Appendix C: MOU Text and Signature Pages

The MOU text is included on the following pages, with the signature pages for those entities signing on to the MOU included immediately following the MOU.
UPPER SACRAMENTO-MCCLOUD-LOWER PIT REGIONAL WATER MANAGEMENT GROUP

MEMORANDUM OF UNDERSTANDING

September 1, 2013
UPPER SACRAMENTO-MCCLOUD-LOWER PIT REGIONAL WATER MANAGEMENT GROUP

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into with an assigned effective date of September 1, 2013. Parties to this MOU shall be recognized when a "Confirmation and Signature for Approval" form, attached to this MOU as Exhibit B, has been completed and, when applicable, new members have been approved pursuant to Section 2.10 herein.

The following list indentifies (in alphabetical order) agencies and entities which, due to their standing and interests in the region and participation in the IRWM process, are initially considered as appropriate potential parties for this MOU. This list does not intend to presume whether each entity will choose to adopt this MOU, nor is this list exclusive. Entities not included in this list may also be considered as appropriate parties for this MOU. When determined to be applicable by the RWMG, potential new members to this MOU may be considered pursuant to Section 2.10 herein.

CalTrout
Campbell Timberland
City of Dunsmuir
City of Mt. Shasta
Community of Big Bend
County of Shasta
County of Siskiyou
Hancock Natural Resources Group
Hearst Forests
McCloud Community Services District
McCloud Local First Network
McCloud Watershed Council
Modoc Nation
Mount Shasta Bioregional Ecology Center
Pacific Forest Trust
Pit River Tribe
River Exchange
Roseburg Forest Products
Shasta Indian Nation
Shasta Nation
Shasta Valley RCD
Sierra Pacific Industries
Siskiyou Land Trust
Trout Unlimited
Western Shasta RCD
Winnemem Wintu Tribe
RECITALS

WHEREAS, the Integrated Regional Water Management Planning Act (Water Code Sections 10530 to 10547) authorizes three or more local agencies, at least two of which have statutory authority over water supply or water management, to enter into a memorandum of understanding (“MOU”) or other legal agreement to establish a Regional Water Management Group (“RWMG”); and

WHEREAS, the parties to this MOU desire to develop and adopt an Integrated Regional Water Management (“IRWM”) Plan and to increase coordination and collaboration among stakeholders in the Upper Sacramento-McCloud-Lower Pit Region (“Region”); and

WHEREAS, the River Exchange (“REX”) entered into a Grant Agreement on October 7, 2011 with the California Department of Water Resources (“DWR”) to develop a new IRWM Plan for the Region.

WHEREAS, the parties to this MOU seek to ensure that an appropriate share of the $73 million in IRWM funding available in the Sacramento River funding area is allocated to the Region; and

WHEREAS, the parties to this MOU seek to implement a long-term IRWM Program within the Region which will be closely coordinated with other planning and land and water resource management interests and agencies; and

WHEREAS, the parties to this MOU seek to provide stability and consistency in the planning, management, and coordination of resources within the Region and to implement projects to benefit the Region; and

WHEREAS, the parties to this MOU seek to ensure that IRWM funding and any other future funding is expended in the best way possible to enhance the many beneficial uses of water and other resources in the Region for the benefit of the Region itself and for downstream water users.

NOW, THEREFORE, in consideration of the above premises and of the mutual promises and agreements herein contained, the parties to this MOU agree as set forth below to work together in the RWMG for the Upper Sacramento-McCloud-Lower Pit Region to carry out the purposes of this MOU.
ARTICLE I
DEFINITIONS

Section 1.01. Definitions. Unless the context otherwise requires, the words and terms defined in this Article I shall, for the purpose hereof, have the meanings herein specified.

“Consensus” means approval of the Members to move forward with a particular action. “Consensus” does not necessarily mean that all Members affirmatively support an action but rather that no Member has opposed the action. A Member may verbally note disagreement with an action but still allow consensus on an action without the Member’s support if the action does not affect the Member or compromise the Member’s interests.

“Coordinating Council” means the Coordinating Council of the Upper Sacramento-McCloud-Lower Pit Regional Water Management Group having the responsibilities and composition described herein.

“Fiscal Year” means the period from July 1st to and including the following June 30th.

“Integrated Regional Water Management Plan” or “IRWM Plan” or “IRWMP” has the meaning set forth in Water Code Section 10534, which is a comprehensive plan for a defined geographic area, the specific development, content, and adoption of which shall satisfy requirements developed pursuant to Part 2.2 of Division 6 of the Water Code. At a minimum, an Integrated Regional Water Management Plan describes the major water-related objectives and conflicts within a region, considers a broad variety of water management strategies, identifies the appropriate mix of water demand and supply management alternatives, water quality protections, and environmental stewardship actions to provide long-term, reliable, and high-quality water supply and protect the environment, and identifies disadvantaged communities in the region and takes the water-related needs of those communities into consideration.


“Member of the Regional Water Management Group” or “Member” means a local agency, tribe, or non-governmental organization that has become a party to this MOU. Federal and State agencies are not Members of the Regional Water Management Group, but such agencies may be parties to this MOU and may designate liaisons to the RWMG as provided herein.

“MOU” means this Memorandum of Understanding.
“Regional Water Management Group” or “RWMG” means the Regional Water Management Group for the Upper Sacramento-McCloud-Lower Pit Region. Regional Water Management Group has the meaning set forth in Water Code Section 10539, which is a group in which three or more local agencies, at least two of which have statutory authority over water supply or water management, as well as those other persons who may be necessary for the development and implementation of a plan that meets the requirements in Water Code Sections 10540 and 10541, participate by means of a joint powers agreement, memorandum of understanding, or other written agreement, as appropriate, that is approved by the governing bodies of those local agencies.

“Secretary” means the secretary appointed by the Regional Water Management Group.

“Upper Sacramento-McCloud-Lower Pit Region” and “Region” mean those portions of the Sacramento, McCloud, and Pit River watersheds depicted in the map attached hereto as Exhibit A.

ARTICLE II
PURPOSE, ORGANIZATION, OPERATION, AND MEMBERSHIP

Section 2.01. Purpose. This MOU is entered into in accordance with the provisions of the IRWM Planning Act for the purposes of permitting a Regional Water Management Group to carry out the Region’s IRWM Program and further develop, implement, and periodically update the Region’s IRWM Plan. In carrying out the IRWM Program, the RWMG shall work to:

- Support the objectives of the California Department of Water Resources’ IRWM Program, which seeks to ensure sustainable water uses, reliable water supplies, better water quality, environmental stewardship, efficient development, protection of agriculture, and a strong economy.
- Promote communication and collaboration in the Region to identify and implement resource management strategies and projects with broad-based stakeholder support.
- Facilitate local investment in projects that can minimize costs and maximize regional benefits through economies of scale or through projects with compound resource benefits.

Section 2.02. Term. This MOU shall become effective on the assigned date of September 1, 2013. This MOU shall continue in effect until terminated by mutual consent of all current Members. The inclusion of additional Members pursuant to Section 2.15 or withdrawal of some, but not all, of the Members pursuant to Section 2.16 shall not be deemed a termination of this MOU, so long as at least three local agencies, two of which have statutory authority over water supply or management remain signatories.
Section 2.03. Regional Water Management Group. Pursuant to the IRWM Planning Act, the signatories to this MOU have agreed to work together to serve as the Regional Water Management Group for the Upper Sacramento-McCloud-Lower Pit Region and to carry out the IRWM Program in the Region.

Section 2.04. Member Representatives; RWMG Decision-Making; Coordinating Council; Technical Committees.

(a) Member Representatives: Each Member shall be represented by an individual designated from time to time by the Member’s governing body or executive officer. Member Representatives will attend meetings consistently and will regularly communicate information about the process to the entity they represent. Each Member’s governing body or executive officer may designate one alternate representative to represent the Member in the absence of the primary representative. It is expected that alternate representatives have been briefed on all pending decisions and are vested with the same authority as the primary representative.

- Active Member: In order to be considered an Active Member of the RWMG, a Member Representative or designated alternate of the Member shall have attended at least 2/3 of the RWMG or Coordinating Council meetings in the previous 12 months.

8. RWMG Decision-Making: Every Member of the RWMG will have one vote and the RWMG shall make decisions by Consensus or, when necessary, through the resolution process described in this section. The RWMG may approve elements of the IRWM Plan, project proposals, grant applications, and any other decisions that may or must be made regarding approval or implementation of the IRWM Plan. The RWMG may delegate authority to make certain types of decisions to the Coordinating Council or Secretary in addition to the authorities provided herein. If the RWMG is unable to reach Consensus by a second meeting at which a matter is considered, any Member may make a motion to initiate the Formal Issue Resolution (“FIR”) Process and, upon an affirmative vote of at least 75% of the Members in attendance, the matter shall be referred to the FIR Process.

The FIR Process consists of a voting mechanism where the Members are classified into three subgroups with representation as described below:

- Statutory Authorities: participating statutory authorities have one seat each. Potential Members in this category, if party to the MOU, include: Siskiyou County (including the Siskiyou Power Authority and the Siskiyou County Flood Control and Water Conservation District), Shasta County, the Cities of Dunsmuir and Mt. Shasta, and McCloud Community Services District.
• Tribal Authorities: participating Tribal Authorities have one seat each. Potential Members in this category, if party to the MOU, include: the Modoc Nation, Pit River Tribe, Shasta Indian Nation, Shasta Nation, and Winnemem Wintu Tribe.

• Resource Management Interests: participating Resource Management Interests, including non-governmental organizations, resource conservation districts, and industrial timberland owners, shall appoint or elect one voting representative from each of the following broad areas of interest: fisheries management, timber/ag. management, resource/land management, and environmental advocacy.

A motion may only be adopted with the approval of at least two-thirds of the Active Members of each of the three subgroups (3 members requires 2 votes; 4 members requires 3 votes; 5 members requires 4 votes).

The RWMG shall not approve a grant application for any project located within the jurisdiction of any one of the statutory authorities described in Section 2.04(b)(i) that contravenes any authority of the affected statutory authority, and any element or policy of the IRWM Plan shall only be effective within the jurisdiction of a statutory authority described in Section 2.04(b)(i) if it does not contravene any authority of the affected statutory authority.

9. Coordinating Council: The Coordinating Council shall consist of one representative from each of the three subgroups identified in Section 2.04(b), the Fiscal Agent, any Member who is a party to an IRWM grant agreement with the Department of Water Resources, and the Secretary. The Coordinating Council shall be responsible for overseeing routine administrative matters, developing agendas for meetings of the RWMG, and performing any other responsibilities delegated by the RWMG.

10. Technical Committees: Technical committees may be established as standing committees or ad hoc committees by the RWMG to consider issues of importance upon referral from the RWMG. Technical committees shall report all findings or recommendations to the RWMG.

Section 2.05. Meetings.

• Meetings:

  • Regional Water Management Group. The RWMG shall meet from time to time as necessary to conduct business and no less frequently than every six months.
13. **Coordinating Council.** The Coordinating Council shall meet from time to time as necessary to conduct business or at any such other regular frequency as the Bylaws may provide.

(b) **Notice and Conduct of Meetings:** All meetings of the RWMG shall be open to the public. An agenda for each meeting shall be prepared with a brief description of each item on which action may be taken by the RWMG. No later than 72 hours before a meeting, the agenda for the meeting shall be posted on the Region’s website and distributed by email to all persons who have requested notice of the meetings of the RWMG.

**Section 2.06. Meeting notes.** The Secretary shall cause to be kept a record of the meetings of the RWMG and shall, as soon as possible after each meeting, cause a draft copy to be forwarded to each Member Representative and any other interested parties who have requested to be included on the distribution list.

**Section 2.07. Bylaws and Policies.** The RWMG may, from time to time, adopt Bylaws or policies and procedures for the conduct of business.

**Section 2.08. Annual Budget.** If any funds are in the custody and control of the RWMG, the RWMG shall approve an annual budget for each Fiscal Year in consultation with the Fiscal Agent.

**Section 2.09. Annual Operational and Fiscal Report.** The Secretary shall cause an annual operational report and annual fiscal report to be prepared and provided to each Member.

**Section 2.10. Addition of New Members.** After establishment of the RWMG, any local agency, non-governmental organization, or other entity that is not a Member and desires to become a Member shall have attended at least two meetings of the RWMG and shall submit a written request to the Secretary. Upon approval by the RWMG at a duly convened meeting, a new Member shall be allowed to execute an amendment to this MOU adding the new Member as a party. This MOU shall be deemed amended to reflect the addition of a new Member upon execution of the amendment by the new Member and by the Secretary.

**Section 2.11. Withdrawal of Member.** Any Member may withdraw from this MOU at any time by providing written notice of such withdrawal to the Secretary. Upon the effective date of withdrawal, this MOU shall be deemed automatically amended to reflect the deletion of the withdrawing Member.
ARTICLE III
OFFICERS AND ADMINISTRATION

Section 3.01. Secretary. The River Exchange, or such other Member as the RWMG may designate from time to time, shall serve as the Secretary to perform such duties as may be necessary to operate and administer the RWMG and to maintain a record of its activities. The Secretary shall be responsible for the call and noticing of all meetings of the RWMG and Coordinating Council. The RWMG may further provide for the duties and responsibilities of the Secretary through administrative and fiscal policies.

Section 3.02. Fiscal Agent. The River Exchange, or such other Member as the RWMG may designate from time to time, shall serve as the Fiscal Agent to receive, disburse, and account for funds related to this MOU. Members may make contributions to the Fiscal Agent to support the IRWM Program in such amounts as the Members may agree, in their individual discretion, to contribute from time to time. Funding received by the Fiscal Agent to carry out projects shall be disbursed to other Members or to cooperating entities only after the Fiscal Agent enters a funding agreement or collection agreement (“Project Contracts”) with the other Member or entity, as may be appropriate or required depending on the source of the funding and any requirements of the recipient party or entity. The Fiscal Agent shall be responsible for any necessary financial reporting under this MOU, including reports needed to comply with the terms of any grant agreement.

Section 3.03. Relationship of the Parties. In entering into this MOU, it is the intention of the Parties that this MOU shall not be construed to be an enforceable contract or agreement, but rather a statement of principles, and shall not be the basis for litigation between the parties or by any third party. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, against any of the Parties or their agencies or officers or against any person.

Section 3.04 Relationship to Existing Plans, Ordinances, and Regulations. Although the IRWMP refers to many legally binding statutory and regulatory provisions—such as general plans, zoning ordinances, water quality plans, and various permits, licenses, and approvals—its purpose in doing so is to ensure that the IRWMP is consistent and compatible with those existing legal obligations. Rather than adding to or modifying the present legal and regulatory environment, the IRWMP is intended to streamline and improve the stakeholders’ ability to operate and succeed within that environment.
Exhibit A: Upper Sacramento/McCloud/Lower Pit Region

Upper Sacramento, McCloud, Lower Pit IRWM Region
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

This statement by the authorized official named below hereby confirms that the governing body of the identified agency or entity, on the date indicated, approved and agreed to be party to the Memorandum of Understanding (MOU) concerning the above referenced Integrated Regional Water Management program and the related Regional Water Management Group (RWMG). Signature via this confirmation form shall be incorporated by reference into said MOU as being signatory to the MOU provided that, when applicable, the RWMG has approved the necessary amendment of the MOU for addition of the new member pursuant to Section 2.10 of the MOU.

__________________________________
Agency or Entity Approving the MOU

____________________________________
Name of person initially appointed to represent this entity on the RWMG

____________________________________
Name and Title of Authorized Official hereby confirming approval of the MOU

_________________________________
Signature of Authorized Official

_______________________
Date of Approval
MOU signature pages follow on next pages:

Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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California Trout
Agency or Entity Approving the MOU

Meadow Fitton
Name of person initially appointed to represent this entity on the RWMG

Curtis Knight, Conservation Director
Name and Title of Authorized Official hereby confirming approval of the MOU

Signature of Authorized Official

10/3/2013
Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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addition of the new member pursuant to Section 2.10 of the MOU.

Agency or Entity Approving the MOU

Name of person initially appointed to represent
this entity on the RWMG

Name and Title of Authorized Official hereby
confirming approval of the MOU

Signature of Authorized Official

Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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City of Mt. Shasta  
Agency or Entity Approving the MOU

Geoff Harkness  
Name of person initially appointed to represent the entity on the RWMG

Theodore E. Marconi  
Name and Title of Authorized Official hereby confirming approval of the MOU

Signature of Authorized Official

August 12, 2013  
Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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McCloud Community Services District
Agency or Entity Approving the MOU

WAYNE FOGGSBY
Name of Person Initially Appointed to Represent the Entity on the RWMG

ALAN R. SCHLEISEN - VICE PRESIDENT OF THE BOARD
Name and Title of Authorized Official hereby confirming approval of the MOU

Signature of Authorized Official

8/25/13
Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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when applicable, the RWMG has approved the necessary amendment of the MOU for
addition of the new member pursuant to Section 2.10 of the MOU.

McCloud Watershed Council

Agency or Entity Approving the MOU

Angelina Cook

Name of person initially appointed to represent
this entity on the RWMG

Debra Anderson, Board of Directors President

Name and Title of Authorized Official hereby
confirming approval of the MOU

Signature of Authorized Official

Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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[Signature]
Agency or Entity Approving the MOU

[Signature]
Name of person initially appointed to represent this entity on the RWMG

Alternate: Diane Shockey

[Signature]
Name and Title of Authorized Official hereby confirming approval of the MOU

[Signature]
Signature of Authorized Official

11-1-13
Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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addition of the new member pursuant to Section 2.10 of the MOU.

The Modoc Nation
Agency or Entity Approving the MOU

Chief Jefferson Greywolf Kelley / Jeff Kelley
Name of person initially appointed to represent
this entity on the RWMG

Chief Jefferson Greywolf Kelley / Jeff Kelley
Name and Title of Authorized Official hereby
confirming approval of the MOU

Signature of Authorized Official

10/15/2013
Date of Approval
EXHIBIT B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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addition of the new member pursuant to Section 2.10 of the MOU.

Mount Shasta Bioregional Ecology Center
Agency or Entity Approving the MOU

Michelle Berdichevsky - Senior Conservation Consultant
Name of person initially appointed to represent this entity on the RWMG

Richard Lucas President of the Board
Name and Title of Authorized Official hereby confirming approval of the MOU

Signature of Authorized Official

10/8/13
Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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The Pacific Forest Trust, Inc.
Agency or Entity Approving the MOU

Megan Wargo
Name of person initially appointed to represent this entity on the RWIMG

Laure Wayburn, President
Name and Title of Authorized Official hereby confirming approval of the MOU

Signature of Authorized Official

9/30/13
Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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addition of the new member pursuant to Section 2.10 of the MOU.

The River Exchange
Agency or Entity Approving the MOU

Phil Detrich
Name of person initially appointed to represent this entity on the RWMG

Phil Detrich, President, The River Exchange
Name and Title of Authorized Official hereby confirming approval of the MOU

Signature of Authorized Official

October 14, 2013
Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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addition of the new member pursuant to Section 2.10 of the MOU.

Siskiyu Land Trust
Agency or Entity Approving the MOU

Kathleen Hitt, Conservation Director
Name of person initially appointed to represent
this entity on the RWMG

Sam Bayer, President
Name and Title of Authorized Official hereby
confirming approval of the MOU

Signature of Authorized Official

10/8/2013
Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCLOUD/LOWER PIT REGION INTEGRATED REGIONAL WATER MANAGEMENT PLAN REGIONAL WATER MANAGEMENT GROUP

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Winnemem Wintu Tribe

________________________________________
Agency or Entity Approving the MOU

Mark Miyoshi, Primary and Luisa Navejas, Alternate
Mt. Shasta District Representatives and Water Advisors, Winnemem Wintu Tribe

________________________________________
Name of person initially appointed to represent this entity on the RWMG

Caleen Sisk, Chief and Spiritual Leader, Winnemem Wintu Tribe

________________________________________
Name and Title of Authorized Official hereby confirming approval of the MOU

________________________________________
Signature of Authorized Official

October 27, 2013

Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

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Western Shasta Resource Conservation
Agency or Entity Approving the MOU

Leslie Bryan, Watershed/Climate Stewardship Coordinator
Name of person initially appointed to represent this entity on the RWMG

David DeMar, District Manager
Name and Title of Authorized Official hereby confirming approval of the MOU

Signature of Authorized Official

October 23, 2013
Date of Approval
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

This statement by the authorized official named below hereby confirms that the governing body of the identified agency or entity, on the date indicated, approved and agreed to be party to the Memorandum of Understanding (MOU) concerning the above referenced Integrated Regional Water Management program and the related Regional Water Management Group (RWMG). The MOU is approved and agreed upon to the extent that it is consistent with the “Pit River Tribal Statement of Principles for Resources Protection”, Resolution Number 12-45-12, dated December 28, 2012 as well as the “Pit River Tribal Water Resolution Protecting our Sacred Water Rights”, Resolution Number 13-04-01, dated April 16, 2013. The Pit River Tribe’s cultural and spiritual values to protect water and water resources within ancestral lands are understood and incorporated as the current policy and law of the Pit River Tribe. The Pit River Tribe’s participation in the MOU concerning the RWMG will be consistent with the above mentioned and attached resolutions to this Exhibit B. Signature via this confirmation form shall be incorporated by reference into said MOU as being signatory to the MOU provided that, when applicable, the RWMG has approved the necessary amendment of the MOU for addition of the new member pursuant to Section 2.10 of the MOU.

Dolores A. Raglin, Chairman Pit River Tribe

Vernon Ward, Pit River Tribe RWMG Representative

Name and Title of Authorized Official hereby confirming approval of the MOU

Signature of Authorized Official

Date of Approval
RESOLUTION NO: 13-04-01
DATE: April 16, 2013
SUBJECT: Pit River Tribal Water Resolution Protecting our Sacred Water Rights;

WHEREAS: The Pit River Tribe of California (Includes the XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancheria) is a federally recognized Indian tribe organized under Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), codified at 25 U.S.C. 476, et seq., as amended, by the Act of June 15, 1935 (49 Stat. 378); AND

WHEREAS: The Pit River of California ("Tribe") is a federally recognized Tribe composed of eleven autonomous bands located in Northeastern California, since time immemorial, they are as follows: 1) Atwamsini, 2) Aitsugewi, 3) Astarawi, 4) Aporige, 5) Ajumawi, 6) Hewiseawii, 7) Illimawi, 8) Itsatawi, 9) Kosealekte, 10) Hammawi, and 11) Madesi; AND

WHEREAS: The tribe is represented and governed by the Pit River Tribal Council, a body who is duly elected under the Constitution of the Pit River Tribe, adopted on Sunday August 16, 1987 and formally approved by the Assistant Secretary of Interior of Indian Affairs on Thursday December 3, 1987, as amended, AND

WHEREAS: The Pit River Tribal Council is empowered by Article VII of the Constitution to enact all ordinances and resolutions which shall be necessary and proper for carrying into effect the Council's powers and responsibility, including, but not limited to contract with Federal, State, Counties, and Tribal Governments, private enterprises, individuals and organizations, AND

WHEREAS: The essential nature of water has generated societal protections to serve the greater and common good, as expressed throughout history in sources including and not limited to: Public Trust Doctrine; access to safe drinking water and sanitation, as a basic human right, is addressed internationally through several United Nation (UN) Resolutions including UN Human Rights Council Resolution 15/9, Human Rights and Access to Safe Drinking Water and Sanitation (2010, recognized by the United States); UN Declaration on the Rights of Indigenous Peoples (2010, Endorsed by the United States); in California, Assembly Bill (AB) 685 established state policy "that every human being has the right to clean, safe, affordable and accessible water adequate for human consumption, cooking and sanitary purposes" and that this policy is to be considered by all relevant State agencies, AND

ATWAMSINI
Resolution No: 13-04-01  
Date: April 16, 2013  
Subject: Water Resolution

WHEREAS: Government-to-Government consultation with Federal, State and County governments is established and assured by laws, regulations, policies, and executive orders such as; Public Law 93-638, Indian Self Determination and Education Assistance Act of 1975, (State) Executive Order B-10-11 (2011), California Natural Resources Agency Tribal Consultation Policy (2012); U.S. Constitution, “Indian Commerce Clause”; Article I, Section 8, Clause 3, Executive Order 13007, Executive Order 13175, California on Indian Sacred Sites, Executive Order 12898 on Environmental Justice, the American Indian Freedom of Religion Act, the National Environmental Policy Act, the National Historic Preservation Act the Native American Graves Protection and Repatriation Act, the Endangered Species Act, the Clean Water Act, California Environmental Quality Act, Senate Bill 18, and the National Register Bulletin 38 on Traditional Cultural Properties.
The Council invokes the United States Government’s Trust Responsibility to the Indian Peoples of this land and the repeated promise of good will by the United States Government, AND

WHEREAS: the Council unanimously adopted a resolution on March 29th, 2012 affirming the United Nations Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly in 2007 and also endorsed by the United States on December 10, 2010. AND

WHEREAS: the United Nations Declaration on the Rights of Indigenous Peoples is the minimum standard for the dignity, survival and well-being of Indigenous Peoples and recognizes the rights of Indigenous Peoples pertaining to cultural practices, (Article 11), access to and protection of sacred sites (Article 12), spiritual relationship with traditional lands and waters (Article 25), environmental protection (Article 29) and Free prior and
Resolution No: 13-04-01
Date: April 16, 2013
Subject: Water Resolution

Informed Consent regarding development projects (Article 29) among a number of other relevant provisions. AND

WHEREAS: the Pit River Tribe and communities predate the formation of the State of California; many California Native American Tribes have and continue to co-exist with the environment and sustainability steward the lands, waters and resources on Tribal Lands and aboriginal areas, applying traditional ecological knowledge. AND

WHEREAS: Pit River Tribe has enforceable inherent right to treatment of state and cultural beneficial use to our Pit River watershed. Pit River Tribe assumes jurisdiction and authority for oversight and management of our waterways and resources within the ancestral boundary of it’s 100 mile square. AND

NOW THEREFORE BE IT RESOLVED: That the Pit River Tribal Council invoke these statutes, Declarations, Resolutions, decrees and Conventions and reaffirms its strong opposition to any and all threats to our sacred water ways of life and development projects that will impact the Pit River Tribe within our Ancestral Boundaries. AND

BE IT FURTHER RESOLVED: that Water is essential to all life and has shaped, and continues to shape, human existence. Water supplies and water quality are inextricably linked to the conditions of associated watersheds and ecosystems, and are further affected by land uses. Water supplies and water qualities are inextricably linked to Pit River Tribal’s spiritual, cultural, subsistence and traditional life ways and practices. AND

BE IT FURTHER RESOLVED: that the sacred responsibility to maintain the health and integrity of future generations is also a central element of Pit River Peoples’ spirituality, traditional ceremonial practices, religious expressions and ceremonial practices.
Resolution No: 13-04-01  
Date: April 16, 2013  
Subject: Water Resolution

C-E-R-T-I-F-I-C-A-T-I-O-N

I, the undersigned Tribal Chairperson, Dolores Raglin of the Pit River Tribe, do hereby certify the Pit River Tribal Council is composed of eleven autonomous bands of which 9 were present, constituting a quorum at a regular scheduled, noticed, convened and held meeting this 10th day of April, 2013, and the resolution was adopted by a vote of 8 yes 1 no 0 abstaining, and that said resolution has not been rescinded in any way.

Tribal Chairperson, Dolores Raglin  
Date  
April 16, 2013

Tribal Secretary, Ida Riggins  
Date  
April 16, 2013

Tribal Council Member Signatures:

[Signatures and dates filled in]

Date  
April 16, 2013

Date  
April 16, 2013

Date  
April 16, 2013

Date  
April 16, 2013

Date  
April 16, 2013

Date  
April 16, 2013

Date  
April 16, 2013

Date  
April 16, 2013

Date  
April 16, 2013

RESOLUTION NO: 12-45-12

DATE: December 28, 2012

SUBJECT: Pit River Tribal Statement of Principles for Resources Protection

WHEREAS: The Pit River Tribe is a federally recognized Tribe composed of eleven autonomous bands located in Northeastern California since time immemorial, AND;

WHEREAS: The Pit River Tribe is governed by the Pit River Tribal Council, the body duly Constituted and elected under the Constitution of the Pit River Tribe adopted August 15, 1987 and approved by the Assistant Secretary of the Interior for Indian Affairs on December 3, 1987, AND;

WHEREAS: The Pit River Tribal Council is empowered by Article VII of the Constitution to enact all ordinances and resolutions which shall be necessary and proper for carrying into effect the Council’s powers and responsibilities, contract with federal, state, and Tribal government, private enterprises, individuals and organizations, AND;

WHEREAS: The Pit River Tribe has the authority to charter and regulate independent organizations, subordinate organizations, committee and boards of officials of the Tribe and delegate powers, AND;

WHEREAS: The Pit River Tribe has inherent sovereign governmental powers to protect and promote the health, safety, and/or general welfare of the people of the Pit River Tribe, AND;

WHEREAS: Government-to-government consultation with Federal, State, and County governments is established and assured by laws, regulations, policies, and executive orders such as; the National Environmental Policy Act, the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, Executive Order 13007, Executive Order 13175, California Environmental Quality Act, Senate Bill 18, etc. prior to the implementation of activities within Pit River Ancestral lands.

WHEREAS: Natural and Cultural resources as well as the Pit River people are indistinguishable within the harmony of the Pit River world.

NOW, THEREFORE BE IT RESOLVED: that the Pit River Tribe through this statement of principles supports the protection of natural and cultural resources within its defined ancestral lands.

Pit River Tribe Statement of Principles for Resources Protection:

1. Pit River Ancestral lands shall be managed with respect and care, minimizing damage to the Tribe’s sacred resources.
Resolution No: 12-45-12
Date: December 28, 2012
Subject: Pit River Tribal Statement of Principles for Resources Protection

SUBJECT: Pit River Tribal Statement of Principles for Resources Protection

2. Meaningful involvement of the Tribal Council, Band Elders, and Band Cultural representatives is essential in the development of management prescriptions and measures necessary to both implement developments and restore the Pit River environment.
3. Projects within the Pit River Ancestral Lands should be monitored by approved Pit River Band cultural monitors. Agencies and developers should plan for funding the costs of monitoring.
4. Agencies and developers working within Pit River Ancestral lands must commit to effective restoration of the environment and respectful use of its gifts, with an eye to sustaining resources for future generations.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, the under-signed Tribal Chairperson, Dolores Raglin of the Pit River Tribe, do hereby certify the Pit River Tribal Council is composed of eleven autonomous bands of which 8 were present, constituting a quorum at a regular scheduled, noticed, convened and held meeting this 28th day of December 2012, and the resolution was adopted by a vote of 8 yes 0 no 0 abstaining, and that said resolution has not been rescinded in any way.

Tribal Chairperson, Dolores Raglin

Tribal Secretary, Ida Raglin

Tribal Council Member Signatures:

Anna Beene

Date: 12/28/12

Louie Ward

Date: 12/28/12

Randy Quinn

Date: 12/28/12

Bobbi Alex

Date: 12/28/12

Joan Bow

Date: 12/28/12

Matt Mckean

Date: 12/28/12

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Resolution No: 12-45-12
Date: December 28, 2012
Subject: Pit River Tribal Statement of Principles for Resources Protection

Date

Date

Date

Date

Date

Page 3
Exhibit B

MEMORANDUM OF UNDERSTANDING
CONFIRMATION AND SIGNATURE FOR APPROVAL

UPPER SACRAMENTO/MCCLOUD/LOWER PIT REGION
INTEGRATED REGIONAL WATER MANAGEMENT PLAN
REGIONAL WATER MANAGEMENT GROUP

This statement by the authorized official named below hereby confirms that the governing body of the identified agency or entity, on the date indicated, approved and agreed to be party to the Memorandum of Understanding (MOU) concerning the above referenced Integrated Regional Water Management program and the related Regional Water Management Group (RWMMG). Signature via this confirmation form shall be incorporated by reference into said MOU as being signatory to the MOU provided that, when applicable, the RWMMG has approved the necessary amendment of the MOU for addition of the new member pursuant to Section 2.10 of the MOU.

[Signature]
Agency or Entity Approving the MOU

[Signature]
Name of person initially appointed to represent this entity on the RWMMG

[Signature]
Name and Title of Authorized Official hereby confirming approval of the MOU

[Signature]
Signature of Authorized Official

11/22/13
Date of Approval
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