel free to call. My phone numbers are (530-)701-0066-mobile and (530)674-9465- home/business.

Sincerely,

Mike Cole Managing Partner C & P Duck Co

Mike Cole

Exhibit "C"



10
21-140-01 63AC. USA
21-140-03 283AC. USA
21-140-24 75AC. MAYFIELD 81M
21-140-25 75AC. DREW 88M.
21-140-07 156AC. CATLETT, A+C 295M
21-150-01 308AC. SILLER 576M
21-150-02 53AC. VANDERFORD 603M RANCH
21-150-32 99AC. SILLER
21-150-03 91AC. SILLER 186M
21-150-09 57AC. VANDERFORD RANCH 62M
21-150-36 185AC. VANDERFORD RANCH 190M
21-140-22 162AC. REUSSER 190M.
21-140-23 90AC. DAVIS, H. 140M
21-150-04 151AC. SILLER 297M
21-150-07 80AC. T&P FARMS 100M
21-150-11 117AC. T&P FARMS 145M
21-140-09 132AC. USA
21-140-11 175AC. USA
21-140-26 192AC. BELL C+A 168M
21-150-15 146AC. SILLER 297M
21-150-17 155AC. SILLER 268M
21-150-18 304AC. SHANNON S+E 507M
21-150-19 143AC. WEBB 131M
21-140-19 127AC. YOSUBA FARMS 138M
21-150-16 158AC. SHEEHY 178M
21-150-31 158AC. SHEEHY
21-140-14 54AC. USA
21-140-17 65AC. DEMARTINI 71M
21-160-22 36A 41M GIUSTI, A.
21-170-01 185AC. GIUSTI 246M
21-180-03 116AC. USA
21-230-01 70AC. SHANNON S+E 50M
21-230-02 78AC. SHANNON D. 80M
21-230-03 150AC. SHANNON, E 145M
21-230-35 143A SHANNON, E. 385M.
21-230-12 160AC. SPENCER 240M
21-230-06 48AC. ROBERTS 56M
21-230-09 160AC. MITCHUM 388M
21-230-10 76AC. HUNT FAM 76M
21-230-19 136AC. ROSE J. 254M
21-170-03 40AC. GIUSTI + SON 53M
21-170-04 45AC. GIUSTI 60M
21-180-04 139AC. USA
21-180-05 188AC. USA
21-180-09 342AC. USA
21-230-08 96AC. ROBERTS 106M
21-230-32 154AC HUNT 191M
21-190-08 40AC. GIUSTI + SON 53M
21-190-09 72AC. GIUSTI FAM. 95M
21-230-21 155AC. ROBERTS 151M
21-230-24 156AC. HUNT H.+D. 160M
21-230-11 79AC. HUNT 77M
21-190-02 105AC. SILLER 140M
21-190-10 36AC. GIUSTI + SON 47M
21-190-05 39AC. SILLER 52M
21-190-07 53AC. GIUSTI + SON 73M
21-180-10 106AC. USA
21-180-11 106AC. USA
21-180-1 89AC USA
155AC. PASSAGLIA M+C 372M
21-230-23 155AC. SILLER BROS. 304M
21-230-26 309AC. SILLER BROS. 609M
21-190-05 73AC SILLER 96M
21-190-06 54AC. BICHARD 107M. M.E.
21-250-01 91AC. LAMB FAM. DAVIS M. 155M
21-250-03 156AC BICHARD M.E. 304M
21-240-01 94AC. USA
21-240-23 94AC. USA
21-240-06 158AC. PASSAGLIA M.A. 219M.
21-240-07 309AC. BRUBECK 393M
21-240-10 312AC. SILLER BROS. 615M
21-250-02 72AC. VALLEJO 104M
21-250-06 54AC. LAMB FAM. DAVIS M 84M
21-250-05 54AC LAMB FAM. DAVIS M 84M
21-240-31 52AC. CREPS, D. 38M
21-240-29 82AC. CREPS, D. 53M
142AC. HEMPHILL D.V. 285M
21-240-11 158AC. REYNOLDS 185M
21-250-08 72AC. LAMB FAM. DAVIS M. 122M
21-250-09 44AC. STATE OF CALIFORNIA
21-240-28 21A CREPS, D. 15M
21-240-16 104AC
21-240-39 74A
21-240-4 74A
SUTTER BY-PASS
HUGHES RD.
HEIKEN RD.
CROWLEY RD.
HARRIS RD.
WAYBOR RD.
CONDUIT RD.
O'BANION RD.
PIERCE RD.
OSWALD RD.
SCHLAG RD.
GUSTI WAY
T14N R2E

Exhibit "D"

MWH
MONTGOMERY WATSON HARZA

February 7, 2003

Olen Zirkle
Ducks Unlimited
3074 Gold Canal Drive
Rancho Cordova, CA 95670

Dear Mr. Zirkle:

As requested, I have investigated the flood risk to lands in the Sutter County area covered by Levee District 1 and RD 823 (*attached Figure 6.7-3 from Sutter County Community Services Department*). The area covered by these two districts is south of Yuba city between the west levee of the Feather River and the east levee of the Sutter Bypass. This letter details the results of my investigation. A list of references used in reaching my conclusions is attached to this letter.

First, I looked at the FEMA Flood Insurance Maps and found that the area in question is designated Zone X based on the assumption that it is protected by levees from the 100-year flood. No additional studies were done by FEMA to determine if the levees actually provide 100-year protection.

The U.S. Army Corps of Engineers (Corps) has completed numerous studies on the levees surrounding the area under question. The most extensive was completed in January 1990 (Sacramento River Flood Control System Evaluation, Initial Appraisal Report – Marysville/Yuba City Area) and details the results and conclusions from previous geotechnical and flood water surface profile studies conducted for the Corps. In this study, the following statements are made:

"An inspection of the profile plots indicates that there is <u>not</u> adequate design freeboard on Feather River between river miles 17 and 23, . . ." (page 29)

"The MARK Group indicated that the primary concerns related to levee embankment integrity in the study area were the susceptibility of the foundation soils to seepage and piping." (page 49)

"Soil samples taken of the levee foundation at and near problem area locations indicate sites with thick sand layers. Seepage analyses through such sand layers showed that a high potential for piping exists for flood levels equal to or greater than the 1986 flood levels. Based on the above and levee embankment problems that occurred in February 1986, levee breaks are expected for flood events of slightly greater magnitude or duration than the February 1986 flood event." (page 57)

777 Campus Commons Road
Suite 250
Sacramento, CA 95825
Tel: 916 924-8844
Fax: 916 924-9102
Delivering Innovative Projects and Solutions Worldwide

Exhibit "D"

"Existing levels of flood protection were developed for the study area based on engineering and geotechnical considerations and assuming no levee breaks occur upstream. Flow rates and associated recurrence intervals are shown in Table 7 (*attached*)." (page 58)

In addition, Figure 21 (*attached*) in the report indicates the areas that would be inundated by a 100-year flood with levee breach.

The Post Flood Assessment (1999) showed the flooding resulting from the 1986 and 1997 flood events. Although there was no flooding in the study area during those floods it is interesting to note that flood pressure was taken off the study area levees in by a levee break on the south levee of the Yuba River at Linda in 1986 and levee breaks on the west levee of the Sutter Bypass and the east levee of the Feather River at Arboga in 1997.

I have also examined the 1997 Flood Damage Assessment compiled by the State of California. Sutter County Levee District 1, Maintenance Area 3, and East Levee of Sutter Bypass reported a total of 53 separate problems with boils, sinkholes, seepage, and erosion resulting from the 1997 flood.

The analyses and description of levee damages documented above lead me to concur with the conclusion of the Corps that the project properties are in an area where the level of flood protection is well below the 100-year reoccurrence. This area is in danger of being inundated due to levee breaches resulting from floods that are more frequent than the 100-year flood. Based on this evaluation it is my opinion that your proposals are qualified under Title 23, California Code of Regulations, Division 2, Section 497.5(a)(3)(f) – "An area demonstrated to the satisfaction of the Department of Water Resources to be hydrologically equivalent to one of those described in Subparagraphs a, b, or e."

Sincerely,

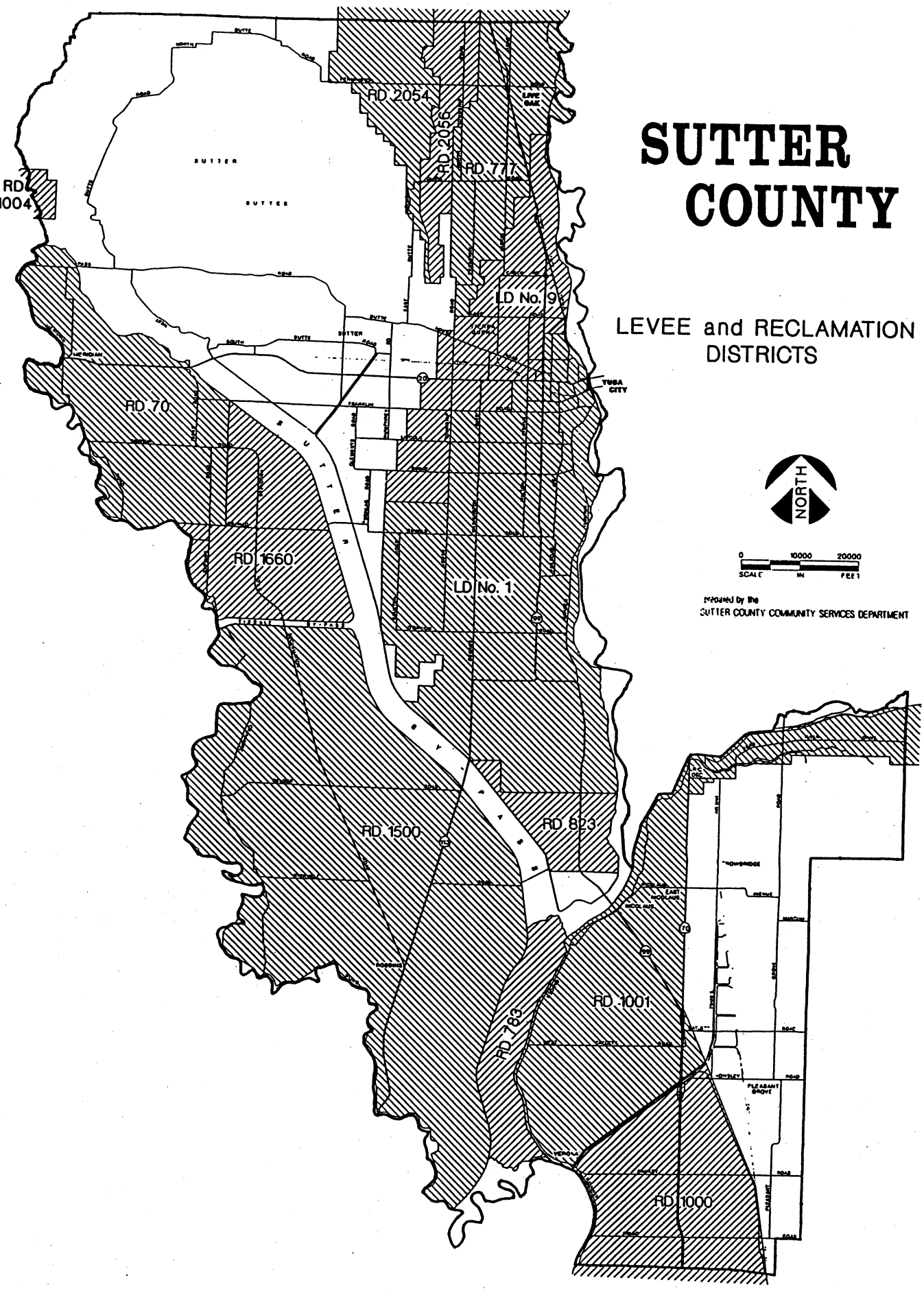
Eric S. Clyde, PE
Principal Engineer

Exhibit "D"

References:

1. State of California, Bank Erosion Investigations, Feather River at Nelson Bend, Office Report for Reclamation Board, May 1967
2. FEMA National Flood Insurance Program, Flood Insurance Rate Maps, Sutter County, CA (unincorporated areas), April 1988
3. U.S. Army Corps of Engineers, Geotechnical Report for Subsurface Explorations, Levee Evaluations, Sutter and Butte Counties, CA, September 12, 1988; prepared by the MARK Group
4. U.S. Army Corps of Engineers, Geotechnical Stability Assessments, Levee Evaluations, Sutter and Butte Counties, CA, April 21, 1989; prepared by the MARK Group
5. FEMA Flood Insurance Study, Sutter County, CA (unincorporated areas), Revised July 6, 1998
6. U.S. Army Corps of Engineers, Sacramento and San Joaquin River Basins, CA , Post Flood Assessment, March 1999
7. State of California, 1997 Flood Damage Assessment, 1997

Exhibit "D"



NOTE: As indicated by this map, some district boundaries extend into other counties outside of Sutter County.

Figure 6.7-3
Levee and Reclamation Districts

Exhibit "D"

TABLE 7

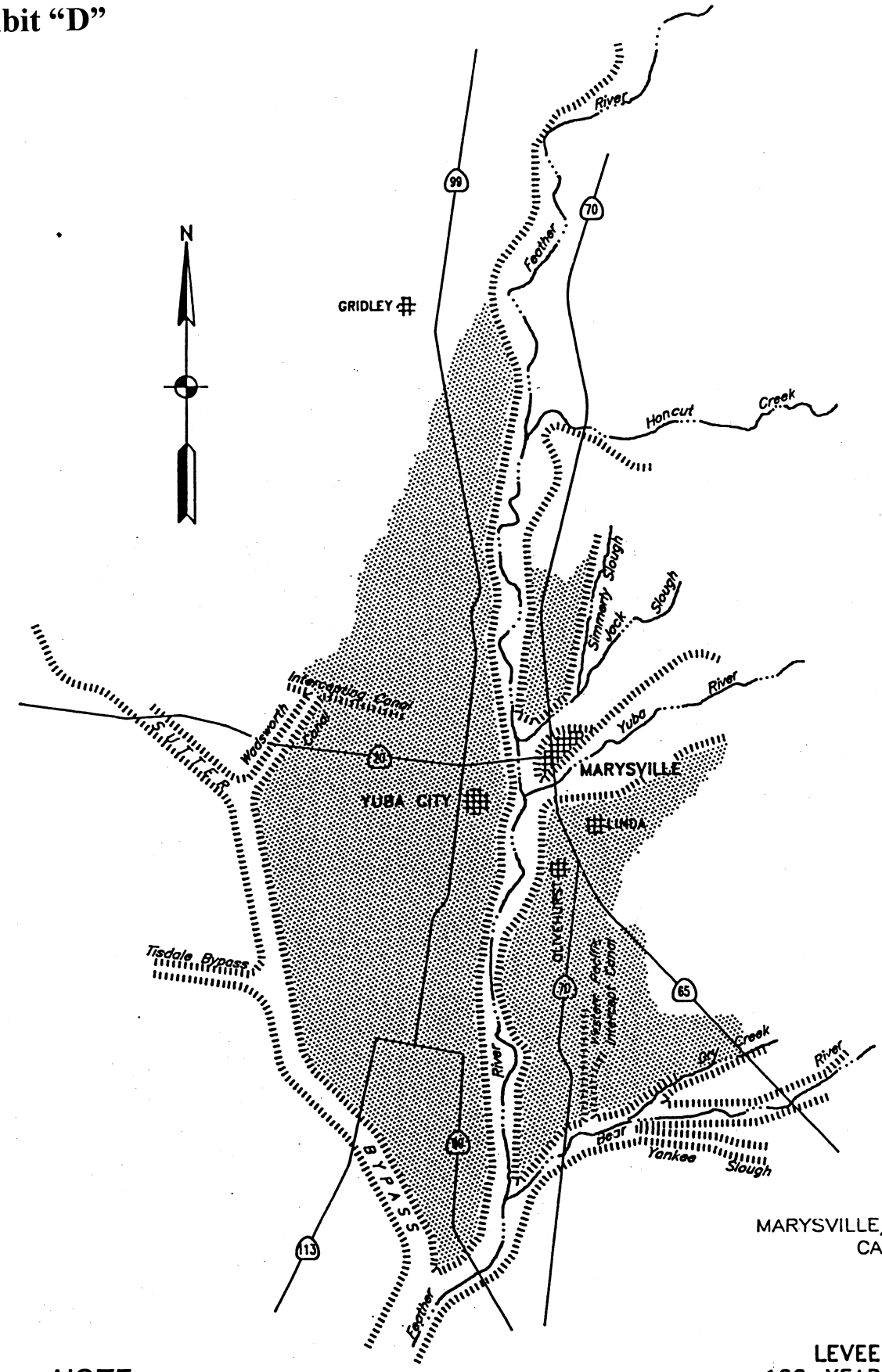
LEVELS OF FLOOD PROTECTION 1/
WITH AND WITHOUT REMEDIAL REPAIRS

Levee Reach	Without Remedial Repairs		With 2/ Remedial Repairs	
	Peak Flow (cfs)	Recurrence Interval (years)	Peak Flow (cfs)	Recurrence Interval (years)
Feather River				
upstream Honcut Creek	150,000	50	190,000	200+
between Honcut Creek and Jack Slough	155,000-165,000	50	200,000	175+
between Jack Slough and Yuba River	-	60	-	150+
between Yuba River and Bear River	268,000	70	292,000	150+
between Bear River and Sutter Bypass	285,000	65	-	150+
Yuba River				
upstream of mouth	111,000	30	135,000	100
Bear River				
upstream of mouth	-	65	-	100+
Sutter Bypass				
between Tisdale Bypass and Feather River	178,000	20	-	150+

1/ Recurrence intervals are based on the assumption that no levee breaches occur upstream. In reality, if a levee break occurred upstream, downstream levee reaches would have a higher level of flood protection than those shown above.

2/ Levels of flood protection with remedial repairs are based on a minimum of 3 feet of freeboard in a specified levee reach.

Exhibit "D"



MARYSVILLE/YUBA CITY AREA
CALIFORNIA

LEVEE BREACHING
100-YEAR FLOODED AREA

NOTE:
About 130,000 acres of land landward of the project levees would be flooded due to potential levee breaks.

SACRAMENTO DISTRICT, CORPS OF ENGINEERS
NOVEMBER 1989

FIGURE 21

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SUTTER, STATE OF CALIFORNIA

RESOLUTION APPROVING THE SUTTER COUNTY APPLICATION FOR GRANT FUNDS TO CALIFORNIA DEPARTMENT OF CONSERVATION'S CALIFORNIA FARMLAND CONSERVANCY PROGRAM FOR THE LEAL PROPERTIES AGRICULTURAL CONSERVATION EASEMENT PROJECT	)	RESOLUTION NO. 02-077

WHEREAS, the Legislature has established the California Farmland Conservancy Program within the Department of Conservation and through a grant program is providing assistance to conserve important agricultural land resources that are subject to conversion pressures; and

WHEREAS, the Sutter County Board of Supervisors previously passed a resolution No. 99-25 supporting the efforts of Ducks Unlimited, Inc., in conserving priority agricultural land resources through their general application for funding for the Conservation Easements for Agricultural Lands (CEAL) program from the California Farmland Conservancy Program (previously the Agricultural Land Stewardship Program); and

WHEREAS, although a general resolution has been passed, the California Farmland Conservancy Program requires a resolution certifying that a specific easement proposal meets certain eligibility criteria; and

WHEREAS, Ducks Unlimited, Inc., intends to use California Farmland Conservancy Program funding to purchase agricultural conservation easements on the Leal Properties properties, which are located within the CEAL program area; and

WHEREAS, the Sutter County Board of Supervisors approves the easement and certifies that the easement meets eligibility criteria set forth in Public Resources Code Section 10251, to wit:

(a) The parcels proposed for conservation are expected to continue to be used for, and are large enough to sustain, commercial agricultural production. The land is also in an area that possesses the necessary market, infrastructure, and agricultural support services, and the surrounding parcel sizes and land uses will support long-term commercial agricultural production.

(b) Sutter County has a general plan which demonstrates a long-term commitment to agricultural land conservation. This commitment is reflected in the goals, objectives, policies, and implementation measures of the plan, as they relate to the area of Sutter County where the easement acquisitions are proposed.

Exhibit "E"

(c) The grant proposal is consistent with the Sutter general plan, and the governing body of Sutter County, by resolution, approves the grant proposal.

WHEREAS, the Sutter County Board of Supervisors further certifies that, with respect to Public Resources Code Section 10251 (d), without conservation, the land proposed for protection has the potential to be converted to nonagricultural use in the future.

NOW, THEREFORE, BE IT RESOLVED that the Sutter County Board of Supervisors hereby approves the filing of an application for funding from the California Farmland Conservancy Program for purchase of an agricultural conservation easement on the Leal Properties properties.

PASSED AND ADOPTED by the Board of Supervisors of the County of Sutter, State of California, this 10th day of Sept., 2002, by the following vote:

AYES:	Supervisors Kroon, Nelson, Munger and Silva
NOES:	None
ABSENT:	None
ABSTAIN:	None

Larry Munger, Chairman
Board of Supervisors

ATTEST:

JOAN BECHTEL, CLERK

BY

Exhibit "E"

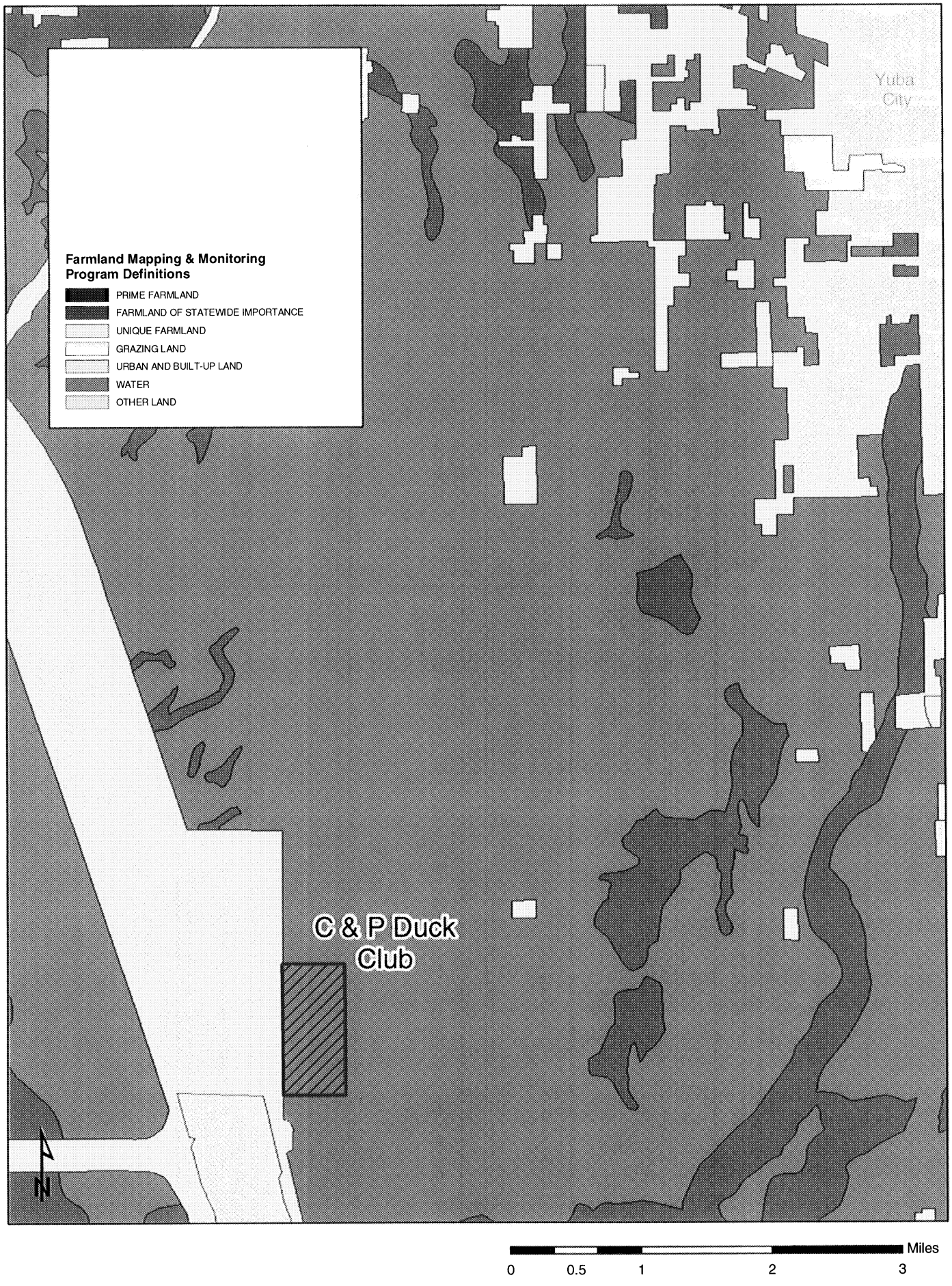

Farmland Mapping & Monitoring Program Definitions
PRIME FARMLAND
FARMLAND OF STATEWIDE IMPORTANCE
UNIQUE FARMLAND
GRAZING LAND
URBAN AND BUILT-UP LAND
WATER
OTHER LAND
Yuba City
C & P Duck Club
N
Miles
0
0.5
1
2
3

Exhibit G - Previous Funded Projects

Project Name:	CALFED Number:	Financial Status	Current Status
Lower Butte Creek Project: Phase II Preliminary Engineering and Environmental Analysis for Butte Sink Structural Modifat. and Flow-through System	99-B02	Expenditure: $520,574.60 Income: $531,850.58 Ducks Unlimited Inc: $ 11,275.98	Ongoing Final design and Draft NEPA/CEQA complete
Gorrill Dam Fish Screen	96-M22	Expenditure: $1,548,907.86 Income: $1,523,047.43 Ducks Unlimited : $ 25,860.43	Complete
M & T/Parrott, Pumping Station and Fish Screen	95-M05	Expenditure: $4,749,845.92 Income: $4,530,556.71 Ducks Unlimited.: $ 219,289.21	Complete
Rancho Esquon/Adams Dam Fish Screen	96-M21	Expenditure: $1,151,326.33 Income: $1,034,780.62 Ducks Unlimited: $ 116,545.71	Construction complete Monitoring fish passage

Project Name:	CVPIA Number:	Financial Status	Current Status
Lower Butte Creek Project, Phase III – Butte Creek, Drumheller Exclusion Barrier Final Engineering, Permitting and Construction	1448-11332-9J006	Expenditure: $ 228,951.73 Income: $ 227,856.74 Ducks Unlimited: $ 1,094.99	Construction complete Five Points design in progress
Lower Butte Creek Project, Phase II – Butte Creek, Butte Sink/Sutter Bypass Stakeholder Coordination/Facilitation	113329-9-J135	Expenditure: $ 67,151.50 Income: $ 62,263.44 Ducks Unlimited: $ 4,888.06	Ongoing
Lower Butte Creek Project, Phase II – Butte Creek, Sutter Bypass East-West Diversion Dam Preliminary Engineering and Environmental Review	113329-9-J122	Expenditure: $ 298,286.93 Income: $ 250,000.00 Ducks Unlimited: $ 48,286.93	Ongoing Final design and Draft NEPA/CEQA complete
Lower Butte Creek Project, Phase II – Butte Creek, Sutter Bypass Weir #5 Preliminary Engineering and Environmental Review	11332-9-J122	Expenditure: $ 298,286.93 Income: $ 250,000.00 Ducks Unlimited Inc: $ 48,286.93	Ongoing Final design and Draft NEPA/CEQA complete
Lower Butte Creek Project, Phase II – Butte Creek, Sutter Bypass Weir #3 Preliminary Engineering and Environmental Review	113329-9-J136	Expenditure: $ 298,286.93 Income: $ 250,000.00 Ducks Unlimited: $ 48,286.93	Ongoing Final design and Draft NEPA/CEQA complete
Sutter Bypass, East Side	11332-0-J004	Expenditure: $ 56,633.43 Income: $ 55,370.43 Ducks Unlimited: $ 1,263.00	Ongoing, Survey work complete Outreach initiated
Lower Butte Creek, Butte Slough Phase II – Preliminary File	11332-0-J003	Expenditure: $ 1,618.50 Income: $ 0.00 Ducks Unlimited: $ 1618.50	Ongoing Water rights analysis complete
(B)(22) Administration	1448-11300-97-J172	Expenditure: $1,330,118.00 Income: $1,330,118.00 Ducks Unlimited: $ 0	Ongoing Signup for 2002 initiated
(B)(22) Administration	113007J043	Expenditure: $ 51,476.20 Income: $ 51,476.20 Ducks Unlimited: $ 0	Ongoing Signup for 2002 initiated

Exhibit "H"

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF SUTTER, STATE OF CALIFORNIA

RESOLUTION OF THE BOARD OF SUPERVISORS SUPPORTING THE GRANT APPLICATION OF DUCKS UNLIMITED TO THE DEPARTMENT OF CONSERVATION UNDER THE AGRICULTURAL LAND STEWARDSHIP PROGRAM

RESOLUTION NO. 99-25

WHEREAS, the Legislature has established the Agricultural Land Stewardship Program within the Department of Conservation, and through a grant program is providing assistance to conserve agricultural land resources that are subject to conversion pressures; and

WHEREAS, Ducks Unlimited has demonstrated a long history of commitment to wildlife conservation and intends to establish a conservation easement program for agricultural lands in Sutter County; and

WHEREAS, the Board of Supervisors wishes to preserve agricultural land in Sutter County as well as established farming practices and will work with Ducks Unlimited to implement the proposed Conservation Easements for Agricultural Lands (CEAL) Program within the requirements of local land use ordinances and practices if program funding is approved; and

WHEREAS, the adopted Sutter County General Plan contains Findings, Goals, Policies and Implementation Programs that support agricultural land preservation outside those areas designated for urban development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors supports Ducks Unlimited in their application for funding for the CEAL program from the Agricultural Land Stewardship Program.

PASSED AND ADOPTED by the Board of Supervisors of the County of Sutter, State of California, this 6th day of April, 1999, by the following vote:

AYES: Supervisors Kroon, Nelson and Munger
NOES: None
ABSENT: Supervisor Bechtel
ABSTAIN: Supervisor Akin

Chairman, Board of Supervisors

ATTEST:
LONNA B. SMITH, CLERK

By: Pamela Fruehe
Deputy

A:\DUCKSUNL.WPD

BOARD OF SUPERVISORS SUTTER CO., CA

The Foregoing Instrument is a Correct Copy of the Original on File in this Office

ATTEST:

LONNA B. SMITH County Clerk and ex-officio Clerk of the Board of Supervisors of the State of California In and for the County of Sutter.

By _____ Deputy

BOARD OF SUPERVISORS SUTTER CO., CA

Exhibit "H"

MEMORANDUM OF UNDERSTANDING

This agreement is entered into this 12th day of October, 1999, by and between the County of Sutter (hereinafter "County"), a political subdivision of the State of California, and Wetlands America Trust, Inc., the affiliate of Ducks Unlimited, Inc. (hereinafter "WAT/DU"), a non-profit 501(c)(3) corporation. The parties hereto agree as follows:

(1) WAT/DU desires to protect agricultural lands in Sutter County as wintering habitat and foraging areas for waterfowl. Consistent with that objective, WAT/DU has applied for grant funding under the Agricultural Land Stewardship Program administered by the State Department of Conservation. WAT/DU seeks to fund a program entitled Conservation Easements for Agricultural Lands ("CEAL") to be conducted in Sutter County. WAT/DU has requested County support for its grant application. WAT/DU has represented to the County that if its grant application is successful, the funds received will be used to finance acquisition by WAT/DU, on a willing-seller basis, of conservation easements on agricultural lands within the areas numbered 1 and 2 on the attached Exhibit A entitled "CEAL- Project Map", which exhibit is incorporated herein by this reference.

(2) The County shall support WAT/DU's grant application as long as the conservation easements to be acquired are not inconsistent with the County's policies in effect at the time of execution of this MOU regarding agricultural industry protection. The County has determined that conservation easements consistent with its agricultural land protection policies are supportive of the agricultural industry. Therefore, the parties enter into this agreement to ensure that the CEAL Program conducted by WAT/DU in Sutter County is limited to the acquisition, on a willing-seller basis, of conservation easements on agricultural lands consistent with County policies in effect at the time of execution of this MOU.

(3) The County agrees that the "standard form" conservation easement document attached as Exhibit B has been accepted by the County Board and will be used by WAT/DU in the acquisition of conservation easements for agricultural lands under the CEAL Program. In doing so, WAT/DU agrees to:

(a) use the attached "standard form" conservation easement document in all of its negotiations with landowners regarding the perpetual protection of agricultural lands;

(b) include in any conservation easement for agricultural lands acquired in Sutter County:

I. the Conservation Values as defined on page 1 of the conservation easement document attached as Exhibit B used for the CEAL Program;

II. Section I, the Purpose, as written therein;

III. the introductory paragraph of Section III, Reserved Rights, as written therein; and

IV. the entirety of Section 3.1 as written therein.

(4) In consideration of this agreement, County will adopt the resolution attached hereto as Exhibit C which is incorporated herein by this reference.

(5) This agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. Neither party waives or forfeits the right to take action as may be necessary to ensure compliance with this agreement by any prior failure to act. The right hereby granted will be in addition to, and not in limitation of, any other rights and remedies available to the parties for enforcement of this agreement.

(6) The interpretation and performance of this agreement shall be governed by the laws of California and any action concerning this agreement shall be brought in the Superior Court for the County of Sutter.

(7) The County agrees that the map attached as Exhibit A clearly delineates the boundaries within which the acquisition of conservation easements on agricultural lands under the CEAL Program may take place.

(8) This instrument sets forth the entire agreement of the parties and supersedes all prior discussions, negotiations, understandings, or agreements, all of which are merged herein.

(9) This instrument shall be effective on the date first above written and shall only be terminated with mutual, written agreement of both parties.

COUNTY OF SUTTER

By:
Its Chairman

ATTEST:

LONNA B. SMITH
COUNTY CLERK

BY: Pamela Bruchez
Deputy

BOARD OF SUPERVISORS SUTTER CO. CA.

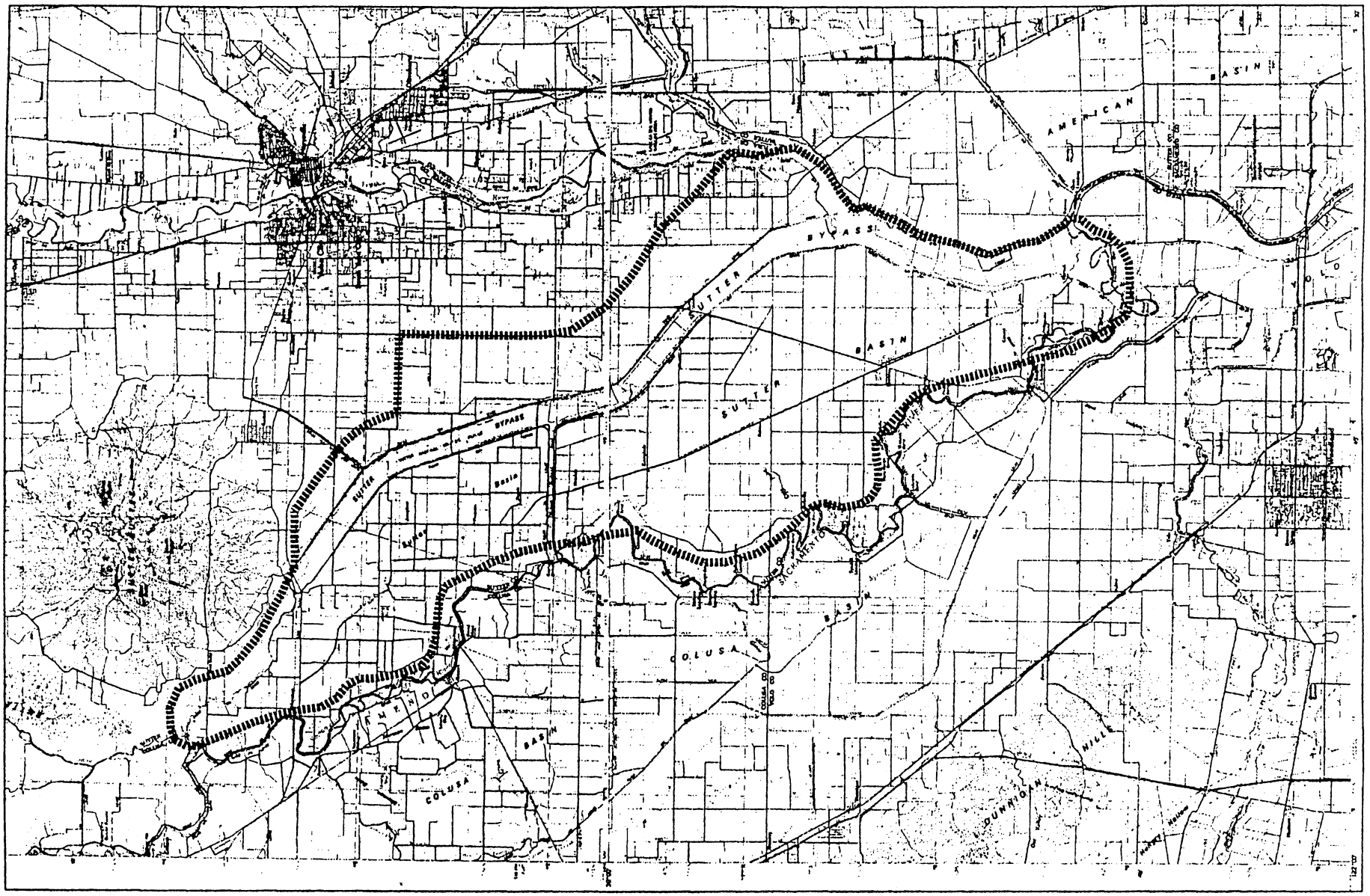
WETLANDS AMERICA TRUST, INC.

By: Its Chief Operating Officer

DUCKS UNLIMITED, INC.

By: Its Executive Vice President

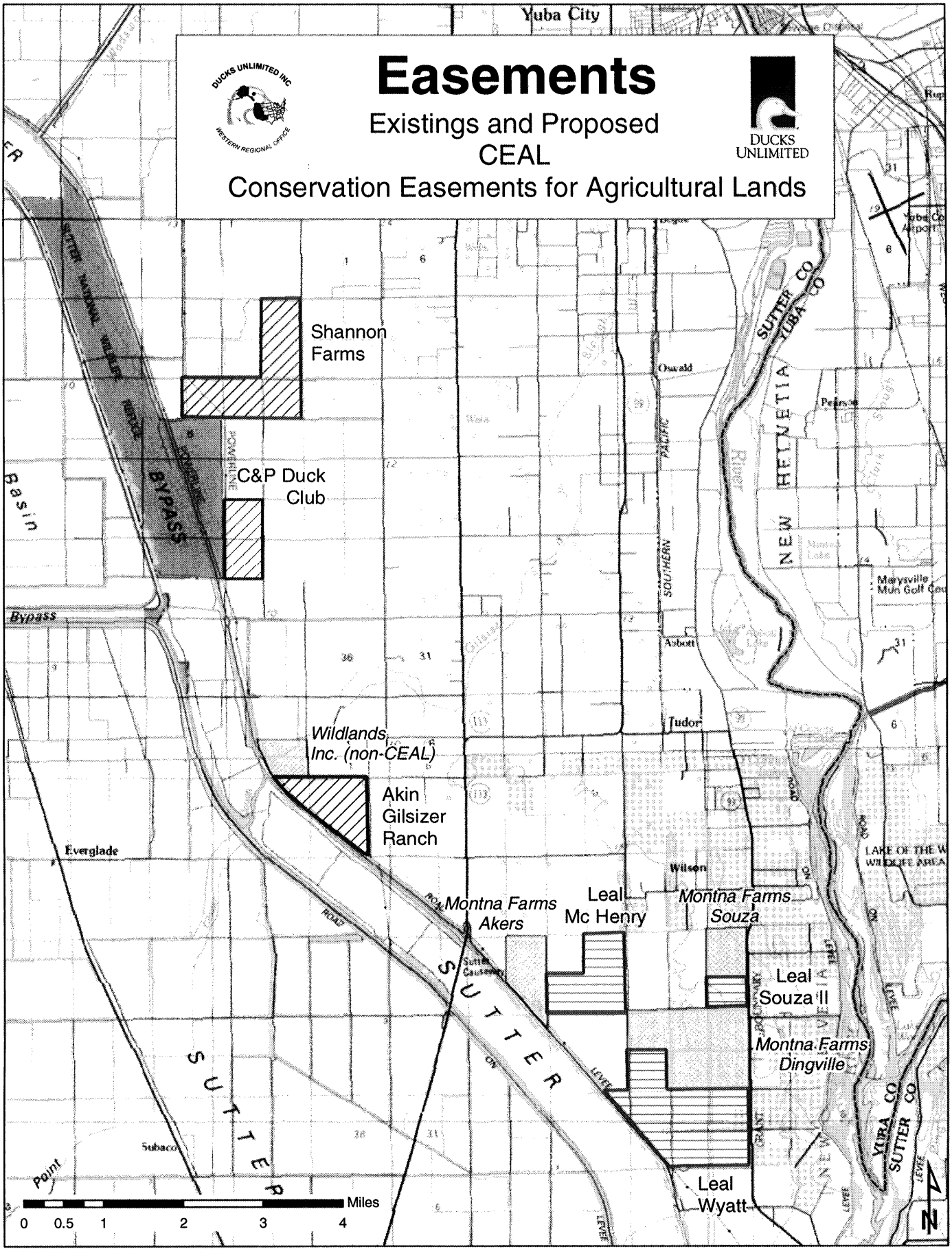
Exhibit "H"



CEAL Project Map

ACAD14\CA\0147-001\EX5-B.DWG

Exhibit "I"



Easements
Existings and Proposed
CEAL
Conservation Easements for Agricultural Lands
DUCKS UNLIMITED INC
WESTERN REGIONAL OFFICE
DUCKS UNLIMITED
Yuba City
Shannon Farms
C&P Duck Club
Wildlands Inc. (non-CEAL)
Akin Gilsizer Ranch
Montna Farms Akers
Leal Mc Henry
Montna Farms Souza
Leal Souza II
Montna Farms Dingville
Leal Wyatt
SUTTER
BYPASS
NEW HELVETIA
SUTTER CO
YUBA CO
Oswald
Pearson
Abbott
Tudor
Wilson
Everglade
Subaco
Marysville Mun Golf Cou
Miles
0 0.5 1 2 3 4
Proposed FPCP
Existing Easement
Proposed FPCP & CFCP
1:100,000

Exhibit "J"

DUCKS UNLIMITED

NATIONAL HEADQUARTERS
One Waterfowl Way
Memphis, TN 38120-2351
(901) 758-3825 fax (901) 758-3850
www.ducks.org

President
John A. Tomke
Indianapolis, Indiana

Chairman of the Board
L. J. Mayeux, Jr., M.D.
Mandeville, Louisiana

Executive Vice President
D. A. (Don) Young
Memphis, Tennessee

First Vice President
James Holbert
Longview, Washington

Treasurer
W. Bruce Lewis
Rolla, Missouri

Secretary
Stephen C. Reynolds
Memphis, Tennessee

President,
Wetlands America Trust, Inc.
James C. Kennedy
Atlanta, Georgia

Senior Vice Presidents
Robert L. (Bob) Berg
Longville, Minnesota

David Blakemore
Campbell, Missouri

Jared D. Brown
Clearwater, Florida

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Chancellor, Missouri

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Uvalde, Texas

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Delaware, New York

Jill Olson
Dunkerwood, Colorado

Robert Sundberg
Mora, Minnesota

Fred Taylor
Lewis, Oregon

Jim Wildman
Quincy, Illinois

Barry F. Wood
Bremerton, Washington

Executive Secretary
Bill R. Willsey
Memphis, Tennessee

February 12, 2003

Re: Trust Funds

To Whom It May Concern:

Ducks Unlimited, Inc., a 501c3 corporation authorized to do business in the State of California, maintains a permanently restricted easement endowment fund. The endowment is restricted to generate interest income to offset the cost of annual monitoring of conservation easements.

Very Truly Yours,

David A. Marrone, Esq.
Director of Land Protection
Direct: 901-758-3726
Email: dmarrone@ducks.org

CC: Olen Zircle
Enc.

Exhibit "K"

Environmental Checklist Form

1. Project title: C & P Duck Club Agricultural Conservation Easement Project

2. Lead agency name and address:
Department of Water Resources
1416 9th Street, Room 1641
Sacramento, CA 95814

3. Contact person and phone number: Bonnie Ross (916)654-4202

4. Project location: Located in a low line area immediately East of the Sutter Bypass 1/2 N. of O'Banion Road.

5. Project sponsor's name and address:
Ducks Unlimited, Inc.
3074 Gold Canal Drive
Sacramento, CA 95670

6. General plan designation: Ag. 80 Acre Min. 7. Zoning: General Ag. (AG)

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
The project proposes to purchase an agricultural conservation easement on the C & P Duck Club property. The easement will restrict building and subdivision and will purchase and extinguish the development rights. The use of the property will be restricted to wildlife friendly agriculture in perpetuity.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
The C & P Duck Club property is located in a low line area immediately East of the Sutter Bypass 1/2 North of O'Banion Road. Land use on the property is production agriculture, predominatly rice. Land use on surrounding parcels includes the Sutter National Wildlife Refuge and other rice farms.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
Sutter C
Sutter County

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning

☐ Mineral Resources ☐ Noise ☐ Population / Housing

☐ Public Services ☐ Recreation ☐ Transportation/Traffic

☐ Utilities / Service Systems ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature Date

_____ _____

Printed name For

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose

sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance

SAMPLE QUESTION

Issues:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	X
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	X
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	X

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	X

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	X
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	X
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	X
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	X
ii) Strong seismic ground shaking?	☐	☐	☐	X
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	X
iv) Landslides?	☐	☐	☐	X
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	X

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	X
VII. HAZARDS AND HAZARDOUS MATERIALS --				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	X
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	X

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	X
f) Otherwise substantially degrade water quality?	☐	☐	☐	X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	X
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	X
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	☐	☐	☐	X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	X

X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

XI. NOISE --

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	X
Fire protection?	☐	☐	☐	X
Police protection?	☐	☐	☐	X
Schools?	☐	☐	☐	X
Parks?	☐	☐	☐	X
Other public facilities?	☐	☐	☐	X

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	X

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	X
e) Result in inadequate emergency access?	☐	☐	☐	X
f) Result in inadequate parking capacity?	☐	☐	☐	X

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	X

XVI. UTILITIES AND SERVICE SYSTEMS --

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	X

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Exhibit "L"

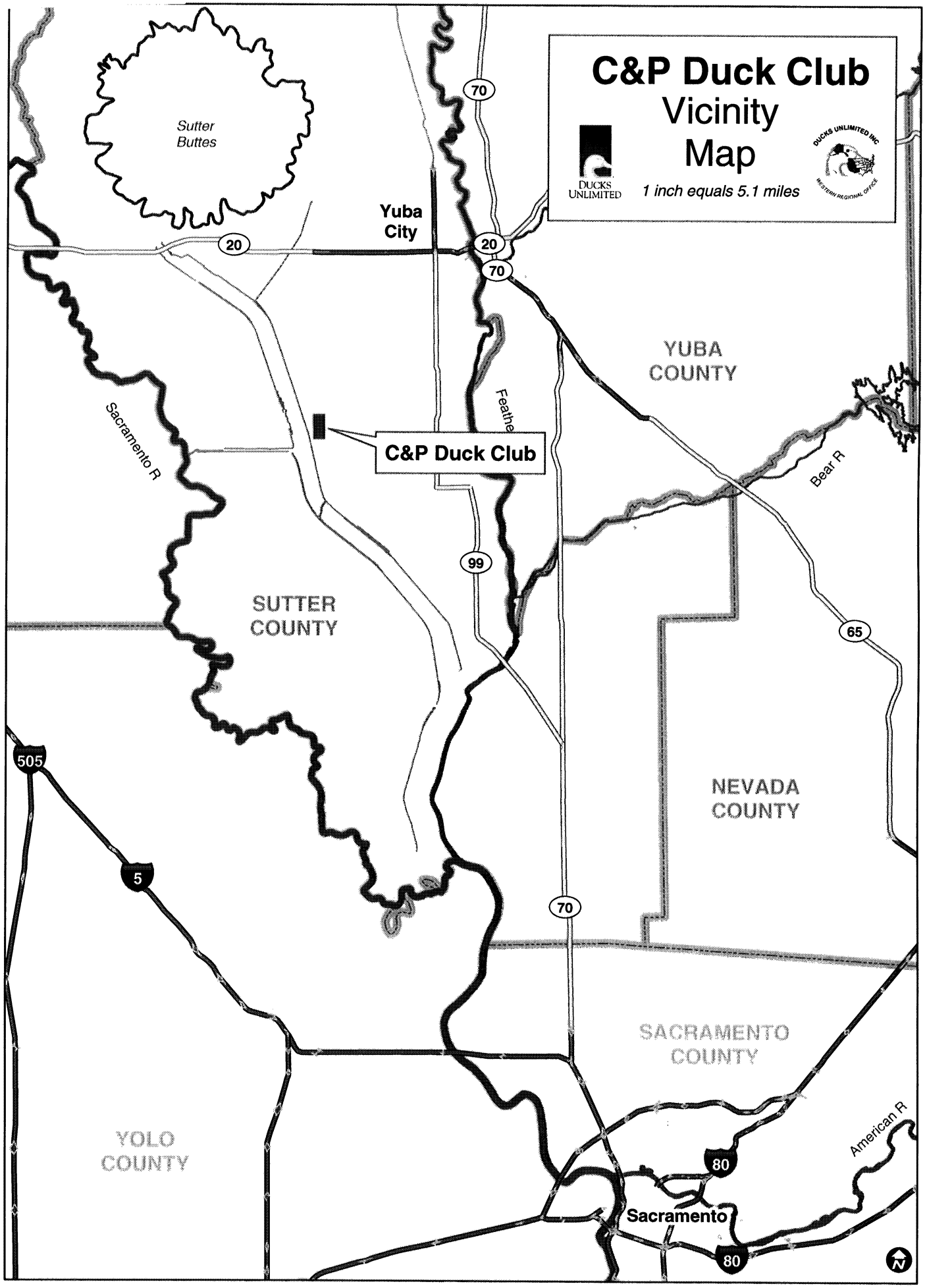
C&P Duck Club
Vicinity
Map
DUCKS UNLIMITED
1 inch equals 5.1 miles
DUCKS UNLIMITED INC
WESTERN REGIONAL OFFICE
Sutter
Buttes
Yuba
City
20
70
YUBA
COUNTY
Sacramento R
Feathe
C&P Duck Club
Bear R
99
SUTTER
COUNTY
65
505
NEVADA
COUNTY
5
70
SACRAMENTO
COUNTY
YOLO
COUNTY
American R
80
Sacramento
80
N

Exhibit "M"

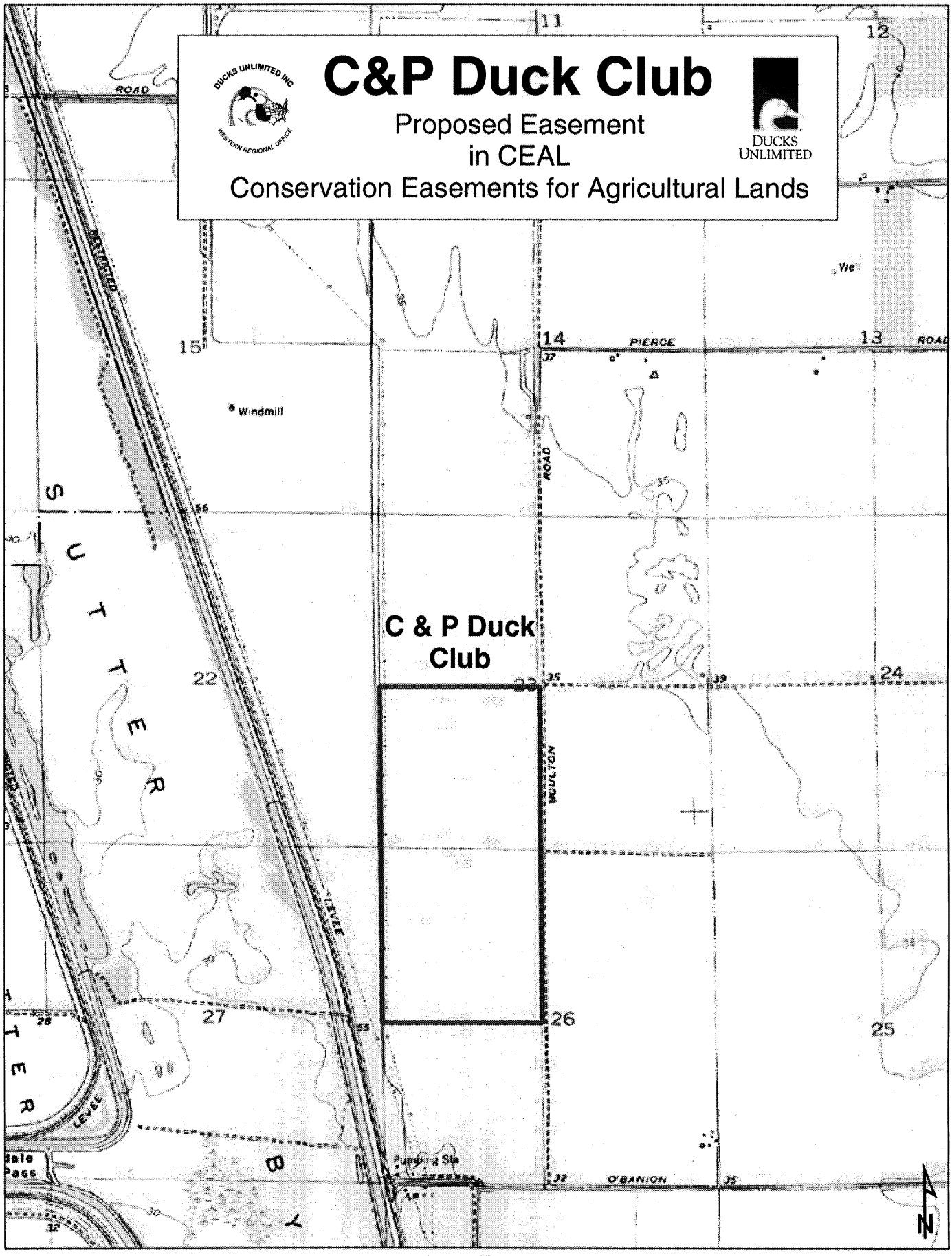
C&P Duck Club
Proposed Easement
in CEAL
Conservation Easements for Agricultural Lands
DUCKS UNLIMITED
DUCKS UNLIMITED INC
WESTERN REGIONAL OFFICE
C & P Duck Club
ROAD
PIERCE
ROAD
Windmill
BOULTON
ROAD
LEVEE
LEVEE
O'BANION
Pumping Sta
SUTTER
BY
11
12
13
14
15
22
23
24
25
26
27
N
Miles
0
0.125
0.25
0.5
0.75
1
1:24,000

Exhibit "N"

Ducks Unlimited
C&P Duck Club Proposal

Department of Water Reources

Flood Protection Corridor Program

Budget Itemization: Acquisition Grants

	FPCP REQUEST ($)	OTHER FUNDING ($)	TOTAL FUNDING ($)
Direct Costs			
C&P Duck Club Easement Acquisition	$469,500		$469,500
Costs Incidental to Acquisition			
Implementation	$20,000	$2,680	$22,680
Appraisal	4,000	536	$4,536
Baseline Documentation	5,000	670	$5,670
Survey	0	0	0
Haz.Mat Phase I	1,500	201	$1,701
Title Report	1,150	154	$1,304
Escrow/Closing	850	114	$964
Monitoring	15,000	0	15,000
Total incidental costs	$47,500	$4,355	$51,855
Total Costs	$517,000	$4,355	$521,355

EXHIBIT "N"

DUCKS UNLIMITED – C&P Duck Club Agricultural Easements
Implementation Schedule

Department of Water Resources **Flood Protection Corridor Program**

Implementation Schedule

Project Title: Ducks Unlimited – C&P Duck Club Agricultural Easements
Project Term: Two Years: October 1, 2003 to January 15, 2005

TASK	TERM
Year 1: (Assumes Grant Agreement complete by September 30, 2003)	
1. Request Preliminary Title Report	October 1, 2003
2. Complete Appraisal, Baseline Documentation Report, and Hazardous Materials Phase I Report	December 31, 2003
3. Negotiate final easement language	January 1, 2004 – June 30, 2004
Year 2:	
1. Close escrow and record easement	September 1, 2004 – December 31, 2004/January 15, 2005 (pending final approval of docs by all parties and closing dates proposed by landowners)
2. Annual Monitoring	Ongoing

Notes to Implementation Schedule: The implementation schedule is based on the assumption that the DWR Flood Protection Corridor Program has committed funds by September 30, 2003. This late date will all but preclude closing the easement purchase by December 31, 2003. Because of tax implications, the landowners may want to close the escrow and receive the funds before December 31, 2004 or after January 1, 2004. The range of dates for the closing and monitoring reflect that potential action.

Exhibit "O"

WESTERN REGIONAL OFFICE
3074 Gold Canal Drive
Rancho Cordova, CA 95670-6116
(916) 852-2000 Fax (916) 852-2200
www.ducks.org

DATE

«FIRST_NAME» «LAST_NAME»
«ADDRESS»
«CITY», «ST» «ZIP»

Re: APN #(s) «APN»

Dear «FIRST_NAME» «LAST_NAME»:

I am writing to inform you that Ducks Unlimited, Inc. intends to acquire an agricultural conservation easement from the Shannon family on 745 acres of farmland (APN # 21-150-18, 21-230-01, 21-230-02, 21-230-03 and 21-230-35) that adjoins your property. The acquisition is to be funded by the California State Department of Conservation's California Farmland Conservancy Program.

An agricultural conservation easement is a recorded restriction on title that limits the use of the land to agricultural purposes. The 745 acre easement would insure that, in perpetuity, this land would not be developed for uses other than agriculture. The easement will be held by Wetlands America Trust, Inc., an affiliated corporation operated solely for the benefit of Ducks Unlimited, Inc., who will monitor the terms of the easement annually to insure that the purposes of the easement are fulfilled.

The Wetlands America Trust, Inc. is a private non-profit 501(c) 3 corporation that exists to protect the valuable land resources throughout the United States including Sutter County by acquiring and holding conservation easements in trust.

Please find enclosed a parcel map with the proposed acquisition outlined.

If you have any questions, please write to the above address or call me at (916) 852-2000.

Sincerely,

Olen Zirkle, Jr.
Agricultural Program Coordinator

Exhibit "O"

C&P DUCK CLUB SURROUNGING LANDOWNER LIST

TITLE	1ST NAME	LST NME	ADDRESS	CITY	ST	ZIP	APN
Mr. & Mrs.	Joseph K. & Jane	Roberts Trust	5474 Lincoln Road	Yuba City	CA	95991	21-230-21
Ms.	Nadine R.	Mitchum	1160 Sanborn Road	Yuba City	CA	95993	21-230-09
		Siller Bros.	P. O. Box 1585	Yuba City	CA	95992	21-230-23
Mr. & Mrs.	Lewis W. & Leota M.	Brubeck Trust	521 7th Street	Marysville	CA	95901	21-240-07
Mr.	Donald V.	Hemphill	376 Cold Springs Road	Angwin	CA	94508	21-240-27
		USFWS	500 N.E. Multnomah St., Ste. 1692	Portland	OR	97232	21-240-02 & 21-180-12

Exhibit P - Statement of Qualifications

Olen C. Zirkle, Jr. Ducks Unlimited Inc, Manager, Agricultural Programs. Mr. Zirkle brings a diverse background to Ducks Unlimited. Educated at U.C. Davis, earning a Bachelor of Science degree in Ag-Production/Agronomy, he has spent a lengthy career working with agriculture on operational and management issues. Mr. Zirkle is currently employed by Ducks Unlimited as an agricultural programs manager where he manages the Lower Butte Creek Project, the Sutter Basin Agricultural Easement Project and the Agricultural Water Quality Outreach Program. Mr. Zirkle may be reached at the Western Regional Office at 3074 Gold Canal Drive, Rancho Cordova CA 95670-6116; Phone: (916) 852-2000; Fax: (916) 852-2200; e-mail: ozirkle@ducks.org.

Relevant Experience

Mr. Zirkle has spent his entire career working in agriculture in managerial and technical positions. Educated as an agronomist, he worked for 16 years with Spreckels Sugar Company as a field superintendent and agricultural property manager. Subsequently, he managed grain marketing and storage cooperative comprised of 800 farmer members in Southeastern Arizona. In one of his most recent activities, he managed and marketed the foreclosed properties for the western office of the Federal Land Bank. Mr. Zirkle is a licensed real estate broker, and has extensive training and expertise in agricultural property appraisal. Since 1995, Mr. Zirkle has worked exclusively on wildlife friendly agricultural issues. He has headed easement acquisition programs for both The Nature Conservancy and Ducks Unlimited.

Paul J. Dutra, Esq. Dutra & Oates Law Firm. Mr. Dutra has practiced law for more than 32 years, including eight years as Vice President and General Counsel for Western Farm Credit Bank, a major agricultural lending institution serving five western states. Mr. Dutra's practice emphasizes commercial real estate transactions, secured transactions, and business law. Mr. Dutra also has extensive experience negotiating and documenting conservation easements. He is a member of the Real Property Law Section and the Business Law Section of the State Bar of California. He is also a licensed real estate broker with the California Department of Real Estate.

David A. Marrone, Esq. Ducks Unlimited Director of Conservation Programs-Land Protection. Mr. Marrone holds a B.A. from Syracuse University, NY and a J.D. from Quinnipiac University School of Law, CT. Prior to employment with Ducks Unlimited, David worked for the law firm of Ryan & Ryan, CT where he was involved in the areas of real estate, estate planning and construction law. Mr. Marrone is currently employed by Ducks Unlimited as the Director of Conservation Programs-Land Protection at its National Headquarters in Memphis, Tennessee where he provides legal and administrative oversight for land protection including conservation land acquisition, conservation easements and trust fund oversight on a nationwide basis. He has presented formally and informally on numerous occasions to landowners and land trust staff on the topic of conservation easements.